PLANNING OR ZONING COMMISSION
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:
Canyon County DSD - RZ2021-0061-MOD

The Canyon County Planning and Zoning Commission considers the following:

The termination of DA #23-123 (RZ2021-0061). The result reverts the zoning of the subject parcel, R33952010, from a "CR-C-2" Zone back to an "A" (Agricultural) Zone. If approved, the Board of County Commissioners will sign an ordinance amending the Official Zoning Map.

The subject property is located at 9145 HWY 44, Middleton, also referenced as a portion of the NE quarter of Section 9, T4N, R2W, BM, Canyon County, Idaho.

Summary of the Record

1. The record is comprised of the following:
   A. The record includes all testimony, the staff report, exhibits, and documents in Case File RZ2021-0061-MOD
   B. All exhibits are located in the case staff report dated June 18, 2026.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use/Land Division Hearing Procedures), CCCO §07-02-03 (Definitions), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-06-01 (Initiation of Proceedings), CCCO §07-06-07 (Conditional Rezone Criteria), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and §67-6519 (Application Granting Process).

The request for extension, RZ2021-0061-MOD, was presented at a public hearing before the Canyon County Planning and Zoning Commission on June 18, 2026. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Planning and Zoning Commission decides as follows:

Conditional Rezone Termination Evaluation

County Ordinance and Review		
Criteria Met?	**Code Section**	**Criteria**
Yes	**07-06-07(4)**	**Time Requirements: All conditional rezones for a land use shall commence (see definition of "commence", section 07-02-03: of this chapter) within two (2) years of the approval of the board. If the conditional rezone has not commenced within the stated time requirement, the application for a conditional rezone shall lapse and become void. All subsequent developments on the property shall reapply for land use approval.**
Analysis	Development Agreement #23-123 (**Exhibit A.2**) was signed on September 14, 2023. Per Condition #14 of the agreement, the land use must commence in two years, consistent with CCCO §07-06-07(4). Per CCCO §07-02-03, commence is defined as follows: *The date of commencement shall be the date in accordance with the following:* *(1) Specific use(s): An approved zoning compliance is issued.* *(2) Use(s) that require a facility/structure: The date when the first placement or permanent construction of a structure on a site begins, such as the pouring of slab or footings, the installation*	

	of piles, the construction of columns or any work beyond the excavation as approved by an issued building permit and zoning compliance. Permanent construction does not include: *A. Land preparation such as clearing, grading, and filling.* *B. Erection of signs.* *C. Excavation for a basement, footings, piers or foundation or the erection of temporary forms.* *D. The installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.* *(3) Land divisions that require a subdivision plat: The acceptance by DSD of a complete application, together with the application fee, for a preliminary plat or a short plat.* *(4) Land divisions that do not require a subdivision plat in accordance with this chapter: A recorded record of survey that reflects the approved land divisions and easements submitted to DSD.* Per Section 11 of Development Agreement #23-123 (**Exhibit A.2**), the applicant shall timely carry out the required steps and maintain all commitments outlined in the agreement, including the commencement of development. Sections 12 and 13 of the agreement allow zoning reversion if the agreement is in violation, abandoned, or expires. Per Exhibit A, Canyon County DSD has worked with the property owner and other potential buyers of the subject property to provide options regarding the conditional rezone prior to expiration. However, the land use approved as part of the development agreement never commenced; and therefore, has expired. The applicant agrees that the use was not commenced and has expired (**Exhibit A.1**).

Criteria Met?	Code Section	Termination of Development Agreements:
Yes	**07-06-07(7)I**	**1. A development agreement may be terminated and the zoning designation upon which the use is based reversed, upon the failure of the developer to comply with the provisions in the development agreement. The developer shall comply with the requirements set forth in the development agreement. A development agreement may be terminated only after complying with the notice and hearing provisions of Idaho Code section 67-6509.** **2. If, as a result of a periodic review, the director finds and determines that the developer has committed a breach of the terms or conditions of the development agreement, the director shall serve notice in writing, within a reasonable time period after the periodic review, upon the developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and provide a reasonable time period in which to cure such material breach. If the developer fails to cure the breach within the time period given, the county may terminate or modify the development agreement only after complying with the notice and hearing provisions of Idaho Code section 67-6509 and subsection (5) of this section.**

Analysis	Per Section 11 of Development Agreement #23-123 (**Exhibit A.2**), the applicant shall timely carry out the required steps and maintain all commitments outlined in the agreement, including the commencement of development. Sections 12 and 13 of the agreement allow zoning reversion if the agreement is in violation, abandoned, or expires, subject to the notice and hearing provisions of Idaho Code §67-6509. Notice of the public hearing was provided as per CCCO §07-05-01and Idaho Code §67-6509. Agencies were notified on May 14, 2026. Property owners within 600 feet of the subject property boundaries were notified on May 14, 2026. Full political notice was completed on May 14, 2026. A newspaper notice was published on May 14, 2026. The subject property was posted with a notice on May 14, 2026. All agency comments received by the materials deadline are located in **Exhibit C.** Comments received have no concerns about the request. No public comments were received. Per Exhibit A, Canyon County DSD has worked with the property owner and other potential buyers of the subject property to provide options regarding the conditional rezone before expiration. However, the land use approved as part of the development agreement never commenced and therefore, has expired. The applicant agrees that the use was not commenced and has expired (**Exhibit A.1**).

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends **approval** of Case #RZ2021-0061-MOD, the termination of DA #23-123 (RZ2021-0061) reverting the subject parcel, R33952010, from a "CR-C-2" Zone to an "A" (Agricultural) Zone.

DATED this 18 day of June, 2026.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 18 day of June, in the year 2026, before me Caitlin Ross, a notary public, personally appeared Robert Sturgill, 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.

CAITLIN ROSS
COMMISSION #20251885
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 05/07/2031

Notary: Caitlin Ross

My Commission Expires: 5/7/2031

Planning and Zoning Commission
Hearing Date: June 18, 2026
Canyon County Development Services Department

PLANNING DIVISION STAFF REPORT

CASE NUMBER:	**RZ2021-0061-MOD**
APPLICANT/REPRESENTATIVE: **AFFECTED PROPERTY OWNER:**	**Canyon County DSD** **AG Development LLC**
APPLICATION:	**Terminating DA #23-123 (RZ2021-0061), which will revert the zoning of the subject property from a "CR-C-2" Zone back to an "A" (Agricultural) Zone.**
LOCATION:	**9145 HWY 44, Middleton** **R33952010, 11.41 acres**
PLANNER:	**Dan Lister, Planning Supervisor**
STAFF RECOMMENDATION:	**Approve the termination of DA #23-123**

REQUEST:
Canyon County DSD requests the termination of DA #23-123 (RZ2021-0061). The result reverts the zoning of the subject parcel, R33952010, from a "CR-C-2" Zone back to an "A" (Agricultural) Zone. If approved, the Board of County Commissioners will sign an ordinance amending the Official Zoning Map.

PARCEL INFORMATION REPORT: *See Exhibit B.1 for information*

APPLICABLE CODE:
The following laws and ordinances apply to this decision: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use/Land Division Hearing Procedures), CCCO §07-02-03 (Definitions), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-06-01 (Initiation of Proceedings), CCCO §07-06-07 (Conditional Rezone Criteria), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and §67-6519 (Application Granting Process).

BACKGROUND:
The subject parcel, 11.41 acres, was created by an approved conditional use permit in 2003 (CU2003-475). The property currently has utility sheds from 1970 and a pole building/lean-to structure from the early 2000s.

On September 14, 2023, the subject property was conditionally rezoned from an "A" (Agricultural) zone to a "CR-C-2" (Conditional Rezone - Serviced Commercial) zone (RZ2021-0061, **Exhibit B.3**). The conditions of the rezone restrict the use to a mini storage/RV storage facility with flex commercial uses with strict fencing, landscaping, and lighting requirements (DA #23-123, **Exhibit A.2**). Since approval, the land use has not commenced.

HEARING CRITERIA:

Table 1. Conditional Rezone Termination Evaluation

County Ordinance and Review		
Criteria Met?	**Code Section**	**Criteria**
Yes	**07-06-07(4)**	**Time Requirements: All conditional rezones for a land use shall commence (see definition of "commence", section 07-02-03: of this chapter) within two (2) years of the approval of the board. If the conditional rezone has not commenced within the**

		stated time requirement, the application for a conditional rezone shall lapse and become void. All subsequent developments on the property shall reapply for land use approval.
Analysis	Development Agreement #23-123 (**Exhibit A.2**) was signed on September 14, 2023. Per Condition #14 of the agreement, the land use must commence in two years, consistent with CCCO §07-06-07(4). Per CCCO §07-02-03, commence is defined as follows: *The date of commencement shall be the date in accordance with the following:* *(1) Specific use(s): An approved zoning compliance is issued.* *(2) Use(s) that require a facility/structure: The date when the first placement or permanent construction of a structure on a site begins, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the excavation as approved by an issued building permit and zoning compliance. Permanent construction does not include:* *A. Land preparation such as clearing, grading, and filling;* *B. Erection of signs;* *C. Excavation for a basement, footings, piers or foundation or the erection of temporary forms;* *D. The installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.* *(3) Land divisions that require a subdivision plat: The acceptance by DSD of a complete application, together with the application fee, for a preliminary plat or a short plat.* *(4) Land divisions that do not require a subdivision plat in accordance with this chapter: A recorded record of survey that reflects the approved land divisions and easements submitted to DSD.* Per Section 11 of Development Agreement #23-123 (**Exhibit A.2**), the applicant shall timely carry out the required steps and maintain all commitments outlined in the agreement, including the commencement of development. Sections 12 and 13 of the agreement allow zoning reversion if the agreement is in violation, abandoned, or expires. Per Exhibit A, Canyon County DSD has worked with the property owner and other potential buyers of the subject property to provide options regarding the conditional rezone prior to expiration. However, the land use approved as part of the development agreement never commenced; and therefore, has expired. The applicant agrees that the use was not commenced and has expired (**Exhibit A.1**).	
Criteria Met?	**Code Section**	**Termination of Development Agreements:**
Yes	**07-06-07(7)I**	**1. A development agreement may be terminated and the zoning designation upon which the use is based reversed, upon the failure of the developer to comply with the provisions in the development agreement. The developer shall comply with the requirements set forth in the development agreement. A development agreement may be terminated only after complying with the notice and hearing provisions of Idaho Code section 67-6509.** **2. If, as a result of a periodic review, the director finds and determines that the developer has committed a breach of the terms or conditions of the development agreement, the director shall serve notice in writing, within a reasonable time period after the periodic review, upon the developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and provide a reasonable time period in which to cure such material breach. If the developer fails to cure the breach within the time period given, the county may terminate or modify the development agreement only after complying with the notice and hearing provisions of Idaho Code section 67-6509 and subsection (5) of this section.**
Analysis	Per Section 11 of Development Agreement #23-123 (**Exhibit A.2**), the applicant shall timely carry out the required steps and maintain all commitments outlined in the agreement, including the commencement of	

	development. Sections 12 and 13 of the agreement allow zoning reversion if the agreement is in violation, abandoned, or expires, subject to the notice and hearing provisions of Idaho Code §67-6509. Notice of the public hearing was provided as per CCCO §07-05-01and Idaho Code §67-6509. Agencies were notified on May 14, 2026. Property owners within 600 feet of the subject property boundaries were notified on May 14, 2026. Full political notice was completed on May 14, 2026. A newspaper notice was published on May 14, 2026. The subject property was posted with a notice on May 14, 2026. All agency comments received by the materials deadline are located in **Exhibit C.** Comments received have no concerns about the request. No public comments were received. Per Exhibit A, Canyon County DSD has worked with the property owner and other potential buyers of the subject property to provide options regarding the conditional rezone prior to expiration. However, the land use approved as part of the development agreement never commenced; and therefore, has expired. The applicant agrees that the use was not commenced and has expired (**Exhibit A.1**).

