

Werhane CR2022-0031

OWNER/APPLICANT: WILLIAM WERHANE

REPRESENTATIVE: ELIZABETH ALLEN, BRISTLECONE LAND USE
CONSULTING

CANYON COUNTY- PLANNING DIVISION, NOVEMBER 13, 2025



Good afternoon Mr. Chair and Commissioners, today I will present CR2022-0031 by William Werhane for a Conditional Rezone

REQUEST:

CONDITIONAL REZONE TO NEIGHBORHOOD COMMERCIAL

Parcels: R33590012B, R33590012C

Approximately 8.93 acres total

Conditional Rezone from Agricultural to Neighborhood Commercial with Development Agreement limiting development to the specific uses of:

Restaurant, Microbrewer/Tasting Room, Animal Hospital, Farm Supply Sales, Farm Implement Sales/Service, Financial Institution and Retail



The applicant is requesting a Conditional Rezone to Neighborhood Commercial from Agricultural. The request also includes a Development Agreement limiting development to the specific uses of **Restaurant, Microbrewer/Tasting Room, Animal Hospital, Farm Supply Sales, Farm Implement Sales/Service, Financial Institution and Retail**

GENERAL BACKGROUND

Parcel R33590012B was deemed an original parcel according to county records (PI2013-274). Parcel R33590012C is Churruca Lane that was abandoned by Idaho Transportation Department when Highway 55 was improved.

Although zoned agricultural, the parcel has been used for depositing and storing excess fill from the Highway 55 road and bridge project for several years. The applicant has had a Phase One Environmental Assessment and a Geotechnical Investigation completed. (**Exhibit IIIA6.1 and 6.2**)



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Investigation completed. (**Exhibit IIIA6.1 and 6.2**)

Planning and Zoning Commission Recommendation – Denial

- The Planning and Zoning Commission heard the case on May 15, 2025. The vote was tied.
- The P & Z Commission held a continued hearing on July 3, 2025. This allowed the Chairman to review the record and participate in the deliberation.
- The P & Z Commission found the case not consistent with the Conditional Rezone Criteria #2-#4.
- Pursuant to Idaho Code 67-6519, the applicant can resubmit with a refined list of allowed uses. No retail or financial institutions and limited restaurant venues.

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- The next slides identify the Planning and Zoning Commission's findings for the Conditional Rezone criteria.

EVALUATION CRITERIA (07-06-07(6)):

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;
2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation;
3. Is the proposed conditional rezone compatible with surrounding land uses;
4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?
5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone;
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?
7. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development; and
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)



For the Conditional Rezone, the criteria that must be met is noted in Canyon County Zoning ordinance 07-06-07(6).

EVALUATION CRITERIA (07-06-07(6)):

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

Generally consistent with the Comprehensive plan.

Future Land Use Map - Agritourism Business Use/Agritourism Farm Use

Proposing uses that fall into alignment with Agritourism Business Use or Agritourism Farm Use. **(Exhibit III.A3 and III.A3.1)**



The proposed conditional rezone change is generally consistent with the Comprehensive plan as shown on page 3 of the Staff Report in exhibit III.

The Future Land Use Map indicates that the parcels are in the Agritourism Business Use/Agritourism Farm Use overlay, however there is no specific zoning

designation for this use. The applicant is proposing uses that fall into alignment with Agritourism Business Use or Agritourism Farm Use. **(Exhibit IIIA3 and A3.1)**

EVALUATION CRITERIA (07-06-07(6)):

P & Z Commission Basis for Denial:

2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?
3. Is the proposed conditional rezone compatible with surrounding land uses?
4. Will the proposed conditional rezone will not negatively affect the character of the area? What measures will be implemented to mitigate impacts?



The parcel is located between a production agriculture use and a state highway. The surrounding land use is predominantly agriculture with a downtown commercial area across the river in Marsing. The size and location of the parcel as well as the topography of the parcel would be a challenge to utilize this parcel as an agriculture operation. The parcels are at

the entrance into Canyon County from Marsing's commercial district and is set apart from agriculture by roads on all sides. The character of the area is agricultural that leads into the fruit production and winery area of Sunny Slope Road. Further analysis can be found on pages 4-6 of the staff report in Exhibit III.

The P&Z Commission found the proposed rezone is not more appropriate than the current zone, is not compatible with surround land uses and will negatively affect the character of the area. The basis for their findings are that a commercial use in the agricultural zone is inappropriate, and the uses proposed are way too broad. The complete findings can be found in the P&Z FCOs in Exhibit I.

EVALUATION CRITERIA (07-06-07(6)):

5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone?
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 measure have been taken to mitigate traffic impacts?
7. Does legal access to the subject property for the conditional rezone exist or will it exist at the time of development?
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?



The applicant met with Southwest District Health regarding water and sewer requirements. Prior to building permit, the developer will need to meet requirements from Southwest District Health and DEQ depending on the use of the parcel with the potential of a public water system if the use requires it. The rezone may require public street improvements. Highway District 4

does not object but may require a Traffic Impact Study at the time of access permitting if one is needed. Idaho Transportation Department will require a