RECOMMENDATION AND DECISION OPTIONS:

In consideration of the application and supporting materials, the staff concludes that the proposed termination of DA #23-123/RZ2021-0061 is compliant with CCCO §07-06-07(4) and 07-06-07(7(I). A full analysis is detailed within the staff report.

DECISION OPTIONS

- **Approval of the Application**: "I move to approve RZ2021-0061-MOD, finding the application **does** meet the criteria for approval under Article 07-06-07 of Canyon County Zoning Ordinance, **with the conditions listed in the staff report, finding that**: [*Cite reasons for approval and insert any additional conditions of approval*].
- **Denial of the Application**: "I move to deny RZ2021-0061-MOD, finding the application **does not** meet the criteria for approval under 07-06-07 of Canyon County Zoning Ordinance, **finding that** [*cite findings for denial based on the express standards outlined in the criteria & the actions, if any, the applicant could take to obtain approval (ref.ID.67-6519(5)*].
- **Table the Application:** "I move to continue RZ2021-0061-MOD to a [*date certain or uncertain*]

EXHIBITS:

A. Supporting Materials

1. Email between DSD and the property owner – April 29, 2026
2. Letter sent to the property owner dated April 29, 2026 with DA 23-123
3. Email between DSD and the applicant – April 1, 2025
4. PA2025-0038, Email between DSD and potential buyer - February 24, 2025

B. Supplemental Documents

1. Parcel Information Report – R33952010
2. Aerial Map
3. RZ2021-0061 – FCOs

C. Comments Received by June 8, 2026

1. Idaho Department of Environmental Quality (DEQ)
2. City of Nampa
3. Idaho Transportation Department (ITD)

EXHIBIT A

Supporting Materials

Planning & Zoning Commission

Case# RZ2021-0061 - MOD

Hearing date: June 18, 2026

Dan Lister

From: Dan Lister
Sent: Wednesday, April 29, 2026 5:06 PM
To: Andrew Peterson
Subject: RE: [External] Re: Expired Development Agreement - RZ2021-0061

Andrew,

Thank you for your response. The termination of the rezone and agreement takes two hearings. I'll get it before the P&Z Commission on June 18th. I'll try to get it before the BOCC late July/early August.

Sincerely,

Dan Lister, Planning Supervisor
DSD Office: [redacted]

Development Services Department (DSD)
Public office hours
Monday, Tuesday, Thursday, and Friday
8 am – 5 pm
Wednesday
1 pm – 5 pm
**We will not be closed during lunch hour **

PUBLIC RECORD NOTICE: All communications transmitted within the Canyon County email system may be a public record and may be subject to disclosure under the Idaho Public Records Act and, as such, may be copied and reproduced by members of the public.

From: Andrew Peterson <[redacted]>
Sent: Wednesday, April 29, 2026 2:17 PM
To: Dan Lister <[redacted]>
Subject: [External] Re: Expired Development Agreement - RZ2021-0061

Please move forward with option 3 termination after the agreement.

All the best,
Andrew Peterson
[redacted]

Sent from Iphone - please excuse mis-spelling or typing errors

On Apr 29, 2026, at 8:26 AM, Dan Lister <Dan.Lister@canyoncounty.id.gov> wrote:

Andrew,

Attached is a letter to be sent today regarding the expired development agreement for the rezone approved on Parcel R33952010 (RZ2021-0061). Please review the letter and options.

Sincerely,

Dan Lister, Planning Supervisor
DSD Office: [redacted]

Development Services Department (DSD)
Public office hours
Monday, Tuesday, Thursday, and Friday
8 am – 5 pm
Wednesday
1 pm – 5 pm
**We will not be closed during lunch hour **

PUBLIC RECORD NOTICE: All communications transmitted within the Canyon County email system may be a public record and may be subject to disclosure under the Idaho Public Records Act and, as such, may be copied and reproduced by members of the public.

Canyon County, 111 North 11th Avenue, Suite 310, Caldwell, ID 83605
[redacted] ▪ www.canyoncounty.org

April 29, 2026

AG Development LLC
13905 N. Malheur Place
Garden City, ID 83714

Subject: Parcel R33952010, 9145 HWY 44, Middleton: Development Agreement Expiration

Property Owner of Parcel R33952010,

This letter is to inform you that the Canyon County Development Service Department (DSD) finds that the development agreement approved as part of the rezone of the subject parcel (RZ2021-0061) expired on August 15, 2025. *Please find attached the development agreement (Agreement #23-123).*

Per the agreement, unless evidence is submitted demonstrating that the property has been developed per the conditions of the agreement within the two-year timeframe that began on August 15, 2023, DSD will schedule the required public hearings to terminate the agreement and revert the zone from a 'CR-C-2' zone (Conditional Rezone – Service Commercial) to an 'A' zone (Agricultural).

Options:
1) Submit evidence demonstrating that the property has been developed per the conditions of the agreement within the two-year timeframe.
2) Submit a conditional rezone application to a 'C-1' zone (Neighborhood Commercial), which terminates agreement #23-123 and replaces it with a new agreement, if approved.
3) Provide a letter or email requesting that the development agreement (#23-123) be terminated. DSD will then schedule the required public hearings to terminate the agreement.

You have until May 20, 2026, to exercise one of the options stated above. If an option is not exercised after the stated date, DSD will schedule the required public hearings to terminate the agreement and revert the zone from a 'CR-C-2' zone (Conditional Rezone – Service Commercial) to an 'A' zone (Agricultural).

If you have questions, please feel free to contact me.

Respectfully,

Dan Lister, Planning Supervisor
Canyon County DSD
[redacted]

cc: Case File RZ2021-0061, [redacted]

2023-030007
RECORDED
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CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=24 MBROWN NO FEE
AGR
CANYON COUNTY

Canyon County Recorder's Office Document Cover Sheet

Exhibit A.2

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT
1115 Albany Street • Caldwell, Idaho • 83605 • Phone (208) 454-7458
Fax: (208) 454-6633 • www.canyoncounty.org/dsd

DEVELOPMENT AGREEMENT BETWEEN CANYON COUNTY AND APPLICANT

Agreement number: 23-123

THIS AGREEMENT, made and entered into this 14 day of Sept, 2023, by and between Canyon County, Idaho, a political subdivision of the state of Idaho, hereinafter referred to as "COUNTY" and AG Development LLC, hereinafter referred to as "Applicant."

RECITALS

WHEREAS, The Applicant has applied to the County for a conditional rezone of parcel R33952010 containing approximately 11. 41 acres from an "A" (Agricultural) Zone to "CR-C2" (Conditional Rezone – Service Commercial) Zone file No. RZ2021-0061, which is legally described in the attached EXHIBIT "A," incorporated by reference herein (hereinafter referred to as "Subject Property"); and

WHEREAS, Parcels R33952010, approximately 11.41 acres, is owned by the Applicant; and

WHEREAS, on the 15 day of August, 2023, the Canyon County Board of Commissioners approved a conditional rezone subject to conditions of the Subject Property to a "CR-C2" Zone, which was done with Applicant's approval. The conditions of approval for the conditional rezone are attached hereto as EXHIBIT "B"; and

WHEREAS, the parties desire to enter into an agreement to comply with Canyon County Code of Ordinances §07-06-07(2) & 07-06-07(7), Canyon County Zoning Ordinance, or as amended, and to ensure the Applicants will implement and be bound by the conditions of the rezone order issued by the Canyon County Board of Commissioners; and

NOW THEREFORE, the parties hereto do hereby agree to the following terms:

SECTION 1. AUTHORIZATION.

This Agreement is authorized and required by Idaho Code §67-6511A; Canyon County Code of Ordinances 07-06-07 (Conditional Rezoning).

SECTION 2. PROPERTY OWNER.

Applicants are the owner(s) of Subject Properties which is located in the unincorporated area of Canyon County, Idaho, more particularly described in EXHIBIT "A" attached hereto and incorporated herein, which real property is the subject matter of this Agreement. Applicants represent that they currently hold

complete legal or equitable interest in the Subject Properties and that all persons holding legal or equitable interests in the Subject Properties or the operation of the business are to be bound by this Agreement.

SECTION 3. RECORDATION.

Pursuant to Idaho Code §67-6511A and Canyon County Code of Ordinances, this Agreement shall be recorded by the Clerk in the Canyon County Recorder's Office and will take effect upon the adoption, by the Board of County Commissioners, of the amendment to the zoning ordinance as set forth herein.

SECTION 4. TERM.

The parties agree that this Agreement shall run with the land and bind the Subject Property in perpetuity, and shall inure to the benefit of and be enforceable by the parties, and any of their respective legal representatives, heirs, successors, and assignees. Provided, however, this Agreement shall terminate if the Board of County Commissioners subsequently rezones the property to allow for a higher density use or if annexation of the Subject Property by a city occurs. In this event, however, the Agreement shall only terminate in regards to the portion of the Property that is actually rezoned or annexed, while the remainder of the Property shall remain subject to the Agreement.

If any of the privileges or rights created by this Agreement would otherwise be unlawful or void for violation of (1) the rule against perpetuities or some analogous statutory provision, (2) the rule restricting restraints on alienation, or (3) any other statutory or common law rules imposing time limits, then such provision shall continue until twenty-one (21) years after the death of the last survivor of the now living lawful descendants of George Herbert Walker Bush, former President of the United States, or for such shorter period as may be required to sustain the validity of such provision.

SECTION 5. MODIFICATION.

This Agreement may be modified only in writing signed by the parties, or their successors in interest, after complying with the notice and hearing procedures of Idaho Code §67-6509 and the requirements of Canyon County Code of Ordinances. The modification proposal must be in the form of a revised Development Agreement and must be accompanied by a statement demonstrating the necessity for the requested modification.

SECTION 6. APPLICATION OF OTHER LAWS TO THE SUBJECT PROPERTIES.

This Agreement shall not prevent the County in subsequent actions applicable to the Subject Properties from applying new rules, regulations, or policies that do not conflict with this Agreement.

SECTION 7. COMMITMENTS.

Applicants will fully and completely comply with the conditions of the approved conditional rezone of the Subject Properties from "A" (Agricultural) Zone to "CR-C2" (Conditional Rezone – Service Commercial) Zone, which conditions are attached hereto as EXHIBIT "B".

SECTION 8. USES, DENSITY, AND HEIGHT AND SIZE OF BUILDINGS

The density or intensity of use of the Subject Properties is specified in the commitments of Section 7 unless conditioned otherwise (see Exhibit "B"). The uses and maximum height and size of the buildings on the Subject Properties shall be those set pursuant to law, including those contained in the Canyon County Code of Ordinances, that are applicable to an "CR-C2" (Conditional Rezone – Service Commercial) zone and those provisions of law that are otherwise applicable to the Subject Property.

SECTION 9. LIABILITY AND INDEMNITY OF COUNTY.

A. COUNTY REVIEW.

Applicants acknowledge and agree that the County is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates or acceptances, relating to the use and development of the property described in EXHIBIT "A," and that the County's review and approval of any such plans and the improvements or the issuance of any such approvals, permits, certificates, or acceptances does not, and shall not, in any way, be deemed to insure or ensure Applicants or any of Applicants' heirs, successors, assigns, tenants, and licensees, against damage or injury of any kind and/or at any time.

B. COUNTY PROCEDURES.

Applicants acknowledge that notices, meetings, and hearings have been lawfully and properly given and held by the County with respect to Applicant's conditional rezone application in Development Services Department Case Number RZ2021-0061 and any related or resulting development agreements, ordinances, rules and regulations, resolutions or orders of the Board of County Commissioners. Applicants agree not to challenge the lawfulness, procedures, proceedings, correctness or validity of any of such notices, meetings, hearings, development agreements, ordinances, rules, regulations, resolutions or orders.

C. INDEMNITY.

Applicants agree to, and do hereby, defend, hold harmless and indemnify the County, the Board of County Commissioners, all County elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any such parties in connection with (i) the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates, or acceptances relating to the use and/or development of the Subject Properties; (ii) any actions taken by the County pursuant to Subsection 9(B) of this Agreement; (iii) the development, construction, and maintenance of the property; and (iv) the performance by County of its obligations under this Agreement and all related ordinances, resolutions, or other agreements.

D. DEFENSE EXPENSES.

Applicants shall, and do hereby agree, to pay, without protest, all expenses incurred by the County in defending itself with regard to any and all of the claims identified in Subsection 9 of this Agreement. These expenses shall include all out-of-pocket expenses, including, but not limited to, attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the County.

SECTION 10. PERIODIC REVIEW.

The County's Development Services Department will administer the Agreement after it becomes effective and will conduct a review of compliance with the terms of this Agreement on a periodic basis, including, but not limited to, each time a development of the Property is platted. Applicants shall have the duty to demonstrate Applicants' compliance with the terms of this Agreement during such review.

SECTION 11. REQUIRED PERFORMANCE.

Applicants shall timely carry out all steps required to be performed and maintain all commitments set forth in this Agreement and as set forth in County laws, ordinances, rules and regulations as they pertain to the Subject Property including, but not limited to, those concerning the commencement of development, completion of development, preliminary platting and final platting.

SECTION 12. DEFAULT AND REMEDIES.

In the event of a default or breach of this Agreement or of any of its terms or conditions, the party alleging default shall give the breaching party not less than thirty (30) days, Notice of Default, in writing, unless an emergency exists threatening the health and safety of the public. If such an emergency exists, written notice shall be given in a reasonable time and manner in light of the circumstances of the breach. The time of the giving of the notice shall be measured from the date of the written Notice of Default. The Notice of Default shall specify the nature of the alleged default and, where appropriate, the manner and period of time during which said default may be satisfactorily cured. During any period of curing, the party charged shall not be considered in default for the purposes of termination or zoning reversion, or the institution of legal proceedings. If the default is cured, then no default shall exist and the charging party shall take no further action.

SECTION 13. ZONING REVERSION CONSENT.

The execution of this Agreement shall be deemed written consent by Applicants to change the zoning of the Subject Properties to its prior designation upon failure to comply with the terms and conditions imposed by the approved conditional rezone and this Agreement. No reversion shall take place until after a hearing on this matter pursuant to Idaho Code §67-6511A. Upon notice and hearing, as provided in this Agreement and in Idaho Code §67-6509, if the properties described in attached EXHIBIT "A " are not used as approved, or if the approved use ends or is abandoned, the Board of County Commissioners may order that the property will revert to the zoning designation (and land uses allowed by that zoning designation) existing immediately prior to the rezone action, i.e., the Subject Properties conditionally rezoned from "A" (Agricultural) Zone designation to "CR-C2" (Conditional Rezone – Service Commercial) Zone designation shall revert back to the "A" (Agricultural) Zone designation.

SECTION 14. COMPLIANCE WITH LAWS.

Applicants agree that they will comply with all federal, state, county and local laws, rules and regulations, which appertain to the Subject Property.

SECTION 15. RELATIONSHIP OF PARTIES.

It is understood that this Agreement between Applicants and the County is such that Applicants are an independent party and are not an agent of the County.

SECTION 16. CHANGES IN LAW.

Any reference to laws, ordinances, rules, regulations, or resolutions shall include such laws, ordinances, rules, regulations, or resolutions as they have been, or as they may hereafter be amended.

SECTION 17. NOTICES.

Except as otherwise provided in this Agreement and/or by law, all notices and other communications in connection with this Agreement shall be in writing and shall be deemed delivered to the addressee thereof, (1) when delivered in person on a business day at the address set forth below, or (2) in the third business day after being deposited in any main or branch United States post office, for delivery by

properly addressed, postage paid, certified or registered mail, return receipt requested, at the addresses set forth below.

Notices and communications required to be given to County shall be addressed to, and delivered at, the following address:

Director
Development Services Department
Canyon County Administration
111 North 11th Avenue, #310
Caldwell, Idaho 83605

Notices and communications required to be given to the Applicant shall be addressed to, and delivered at, the following addresses:

Name:	AG Development LLC Greg Marshall, partner
Street Address:	8471 W. Red Deer Court
City, State, Zip:	Boise, ID 83714

A party may change its address by giving notice, in writing, to the other party, in the manner provided for in this section. Thereafter, notices, demands, and other pertinent correspondence shall be addressed and transmitted to the new address.

SECTION 18. TERMINATION.

This Agreement may be terminated in accordance with the notice and hearing procedures of Idaho Code §67-6509, and the zoning designation upon which the use is based reversed, upon failure of Applicant(s), a subsequent owner, or other person acquiring an interest in the property described in attached EXHIBIT "A" to comply with the terms of this Agreement. Applicants shall comply with all commitments in this Agreement prior to establishing the approved land use.

SECTION 19. EFFECTIVE DATE.

The commitments contained in this Agreement shall take effect in the manner described in this Agreement upon the County's adoption of the amendment to the zoning ordinance as set forth herein.

SECTION 20. TIME OF ESSENCE.

Time is of the essence in the performance of all terms and provisions of this Agreement.

EXHIBIT "A"

LEGAL DESCRIPTION

LEGAL DESCRIPTION: Real property in the County of Canyon, State of Idaho, described as follows:

This parcel is a portion of the W½SE¼NE¼ of Section 9, Township 4 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the southwest corner of said W½SE¼NE¼;

thence North 89° 52' 58" East along the south boundary of said W½SE¼NE¼ a distance of 227.00 feet to the TRUE POINT OF BEGINNING;
thence North 00° 21' 44" East parallel with the west boundary of said W½SE¼NE¼ a distance of 1296.02 feet to a point on the southerly right-of-way of Idaho State Highway 44;
thence traversing said right-of-way as follows:
along a curve to the left having a central angle of 00° 49' 30" a radius of 5789.58 feet, an arc length of 83.37 feet and a long chord which bears South 84° 12' 59" East a distance of 83.37 feet;
thence leaving said right-of-way and bearing South 00° 21' 44" West parallel with the west boundary of said W½SE¼NE¼ a distance of 60.00 feet;
thence South 44° 57' 43" West a distance of 32.75 feet;
thence South 00° 21' 44" West parallel with the west boundary of said W½SE¼NE¼ a distance of 236.67 feet;
thence South 55° 33'35" East a distance of 60.70 feet to a point on the centerline of a drain as it now exists;

thence traversing said centerline as follows:
North 59° 25' 16" East a distance of 39.34 feet;
North 52° 12' 04" East a distance of 117.03 feet;
North 66° 06' 28" East a distance of 20.04 feet;
thence leaving said centerline and bearing North 00° 21' 15" East parallel with the east boundary of said W½SE¼NE¼ a distance of 240.10 feet to a point on the southerly right-of-way of said Idaho State Highway 44;
thence traversing said right-of-way as follows:
along a curve to the left having a central angle of 01° 46' 58", a radius of 5789.58 feet, an arc length of 180.14 feet and a long chord which bears South 87° 26' 53" East a distance of 180.13 feet to a point on the east boundary of said W½SE¼NE¼;
thence leaving said right-of-way and bearing South 00° 21' 15" West along said east boundary a distance of 1264.49 feet to the southeast corner of said W½SE¼NE¼;
thence South 89° 52' 58" West along the south boundary of said W½SE¼NE¼, a distance of 434.47 feet to the TRUE POINT OF BEGINNING.

APN: **33952010 0**

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY, IDAHO

Commissioner, Leslie Van Beek

Commissioner Brad Holton

Commissioner Zach Brooks

ATTEST: Chris Yamamoto, Clerk

BY: _____
Deputy

DATE: 9-14-23

APPLICANT

AG Development LLC, Property Owner
Greg Marshall, partner

Exhibit A.2

(All Applicants must sign and their signatures must be notarized)

STATE OF IDAHO)
) ss.
County of Canyon)

On this 8th day of September, 2023, before me, a notary public, personally appeared Greg Marshall, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.

Jennifer D Almeida
Notary Public for Idaho

Residing at: Canyon County

My Commission Expires: 4/7/28

JENNIFER D. ALMEIDA
COMMISSION #20221763
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 04/07/2028

EXHIBIT "B"

CONDITIONS OF APPROVAL

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. The subject parcel, R33952010 (11.41 acres ±), shall be subject to the requirements of the "CR-C-2" Zone. The "CR-C-2" Zone is subject to the following ongoing conditions:
    a. The following uses shall be the only allowed uses within the "C-2" zone:
        i. Ministorage and/or RV storage facility
        ii. Offices
        iii. Accessory uses and/or structures to allowed uses
        iv. Similar uses to allowed uses
3. The development of the site shall be in general conformance with the applicant's letter of intent and site plan (Exhibits C&D aka: Attachments 2a & 2b attached hereto). The site plan does not propose/depict open storage. Any significant modifications of the site plan and structure layout shall be required to amend the plan through a conditional use permit modification.
    a. Storage units shall only be used for storage and no other uses shall be permitted to operate within the storage units. Warehousing shall not be permitted in any structures within the development.
    b. Developer shall provide for 24 hour customer access to the restroom facility (not a portable units) and shall ensure that proposed facility meets the requirements of Southwest District Health.
    c. Front facing office and storage building facade shall be in substantial conformance with Exhibit F (attached hereto) Title Page elevation.
    d. The southern-most building, building F on concept development plan Exhibit D (attached hereto) within the mini-storage facility, shall not exceed ten (10) feet in height.
4. Building permits for the business/flex (non-retail) complex shall not be issued until city services become available from the City of Middleton.
    a. The flex/office building facade shall be in substantial conformance with Exhibit F (attached hereto) Title Page -building front elevation.
5. Off-street parking shall be provided in accordance with article 13 of this chapter (CCZO §07-13-01 & 03).
6. Prior to the issuance of building permits, the applicant/developer shall receive review and approval from Star Fire District to ensure proper access and circulation to all structures on the facility.
7. Signage shall comply with §07-10-13 of the Canyon County Zoning Ordinance. In addition, where signs are located in close proximity to a residential area, the sign should be designed and located so they have little or no impact on adjacent residential neighborhoods. Signage along Highway 44 shall be restricted to monument signs.
8. All exterior light fixtures will be downward facing and shielded to reduce off-site glare to ensure light pollution is minimized.
9. Prior to the submittal of building permits a fencing and landscaping plan shall be submitted to DSD.
    a. Fencing shall be 6 foot (typical) wrought iron bar fencing around the perimeter of the development site. Fencing on the south side of the residential parcel, R33952, may be provided, matching the existing fencing.
    b. Year-round landscaping-inclusive of evergreen trees and shrubs interspersed with some deciduous variety shall be provided around the perimeter of the development on the east, west, south sides and along the east and south boundaries of the residential property, R33952. The frontage of the property shall have similar landscape to provide attractive entry where the property takes access to

State Highway 44. Landscaping shall be placed such that it does not interfere with the operation and maintenance of the irrigation facilities on the property. Considerations for emergency vehicles (fire apparatus) must be considered for placement and type of trees along access routes.

10. The development of the site shall comply with NFIP mitigation standards and obtain floodplain development permits.
11. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained and protected. Modifications, including any crossings and tiling of the irrigation structures shall be approved by applicable governing agencies. No stormwater from the hard surface facilities shall be allowed to directly flow into the irrigation systems.
12. Stormwater run-off shall be retained on-site. Stormwater retention is the responsibility of the property owner.
13. The developer shall comply with CCZO §07-06-07 (4): Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."

Exhibit C
ATTACHMENT "2A"

APPLICANT LETTER OF INTENT

AG Development

October 6, 2022

Canyon County
Development Services Department
111 North 11th Avenue #140
Caldwell, ID 83605

RE: Conditional Rezone Application for 9145 ID-44, Middleton, ID 83644

Dear Commissioners and Staff,

AG Development LLC, an Idaho Limited Liability Company and its Managers, Andrew Peterson and Greg Marshall, are submitting an application for a Conditional Rezone for 9145 ID-44 in Middleton.

Project Information:

Parcel #:	R33952010
Site Area:	11.413 acres
Flood Zone:	Yes, 780 Flood Control District #10
Existing Zone:	Agricultural
Proposed Zone:	C2 – Commercial
Existing Use:	Agricultural/Residential
Proposed Uses:	Approximately 65,000 sf Office/ Retail Multi-Tenant buildings. Approximately 137,000 sf RV & Self- Storage Units with 1,200 sf Management Office and Dump/Wash Station

Development Overview

- Our property is currently in unincorporated Middleton, ID.
- We have signed a Consent to Annexation and Utility Corridor with Middleton. We have preserved a utility corridor for Middleton upon annexation.
- We received a communication from Roberta Steward, Planning & Zoning Official stating that they are in support of our project and have no objections.
- While we are designing the entire project to tie into city services, they are not necessary for us to complete our project. We will have the necessary infrastructure that will allow us to move forward with construction, regardless of being annexed by the City of Middleton.

Septic

- The property has an existing septic system on the north end of the parcel.
- The only restroom for the Self-Storage site will be in the management office
- We have engaged with Southwest District Health and KM Engineering to determine necessary capacities.
- Our systems will be able to accommodate all of the wastewater we are expecting.

Water / Fire Suppression

- We are working with fire authorities to establish an emergency fire lane and emergency exiting. Also, we will work with fire department authorities to allow for fire suppression.

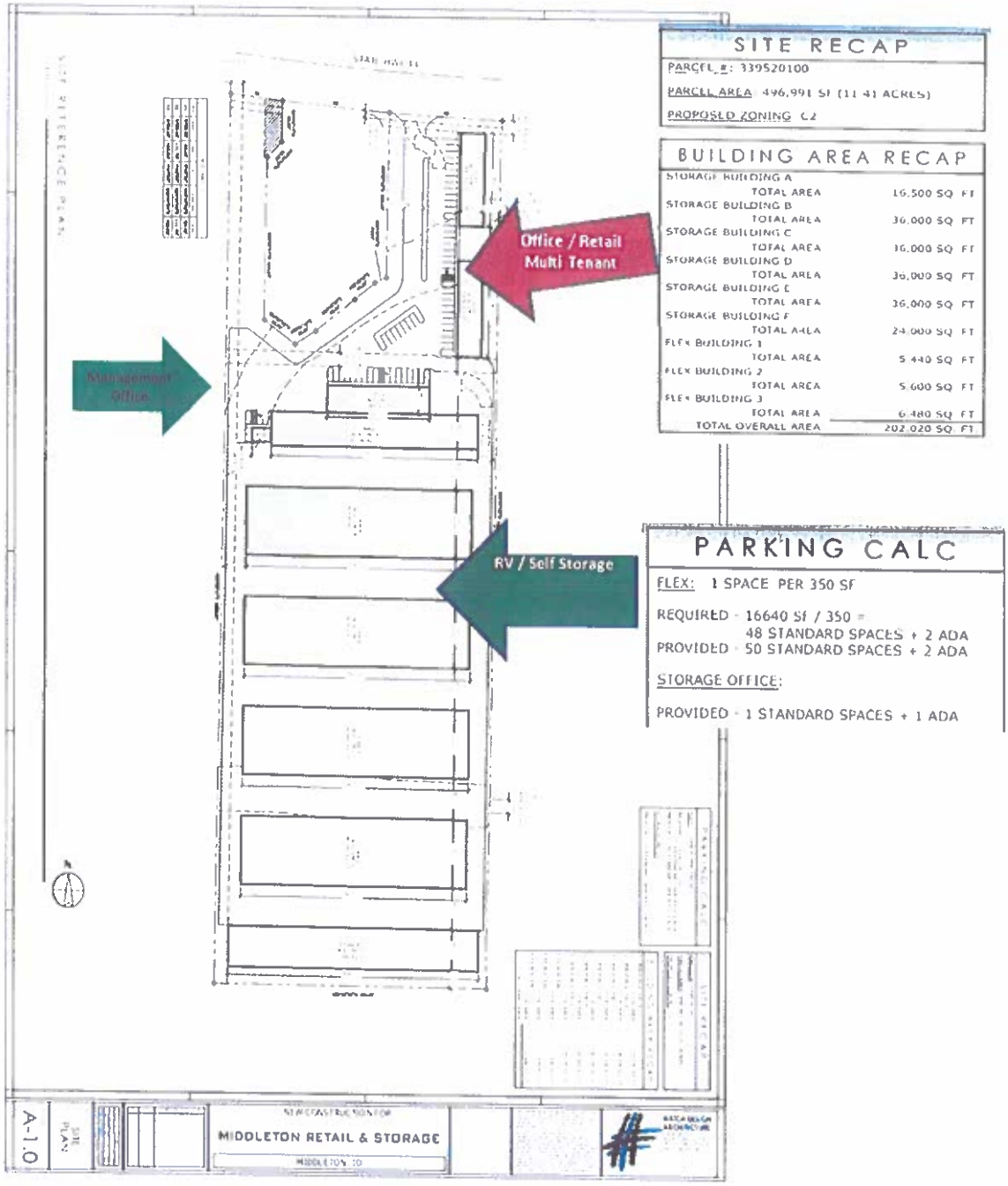
8471 West Red Deer Court Boise, ID 83714 [redacted]

Development

Location

8471 West Red Deer Court Boise, ID 83714 [redacted]

Exhibit A.2



8471 West Red Deer Court Boise, ID 83714 [redacted]

Exhibit A.2

Project Summary:

AG Development, LLC is proposing to demolish a mobile home and storage shed on the site to provide new construction. There will be two types of buildings that will provide facilities and business opportunities for the immediate area:
- Office/ Retail Multi-Tenant buildings at the north portion of the property (roughly 65,000 sf of usable space)
- RV and Self-Storage at the south portion of the property (roughly 137,000 sf of usable space)
A Conditional Rezone is required to continue the development of the property.

Canyon County's Comprehensive Plan calls for commercial uses along the frontage of ID-44. The City of Middleton's Future Land Use Map depicts a mixed-use corridor along ID-44 with Special Residential Areas on both sides. The "Special Area" designation requires a mandatory public-record disclosure stating: "Cost of development and flood hazard insurance may be higher because land is now, or in the future may be, in flood areas and/or high ground water areas." We have been working closely with the City of Middleton to provide a proposal to support both the County's and Middleton's overall goals.

Part of our long-term goal is to become integrated with Middleton's community. We are currently in talks with the City of Middleton regarding tying into City sewer, water, and utility services. Middleton has requested a Pre-Annexation Agreement from AG Development, LLC, and we have entered into this agreement, based upon their verbal approval of our Proposed Site Plan. Additionally, our Proposed Site Plan has located future utility corridors based on input from Middleton's City Engineer. Future buildings have been positioned in a manner to support the infrastructure needed to sustain our development.

Our team has also been working closely with Idaho Transportation Department (ITD) and we have received approval for commercial access to the property. Per the attached site plan, entrance to the property will be located at the west side of the eastern 44 frontage area. The neighbor's easement at 9181 Highway 44 will remain at the west and we will remove our access from that location.

Office/ Retail Multi-Tenant buildings Along the ID-44 frontage on the east side and within the center of the property, approximately 4.5 acres will be dedicated for Office/ Retail Multi-Tenant buildings. This asset class is being developed to accommodate the City of Middleton's desire to provide services for residents as well as places for small business owners to run their businesses.

8471 West Red Deer Court Boise, ID 83714 [redacted]

Office/ Retail Multi-Tenant buildings Along the ID-44 frontage on the east side and within the center of the property, approximately 4.5 acres will be dedicated for Office/ Retail Multi-Tenant buildings. This asset class is being developed to accommodate the City of Middleton's desire to provide services for residents as well as places for small business owners to run their businesses.

These buildings will provide customizable space for a variety of businesses. Our design objective is to establish an attractive and functional site arrangement with high quality landscape design which provides an efficient and pleasant work environment. Building construction may vary from Pre-Engineered Metal Buildings to conventional steel frame structures.

- These buildings are often called "flex" buildings due to their multi-purpose uses. They are single story with higher ceilings.
- Tenants attracted to these buildings include cabinet makers, research & development firms, professional services, plumbing, tech companies, etc.

8471 West Red Deer Court Boise, ID 83714 [redacted]

RV / Self Storage

At the rear of the property, approximately 6.4 acres will accommodate self-storage units, designed to attract tenants to store their RVs, boats, classic cars, etc. A highly attractive and inviting Management Office Building will serve as a sales center for unit rentals as well as providing a hub for ancillary products and services. A convenient Wash/Dump Station will be a welcome amenity for its users.

A gated entry will separate the property between the two uses providing additional security for self-storage tenants. A detailed list of terms and conditions for tenants will ensure the proper use of the facilities along with appropriate hours of operation for the amenities being provided. 24-hour video surveillance will ensure the proper use of the facilities. The architecture will mimic the Office/ Retail Multi-Tenant building look and feel and will comply with Design Requirements set forth in the municipal code.

Security for our facility will be a high priority. We will utilize:

- **Keypad and access control hardware**
- **Slide Gate**
- **Lighting and motion sensors**
- **Climb Resistant property fencing**

NOTE : It is illegal to sleep overnight in a storage facility. All Tenants leases state this.

8471 West Red Deer Court Boise, ID 83714 [redacted]

SIGNAGE

Attractive Monument Signage will feature the project name and tenants and be code compliant.

RV & Self Storage

- Construction is light gauge steel
- Management Office
- Wide Drive Aisles
- 24 Hr. Security
- Dump Station
- RV storage units range ave. size is 14' wide x 40' high
- Self Storage units, ranging form 5' x 10' to 11' x 30'

8471 West Red Deer Court Boise, ID 83714 [redacted]

-Landscaping around the perimeter will include a combination of drought-tolerant and traditional plants and ground cover.

-We will be consulting with our architect and an arborist for tree and plant selection but anticipate the inclusion of trees that are drought tolerant and have eye catching foliage.

-Trees under consideration are Autumn Maple Blaze, Canada Red Chokeberry, Sensation Maple and River Birch

Being cognizant and respectful of our neighbors, we will install fencing along our property line consistent with all codes and building standards. Additionally, our site lighting will be designed in a manner to shield adjacent properties from unnecessary light spreading onto their buildings. Our intent is to provide much needed commercial places of operations to the community with little disruption to the surrounding neighborhood.

Canyon County Municipal Code 07-06-07: Conditional Rezone:
Section (6) Conditional Rezone Approval:

A. Standards Of Evaluation: The presiding party shall review the particular facts and circumstances of the proposed conditional rezone. The presiding party shall apply the following standards when evaluating the proposed conditional rezone:

1. Is the proposed conditional rezone generally consistent with the comprehensive plan?
   a. Yes, Canyon County's comprehensive plan calls for commercial uses on our property; the City of Middleton's future land use plan calls for mixed use development on our property.

2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?
   a. Yes, our property is not currently being used as Agricultural and there are no plans to provide agricultural use on the property.

8471 West Red Deer Court Boise, ID 83714 [redacted]

3. Is the proposed conditional rezone compatible with surrounding land uses
   a. Yes, per Canyon County's current zoning map, there are several C1 and C2 Commercially zoned properties within close vicinity to our property.

4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?
   a. No, the proposed conditional rezone is within the commercial overlay zone developed jointly by the city of Middleton and Canyon County. Our meetings with the City of Middleton's mayor and Middleton's planning department helped direct our development plans to include both self-storage and office/ retail multi-tenant mix.
   b. City annexation will not be necessary to complete our project. We have the ability to construct a complete development, including septic, water, utilities, fire.
   c. Our project will enhance the character of the area with new construction and will spearhead the County's and Middleton's future growth consistent with the comprehensive plans.

5. Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate proposed conditional rezone?
   a. Yes, we have been working with the City Engineer from Middleton to locate and determine future facilities and services.

6. Does the proposed conditional rezone 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? What measures have been taken to mitigate traffic impacts?
   a. No, public street improvements are not required to provide adequate access. The existing driveway will be updated to current ITD standards. Final design will be coordinated with ITD as required.

7. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?
   a. Legal access to the subject property currently exists and will remain.

8. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts? (Ord. 16-007, 6-20-2016)
   a. New construction will include fire life safety measures as well as security measures to minimize impact to local police, fire, and emergency services. Schools will not be affected with this development. Any required impact fees will be assessed and funded upon final building permit issuance(s).

We appreciate the opportunity to be part of both Canyon County's and Middleton's growing community and respectfully request approval of a Conditional Rezone as the first step in an ongoing relationship with both agencies.

Please don't hesitate to contact me at [redacted]

8471 West Red Deer Court Boise, ID 83714 [redacted]

Development

Sewer / water / Utility Easements & Proposed Corridor

RE: Parcel 33952010 - 9145 Hwy 44, Middleton

External

_Inbox/#HWY 44 - Idaho Storage Condos LLC

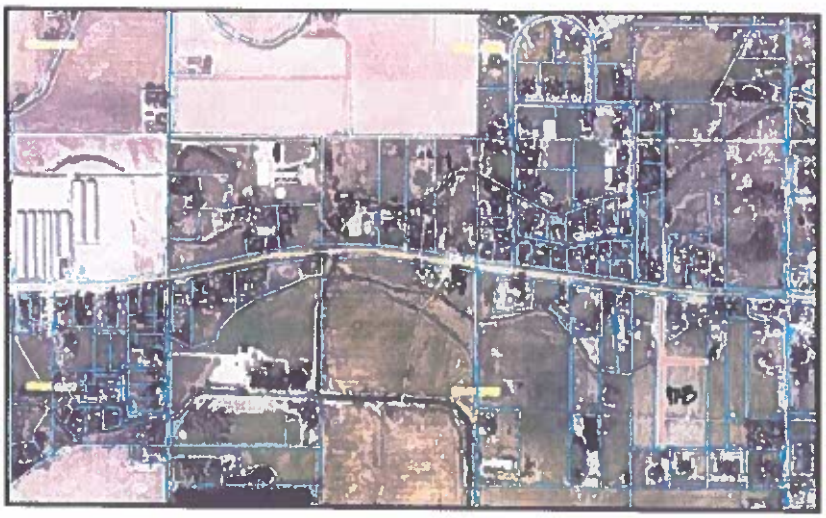
R

Roberta Stewart <rstewart@middletoncity.com> Sep 15, 2022, 10:52 AM

to andrew, [redacted] me

Hi Andrew: City Engineer refined the best locations for your sewer/water/utility easements. See rudimentary drawing below. I have also added the proposed corridor to your site plan for more clarity. See attached. That should give you a good basis for your application. As you know, a building cannot be built over a utility line or utility easement, so when you get further down the road, you may have to refine these concepts a little to make sure you don't get in the way of any of your buildings. thanks again for working with us.

Please let your County planner know you're working with us on a pre-annexation agreement. The County encourages these types of agreements, so it should help your application succeed. We can work on the pre-annexation agreement during the next few weeks after you submit your application to the County. We don't have to have it all done beforehand. There's time.



8471 West Red Deer Court Boise, ID 83714 [redacted]

Exhibit D

ATTACHMENT "2B"

SITE DEVELOPMENT PLAN

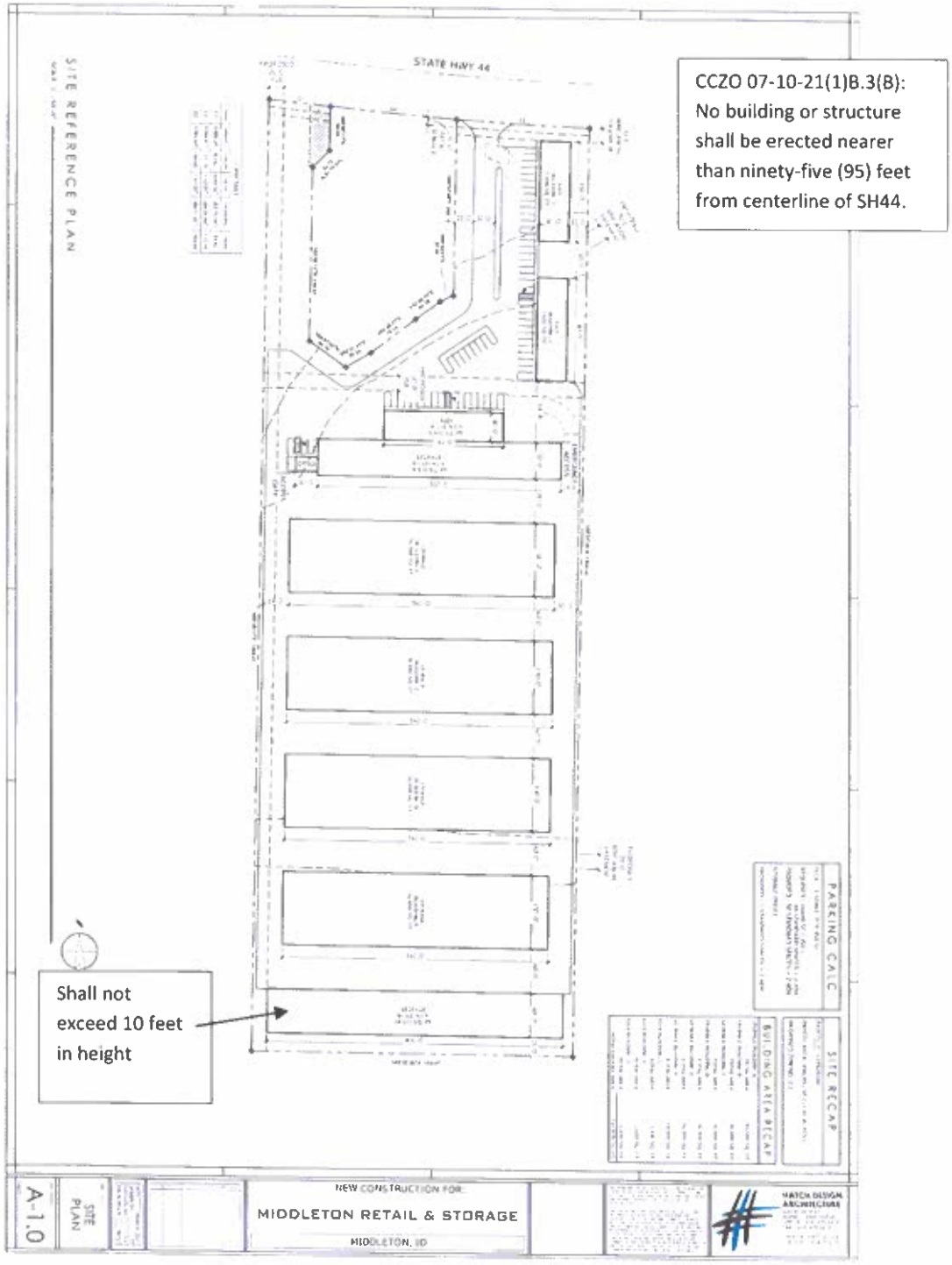


Exhibit E

PZ Staff Report Exhibit 2, Attachment 5g

Flood Plain Administrator Review

Development Services Department

Canyon County, 111 North 11th Avenue, #310, Caldwell, ID 83605
▪ Engineering Division ▪

January 24, 2023

Re: Floodplain Development
Case No. RZ2021-0061 – Service Commercial

Jenna Petroll,

Parcel R33952010 is located in a partial AE Zone Special Flood Hazard Area. The rezone request is to provide an allowed use for mixed use storage and business retail. These uses are allowed uses within the AE Zone floodplain with floodplain development permitting and NFIP mitigation standards.

Floodplain development permits will be required prior to any development activities within the Special Flood Hazard Area.

Including, but not limited to, structures, attendant utilities, and utility equipment and machinery shall be elevated to the flood protection elevation (One foot above Base Flood Elevation).

Open stored vehicles, if applicable, will require elevation to the flood protection elevation or anchored. In addition, open stored vehicles shall be operational and an emergency evacuation plan shall be provided as a condition of the rezone application.

Sincerely,

Stephanie Hailey, CFM
Engineering Coordinator
Floodplain Manager
Canyon County Development Services
[redacted]

Exhibit F

Title Page

Front Elevation Design

Exh F.

Exhibit A.2

Dan Lister

From: Steve Thiessen <[redacted]>
Sent: Tuesday, April 1, 2025 10:52 AM
To: Debbie Root
Subject: Re: [External] AG Development RZ2021-0061

Good morning Debbie,

Thank you for help on this. I met with ownership and it sounds like they would like to move forward with the rezone to C1 with a termination of the CRC2 Development Agreement. Please let me know next steps. Would staff be in support of this? Will we need a pre-app meeting for this application?

Thank you,
Steve

Steve Thiessen, AIT

Hatch Design Architecture
200 w. 36th Street, Boise, ID 83714
[redacted]
E: steve@hatchda.com

This communication may contain information that is privileged, confidential, legally privileged, and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of the information contained herein (including any reliance thereon) is strictly prohibited. If this communication was received in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. ©2025

From: Debbie Root <[redacted]>
Sent: Monday, March 31, 2025 3:18 PM
To: Steve Thiessen <[redacted]>
Cc: Debbie Root <[redacted]>
Subject: RE: [External] AG Development RZ2021-0061

Steve,

RZ2021-0061
Parcel #: R33952010
Current Zoning: CR-C2 with DA

What is the process for rezoning the property to "C1"?

Two separate processes here: 1. Termination of the DA and required conditions/restrictions. And 2. Zoning of the property to C1 without a DA.

1. The DA must be terminated and the zoning reverted to "A" (Agricultural) to eliminate the DA.
2. The property must go through the hearing processes to possibly be zoned C1.

Alternatively, it could be possible to modify the Development Agreement and conditions to down zone the property to C1 with a development agreement.

I believe that Dan and I have both indicated that changing the zoning to C1 is the most practical to achieve the flexibility that the property owner desires. We also believe that this could potentially be accomplished with concurrent applications, i.e., a rezone to C1 with a termination of the CRC2 Development Agreement.

Respectfully,

Deb Root, MBA
Canyon County Development Services
[redacted]

From: Steve Thiessen <[redacted]>
Sent: Monday, March 31, 2025 11:03 AM
To: Debbie Root <[redacted]>
Subject: [External] AG Development RZ2021-0061

Good morning Debbie,

AG Development has asked us to look into rezoning their property from CR-C-2 to C-1. Could we accomplish this with a DA mod, or would we need to do a rezone? Please refer to RZ2021-0061.

Thank you,
Steve

Steve Thiessen**, AIT**

Hatch Design Architecture
200 w. 36th Street, Boise, ID 83714
[redacted]

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Dan Lister

From: Mike Cozakos <[redacted]>
Sent: Monday, February 24, 2025 2:44 PM
To: Dan Lister
Subject: [External] RE: Pre-Application Meeting - PA2025-0038 - Parcel R33952010 (9145 HWY 44)

Thanks, Dan, for getting back to me on Parcel R33952010 (9145 HWY 44). I will look over your notes and get back to you with any questions I have.

Again, thank you Dan!

Thanks,

Mike Cozakos
[redacted]

From: Dan Lister <[redacted]>
Sent: Monday, February 24, 2025 2:01 PM
To: 'mikecozakos@gmail.com' <[redacted]>
Subject: Pre-Application Meeting - PA2025-0038 - Parcel R33952010 (9145 HWY 44)

Mike,

On February 20, 2025, you submitted a pre-application meeting request regarding Parcel R33952010 (Pre-App Case No. PA2025-0038). On September 14, 2023, the subject parcel was conditionally rezoned from an "A" (Agricultural) zone to a "C-2" (Service Commercial) zone subject to limited uses and conditions (RZ2021-0061; Dev. Agreement #23-123). The agreement expires on September 14, 2025. *See the attached development agreement.*

If the property is purchased, you have the following options:

1) <u>Develop the parcel as approved and conditioned</u>. If construction and conditions cannot be met before the expiration date, then apply for a development agreement modification to extend the expiration date. *Attached is a development agreement modification application.*
2) If you wish to not be held down by the development agreement conditions, you can either:
    a. <u>Complete a new conditional rezone</u> application to a "C-1" or "C-2" zoning district and limit development to certain uses/conceptual site plan which will terminate the original agreement;
    b. <u>Complete a zoning map amendment</u> (rezone without development agreement conditions) to a "C-1" or "C-2" zoning district which will terminate the original agreement.
    c. <u>Terminate the development agreement</u> through a development modification application to revert the property to the original zone of "A" (Agricultural) which opens the property up to all the sues allowing in the "A" zone.
        i. Attached is the land use matrix with the zones and uses allowed in the zones.
        ii. Attached are the applications for each option.

If the e-mail addresses your questions and you have a few follow-up questions, please contact me via phone or e-mail. If you wish to still meet in person, I'm available on the following dates and times:

- *Tuesday, February 25 anytime between 1:30 and 4 pm (no more than one hour);*
- *Wednesday, February 26, 2025, anytime between 1:30 and 4 pm (no more than one hour);*
- *Thursday, February 27, 2025, anytime between 8:30 and 11 am (no more than one hour);*

If a response is not received by the end of business day Wednesday, February 26, 2025, DSD staff will assume this e-mail addressed your inquiry and Pre-App Meeting PA2025-0038 will be closed. Once closed, you can either meet with the planner of the day any time on Tuesday or Thursday at the DSD front counter or submit a new meeting request form.

Sincerely,

Dan Lister, Principal Planner
DSD Office: [redacted]
[redacted]v

Development Services Department (DSD)
Public office hours
Monday, Tuesday, Thursday and Friday
8 am – 5 pm
Wednesday
1 pm – 5 pm
**We will not be closed during lunch hour **

PUBLIC RECORD NOTICE: All communications transmitted within the Canyon County email system may be a public record and may be subject to disclosure under the Idaho Public Records Act and as such may be copied and reproduced by members of the public.

EXHIBIT B

Supplemental Documents

Planning & Zoning Commission

Case# RZ2021-0061 - MOD

Hearing date: June 18, 2026

CANYON COUNTY DEVELOPMENT SERVICES MAKES NO WARRANTY WITH RESPECT TO THE ACCURACY, COMPLETENESS, OR USEFULNESS OF THIS PARCEL INFORMATION TOOL.

R33952010 PARCEL INFORMATION REPORT

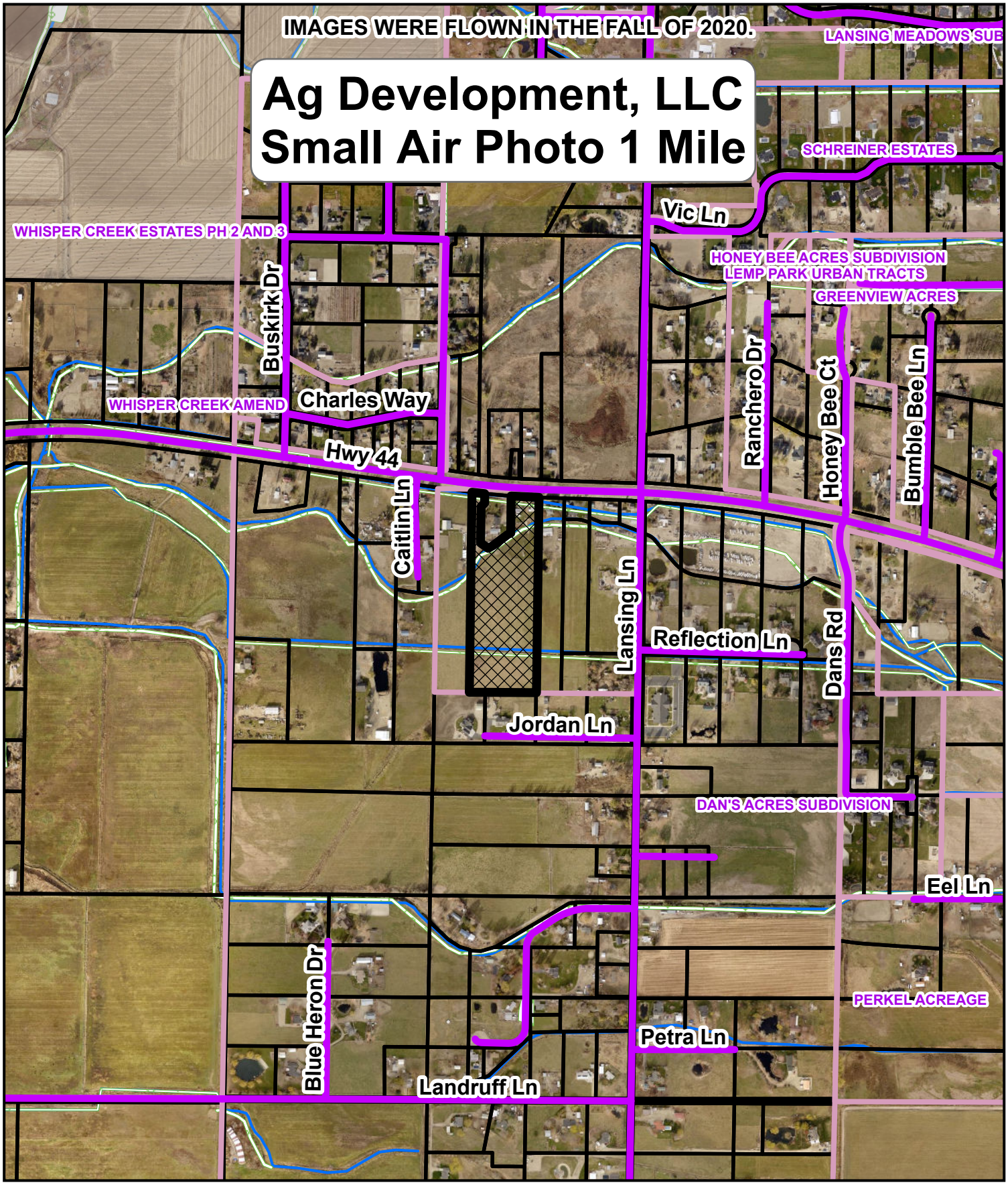
6/8/2026 2:28:01 PM

PARCEL NUMBER:	R33952010
OWNER NAME:	AG DEVELOPMENT LLC
CO-OWNER:	
MAILING ADDRESS:	13905 N MALHEUR PL GARDEN CITY ID 83714
SITE ADDRESS:	9145 HWY 44
TAX CODE:	1090000
TWP:	4N RNG: 2W SEC: 09 QUARTER: NE
ACRES:	11.41
HOME OWNERS EXEMPTION:	No
AG-EXEMPT:	Yes
DRAIN DISTRICT:	DD2
ZONING DESCRIPTION:	CR-C2 / CONDITIONAL REZONE - SERVICE COMMERCIAL
HIGHWAY DISTRICT:	HIGHWAY DISTRICT #4
FIRE DISTRICT:	STAR FIRE
SCHOOL DISTRICT:	MIDDLETON SCHOOL DIST #134
IMPACT AREA:	NOT In Impact Area
FUTURE LAND USE 2011-2022 :	AG / COM
FLU Overlay Zone Desc 2030:	
FLU RR Zone Desc 2030:	RURAL RESIDENTIAL
FUTURE LAND USE 2030:	AGRICULTURE / COMMERCIAL
IRRIGATION DISTRICT:	MIDDLETON IRRIGATION ASSN INC / CANYON COUNTY WATER CO LTD / MIDDLETON MILL DITCH CO
FEMA FLOOD ZONE:	X / AE FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0254G
WETLAND:	Riverine / Riverine / Riverine
NITRATE PRIORITY:	NO Nitrate Prio
FUNCTIONAL Classification:	PRINCIPAL ARTERIAL
INSTRUMENT NO. :	2022033080
SCENIC BYWAY:	NOT In Scenic Byway
LEGAL DESCRIPTION:	09-4N-2W NE TX 03669 SENE T74717
PLATTED SUBDIVISION:	
SMALL CITY ZONING:	
SMALL CITY ZONING TYPE:	

DISCLAIMER:

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERRIFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.



City_Limits

Wetlands

0 0.25 0.5 Miles

BOARD OF COUNTY COMMISSIONERS
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

In the matter of the application of:
[AG Development] – [Case RZ2021-0061]
The Canyon County Board of Commissioners considers the following:

1) Conditional Rezone Case No. RZ2021-0061: AG Development LLC, represented by Hatch Design Architecture, is requesting a conditional rezone of parcel R33952010 from an "A" (Agricultural) zone to a "CR-C-2" (Conditional Rezone - Service Commercial) zone. The request includes a Development Agreement limiting the types of uses and development plan that will be allowed on the property. The applicant is proposing to have a mixed-use development including a mini-storage facility and a business/flex (non-retail) complex on the subject property.
2) Development Agreement limiting the types of uses and design that will be allowed on the property (Attachment 1).

[Case RZ2021-0061; 9145 Hwy 44, Middleton; also referenced as a portion of the NE¼ of Section 09, Township 4N, Range 2W; BM; Canyon County, Idaho.]

Summary of the Record

1. The record is comprised of the following:

   A. The record includes all testimony, the staff report, exhibits, and documents in Case File RZ2021-0061.
   B. On June 15, 2023 the Planning and Zoning Commission heard this case and forwarded it to the Board of County Commissioners with a recommendation of approval as conditioned subject to a development agreement.
   C. On August 15, 2023 the Board of County Commissioners heard this case, amended the conditions of approval and approved the conditional rezone as amended with the amended conditions to be enumerated in a Development Agreement. Documents including the FCCOs as amended, Ordinance for Map Amendment and Development Agreement shall be signed at a subsequent date to be determined.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and Canyon County Code 09-09-17 (Area of City Impact Agreement).

   a. For the Planning and Zoning Meeting held June 15, 2023: Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509. Affected agencies were noticed on January 11, 2023 and May5, 2023 , a JEPA letter sent to City of Middleton on January 11, 2023. Newspaper notice was published on February 3, 2023 and May 5, 2023. Property owners within 600 feet were notified by mail on January 3, 2023 and May 5, 2023. Full political notice was provided on January 11, 2023 and the property was posted on May 12, 2023.

b. The Planning and Zoning Commission on June 15, 2023 forwarded this case to the Board of County Commissioners with a recommendation of approval as conditioned and subject to a Development Agreement.

c. For the Board of County Commissioners Hearing August 15, 2023: Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509. Affected agencies were noticed on July 5, 2023. Newspaper notice was published on July 5, 2023. Property owners within 600 feet were notified by mail on July 5, 2023 and the property was posted on July 13, 2023.

d. The presiding party may establish conditions, stipulations, restrictions, or limitations that restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvements and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. *See* CCZO §07-06-07(1).

e. All conditional rezones for land use shall commence within two (2) years of the approval of the board. If the conditional rezone has not commenced within the stated time requirement, the application for a conditional rezone shall lapse and become void. *See* CCZO §07-05-01

2. The Board has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act ("LLUPA") and can establish its own ordinances regarding land use. *See* I.C. §67-6504, §67-6511, §67-6511A.

3. The Board has the authority to hear this case and make its own independent determination. See I.C. §67-6519, §67-6504.

4. The Board can sustain, modify or reject the Commission's recommendations. See CCZO §07-05-03

5. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.

6. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application (RZ2021-0061 (CR) was presented at a public hearing before the Canyon County Board of Commissioners on August 15, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Board decides as follows:

CONDITIONAL REZONE CRITERIA – CCZO §07-06-07(6)

1. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The proposed conditional rezone from Agricultural to CR-Service Commercial subject to a development agreement is generally consistent with the 2020 Canyon County Comprehensive Plan and Future Land Use Map.

Findings: (1) The 2020 Canyon County Comprehensive Plan Future Land Use Map designates the property as Commercial. (Attachment 4a)

(2) The subject property lies within the City of Middleton area of city impact. The adopted Middleton Comprehensive Plan designates the property as "Residential Special Areas". The subject property lies within the 'AE' Special Flood Hazard Area (SFHA).

(3) The request is consistent with goals and policies of the Comprehensive Plan, including, but not limited to:

Chapter 1. Property Rights
Policy 8. Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.
Chapter 2. Population
Goal 2. To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.
Chapter 4. Economic Development
Goal 3. Create new jobs that are sustainable and lasting.
Policy 4. Encourage growth of responsible business in Canyon County by recruiting businesses based on their potential job creation and their willingness to have a positive impact on the community.
Policy 6. Encourage commercial and residential development in a controlled, planned, and constructive manner, which will enhance, not destroy, the existing lifestyle and environmental beauty of Canyon County.
Policy 7. Canyon County should identify areas of the county suitable for commercial, industrial and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished.
Chapter 5. Land Use
Goal 4. To encourage development in those areas of the county which provide the most favorable conditions for future community services.
Policy 1. Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.
Chapter 8. Public Services, Facilities, and Utilities Component
Policy 3. Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.

Supporting evidence can be found in Criterions 2 - 8.

(4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case file No. RZ2021-0061.

2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: The proposed conditional rezone to CR-C2 (Service Commercial) is more appropriate than the current zoning designation of Agricultural.

Findings: (1) The 11.41 acre agriculturally zoned parcel is not in agricultural production.

(2) There are agricultural parcels near the subject property; however, this area is predominantly commercial and residential as shown in the zoning and classification map (Attachment 4b).

(3) As shown in the small air photo, agricultural uses are limited by residential and commercial development and in the primary vicinity of State Highway 44 directly to the north (Attachment 4c).

(4) The subject property lies within the FEMA 'AE' SFHA, limiting residential development in the floodplain is appropriate.

(5) The property lies within the Middleton area of city impact and the City of Middleton is in support of the application and has entered into a pre-annexation agreement with the applicants to provide utility corridors/easements for future service connections.

(6) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case File No. RZ2021-0061.

(7) Evidence includes findings and evidence found in Criterions 3 and 4.

3. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: The proposed conditional rezone for an RV/Mini-storage facility and a business-flex (non-retail) complex as conditioned is compatible with the surrounding land uses.

Findings: (1) There are 11 commercially zoned parcels within a 1-mile radius of the subject property, as shown in the zoning and classification map (Attachment 4b).

(2) The subject property is 0.80 miles from the city limits of Middleton and their Future Land Use Map shows this general area for commercial and residential - special areas as shown in the City of Middleton Future Land Use Map (Attachment 4d).

(3) The conditional rezone with development agreement (Attachment 1) limits the "C-2" Zone to only an RV and mini-storage facility and a business/flex (non-retail) complex.

(4) There are 28 platted subdivisions within one (1) mile of the subject property, as shown in the Subdivision Map (Attachment 4e), with 20 of the 28 subdivisions platted after 2000, as shown in the Lot Report (Attachment 4e).

(5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0060.

4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: As conditioned by the development agreement (Attachment 1), the conditional rezone is not anticipated to negatively affect the character of the area; however, the development agreement will limit the types of uses that will be allowed on the property to help mitigate any impacts that would occur with more intensive uses allowed in the "C-2" zone.

Findings: (1) The Canyon County Comprehensive Plan 2020 Future Land Use Map designates the subject property and surrounding area as commercial (Attachment 4a).

(2) The request is located within the Middleton Area of City Impact and the land use is designated to support mixed-use. The city is in support of the proposed use (Attachment 5a).

(3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on May 2, 2023. Newspaper notice was published on May 5, 2023. Property owners within 600' were notified by mail on May 5, 2023. Full political notice was provided on January 11, 2023. The City of Middleton was noticed on January 11, 2023. The property was posted on May 12, 2023.

a. Comments received from agencies do not oppose the request. (Attachment 5).
b. One (1) letter in opposition to the proposed use from property owners within 600 feet was received (Attachment 6). However, the concerns stated in the letter may be addressed and mitigated through the conditions of approval (Attachment 1).

c. The development agreement (Attachment 1) limits the types of uses to provide clarity of what uses are allowed and prohibited on the property. The conditions of the agreement include fencing, landscaping, and exterior lighting requirements to ensure the impact on surrounding properties will be minimized.

(4) For the Board of County Commissioners Hearing August 15, 2023: Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509. Affected agencies were noticed on July 5, 2023. Newspaper notice was published on July 5, 2023. Property owners within 600 feet were notified by mail on July 5, 2023 and the property was posted on July 13, 2023.

a. Two letters of support were received from the general public. The addresses provided are not in the immediate vicinity of the development property.

(5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0061.

(6) Evidence includes findings and evidence found in Criterions 2, 3, 5, 6, and 8.

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

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

Findings: (1) City services are not available to the subject parcel at this time (Attachment 5b); however, as conditioned through the development agreement (Attachment 1), the business/flex (non-retail) complex will not be constructed until city services are available.

(2) The mixed-use storage facility will be served by well and septic and will be required to meet IDWR, DEQ, and SWDH requirements.

(3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on May 2, 2023. Newspaper notice was published on May 5, 2023. Property owners within 600' were notified by mail on May 5, 2023. Full political notice was provided on January 11, 2023. The City of Middleton was noticed on January 11, 2023. The property was posted on May 12, 2023.

(4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0061.

(5) Evidence includes findings and evidence found in Area of City Impact Agreement ordinance criteria.

6. Does the proposed conditional rezone 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? What measures have been taken to mitigate traffic impacts?

Conclusion: The conditional rezone of the subject property will not require improvements to prevent undue interference with existing or future traffic patterns as conditioned.

Findings: (1) The applicant commissioned a Traffic Generation Study prepared by J-U-B Engineers, Inc which was completed on February 24, 2023 (Attachment 7). At full buildout and peak usage, the development is conservatively estimated to generate 412 trips per day. Approximately 34 trips are estimated to occur during the AM peak hour between 7 AM and 9 AM, and 43 trips are estimated to occur during the PM peak hour between 4 PM and 6 PM.

(2) According to Idaho Transportation Department (ITD), after their review of the Traffic Generation Study they concluded that the development would not generate enough traffic to warrant any mitigations (Attachment 4c).

(3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on May 2, 2023. Newspaper notice was published on May 5, 2023. Property owners within 600' were notified by mail on May 5, 2023. Full political notice was provided on January 11, 2023. The City of Middleton was noticed on January 11, 2023. The property was posted on May 12, 2023.

(4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0061.

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

Conclusion: Legal access will exist for the subject property at the time of development.

Findings: (1) Legal access will be granted via a driveway on the eastern side of the subject property from Highway 44 and will be required to meet ITD approach standards.

(2) According to ITD, the applicant requested an approach permit and it was approved on April 5, 2023. ITD has no objection to the proposed application as all access concerns have been addressed with ITD Staff. (Attachment 5c).

(3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on May 2, 2023. Newspaper notice was published on May 5, 2023. Property owners within 600' were notified by mail on May 5, 2023. Full political notice was provided on January 11, 2023. The City of Middleton was noticed on January 11, 2023. The property was posted on May 12, 2023.

(4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0061.

8. **Will the proposed conditional rezone 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.

Findings: (1) The proposed use is not anticipated to require additional public funding to meet the needs created by the requested use and police, fire, and emergency medical services will be provided to the property.

(2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on May 2, 2023. Newspaper notice was published on May 5, 2023. Property owners within 600' were notified by mail on May 5, 2023. Full political notice was provided on January 11, 2023. The City of Middleton was noticed on January 11, 2023. The property was posted on May 12, 2023.

(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0061.

Canyon County Code §09-09-17 (Area of City Impact Agreement) - AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The property is located within the Middleton Area of City Impact. A notice was sent to the City of Middleton per Canyon County Code Section 09-09-17. Conditions applied require future development to work with the City of Middleton.

Findings: (1) The City of Middleton designates the property as "Residential - Special Area" (Attachment 4d).

(2) The City of Middleton stated they are in support of the project and they do not have any objections (Attachment 5a).

(3) The applicant has a pre-annexation agreement with the City of Middleton. The agreement states the subject property can be annexed by the city once it is contiguous with city limits and the applicant will provide a utility corridor and easement for future sewer and water facilities to run "to and through" the property (Attachment 8).

(4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0061.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **APPROVE** Case # RZ2021-0061, a conditional rezone of parcel R33952010 from an "A" (Agricultural) zone to a "CR-C-2" (Conditional Rezone - Service Commercial) subject to conditions of approval as amended (Attachment 1) to be enumerated in a development agreement

DATED this 14 day of Sept., 2023.

CANYON COUNTY BOARD OF COMMISSIONERS

✓ Motion Carried Unanimously
_____ Motion Carried/Split Vote Below
_____ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
Commissioner Leslie Van Beek	✓		
Commissioner Brad Holton	X		
Commissioner Zach Brooks	X		

Attest: Chris Yamamoto, Clerk

By: Monica Reeves
Deputy

Date: 9-14-23

ATTACHMENT 1

CONDITIONS OF APPROVAL

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.

2. The subject parcel, R33952010 (11.41 acres ±), shall be subject to the requirements of the "CR-C-2" Zone. The "CR-C-2" Zone is subject to the following ongoing conditions:
    a. The following uses shall be the only allowed uses within the "C-2" zone:
        i. Ministorage and/or RV storage facility
        ii. Offices
        iii. Accessory uses and/or structures to allowed uses
        iv. Similar uses to allowed uses

3. The development of the site shall be in general conformance with the applicant's letter of intent and site plan (Attachments 2a & 2b). The site plan does not propose/depict open storage. Any significant modifications of the site plan and structure layout shall be required to amend the plan through a conditional use permit modification.
    a. Storage units shall only be used for storage and no other uses shall be permitted to operate within the storage units. Warehousing shall not be permitted in any structures within the development.
    b. Developer shall provide for 24 hour customer access to the restroom facility (not a portable units) and shall ensure that proposed facility meets the requirements of Southwest District Health.
    c. Front facing office and storage building facade shall be in substantial conformance with Exhibit F (attached hereto) Title Page elevation.
    d. The southern-most building (building F on concept development plan) within the mini-storage facility shall not exceed ten (10) feet in height.

4. Building permits for the business/flex (non-retail) complex shall not be issued until city services become available from the City of Middleton.
    a. The flex/office building facade shall be in substantial conformance with Exhibit F (attached hereto) Title Page -building front elevation.

5. Off-street parking shall be provided in accordance with article 13 of this chapter (CCZO §07-13-01 & 03).

6. Prior to the issuance of building permits, the applicant/developer shall receive review and approval from Star Fire District to ensure proper access and circulation to all structures on the facility.

7. Signage shall comply with §07-10-13 of the Canyon County Zoning Ordinance. In addition, where signs are located in close proximity to a residential area, the sign should be designed and located so they have little or no impact on adjacent residential neighborhoods. Signage along Highway 44 shall be restricted to monument signs.

8. All exterior light fixtures will be downward facing and shielded to reduce off-site glare to ensure light pollution is minimized.

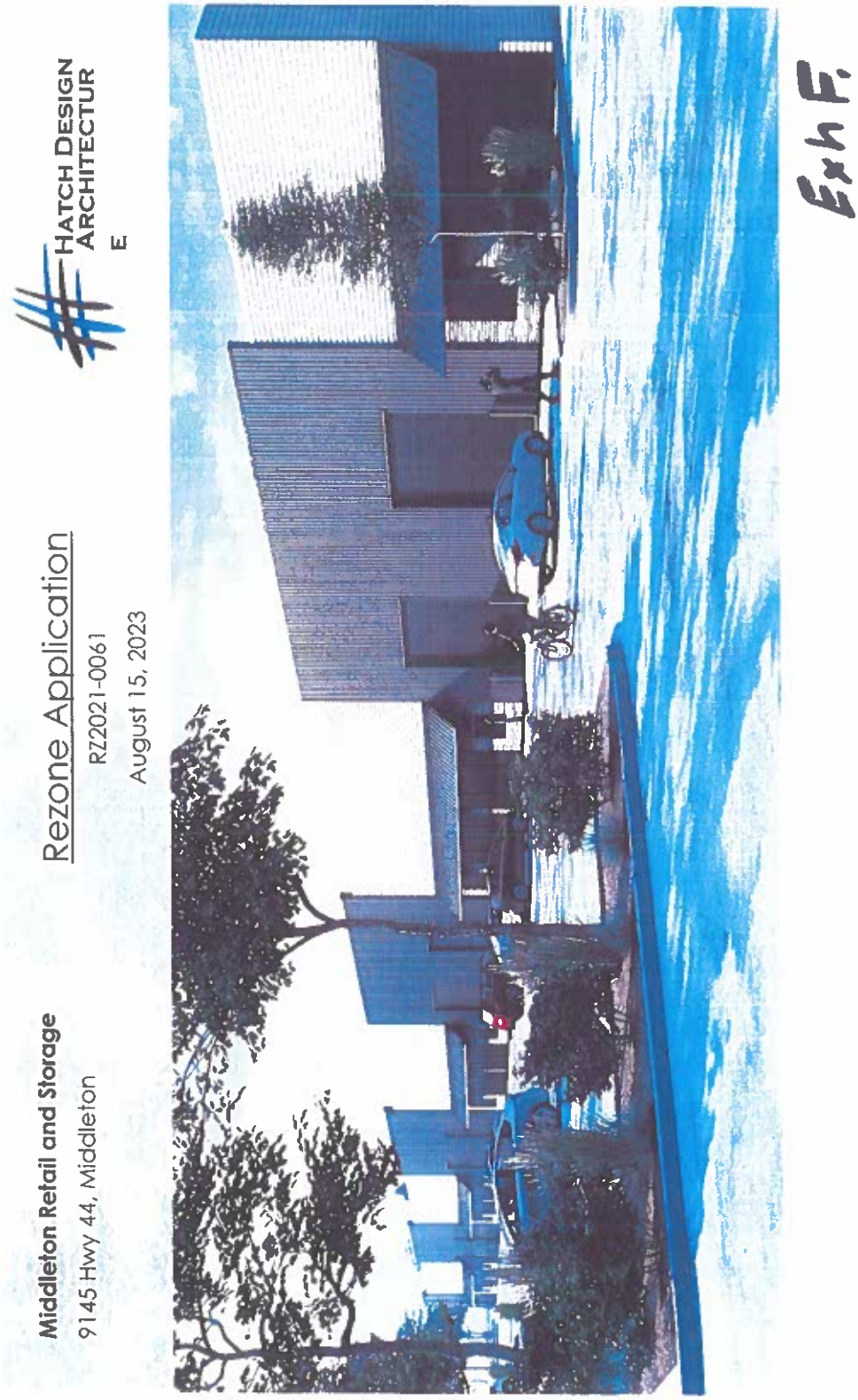
9. Prior to the submittal of building permits a fencing and landscaping plan shall be submitted to DSD.
    a. Fencing shall be 6 foot (typical) wrought iron bar fencing around the perimeter of the development site. Fencing on the south side of the residential parcel, R33952, may be provided, matching the existing fencing.
    b. Year-round landscaping-inclusive of evergreen trees and shrubs interspersed with some deciduous variety shall be provided around the perimeter of the development on the east, west, south sides and along the east and south boundaries of the residential property, R33952. The frontage of the property shall have similar landscape to provide attractive entry where the property takes access to State Highway 44. Landscaping shall be placed such that it does not interfere with the operation and maintenance of the

irrigation facilities on the property. Considerations for emergency vehicles (fire apparatus) must be considered for placement and type of trees along access routes.

10. The development of the site shall comply with NFIP mitigation standards and obtain floodplain development permits.
11. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained and protected. Modifications, including any crossings and tiling of the irrigation structures shall be approved by applicable governing agencies. No stormwater from the hard surface facilities shall be allowed to directly flow into the irrigation systems.
12. Stormwater run-off shall be retained on-site. Stormwater retention is the responsibility of the property owner.
13. The developer shall comply with CCZO §07-06-07 (4): Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."

Exhibit F: Title Page

Front Elevation Design



Exh F.

Attachment 2b

Site Development Plan

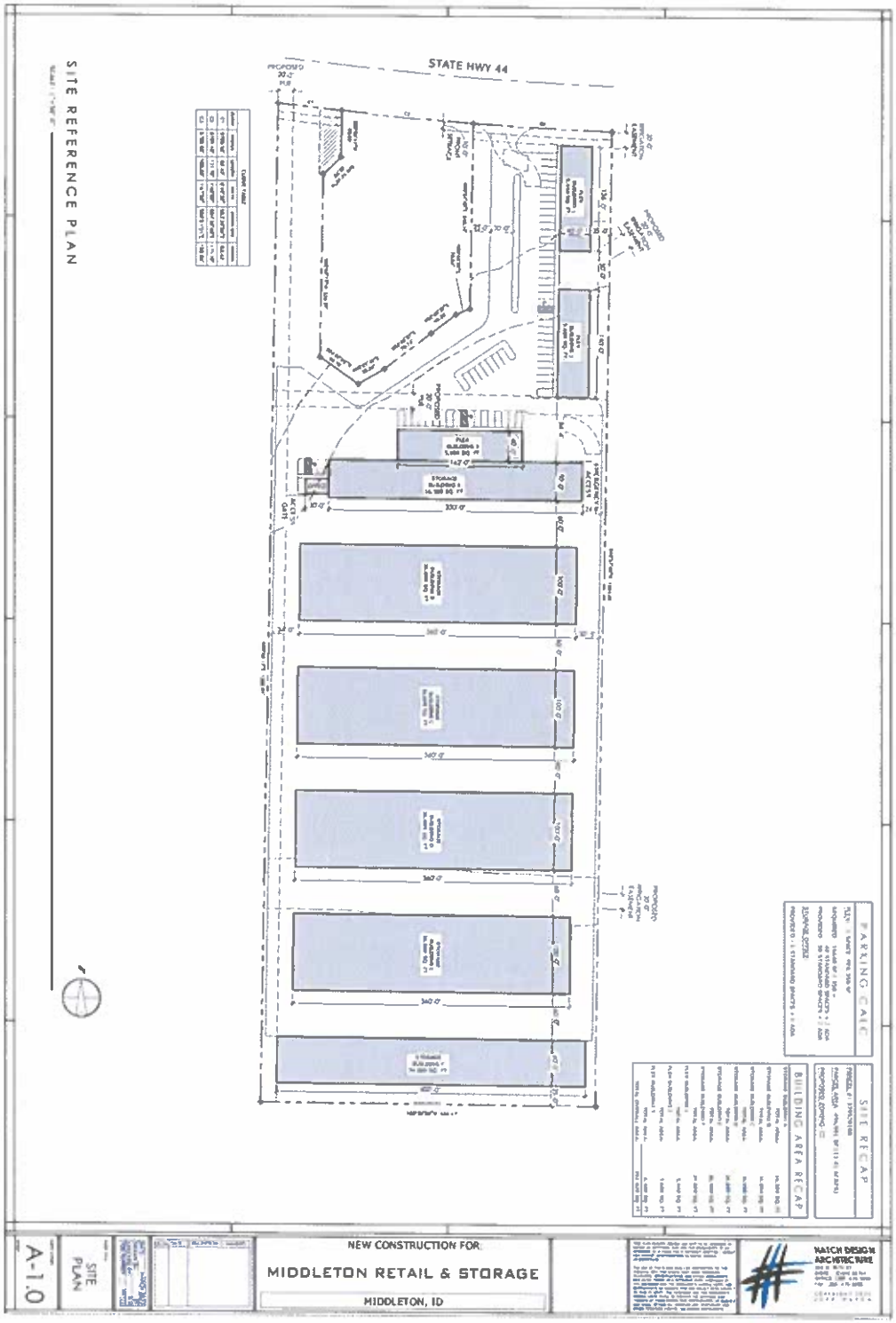


Exhibit B.3

EXHIBIT C

Comments Received by June 8, 2026

Planning & Zoning Commission

Case# RZ2021-0061 - MOD

Hearing date: June 18, 2026

Dan Lister

From: BRO Admin <[redacted]>
Sent: Monday, May 18, 2026 11:51 AM
To: Dan Lister
Subject: [External] RE: Legal Notice RZ2021-0061-MOD / Canyon County Development Services

The Boise Regional DEQ Administration has no comments at this time.

Sincerely,

Carlene Oberg
Administrative Assistant I
Idaho Department of Environmental Quality
1445 North Orchard Street Boise, Idaho 83706
[redacted] | [redacted]

From: Caitlin Ross <C[redacted]>
Sent: Thursday, May 14, 2026 10:52 AM
To: [redacted]

Dan Lister

From: Doug Critchfield <[redacted]>
Sent: Thursday, May 14, 2026 12:06 PM
To: Dan Lister
Subject: [External] RE: Legal Notice RZ2021-0061-MOD / Canyon County Development Services

Hi Dan – Nampa has no comments. Thanks

Doug Critchfield, PLA
Principal Planner | Planning & Zoning Department
[redacted]
500 12th Ave S | Nampa, ID 83651
cityofnampa.us | Stay Connected
Citizen's Guide to Planning – Learn More About Planning!
cityofnampa.us/2050 – Help us plan Nampa's future

From: Caitlin Ross <[redacted]>
Sent: Thursday, May 14, 2026 10:52 AM
To: [redacted]

Dan Lister

From: Kendra Conder <[redacted]>
Sent: Friday, June 5, 2026 11:55 AM
To: Dan Lister
Subject: [External] FW: Agency Notice RZ2021-0061-MOD / Canyon County Development Services
Attachments: 30 day AGENCY notice PZ hearing.pdf

Hi Dan,

I do not have any comments for the below-referenced application, but future development applications for this property will be subject to review.

Thanks!

Kendra Conder
District 3 | Development Services Coordinator
Idaho Transportation Department
[redacted]

YOUR *Safety* • • • ▶ YOUR *Mobility* • • • ▶ YOUR *Economic Opportunity*

From: Caitlin Ross <[redacted]>
Sent: Thursday, May 14, 2026 10:29 AM
To: [redacted]
Subject: Agency Notice RZ2021-0061-MOD / Canyon County Development Services

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Dear Agencies,

Please see the attached agency notice regarding the scheduled Planning and Zoning Commission hearing on this project. We had previously requested your agency provide comments for the noticed land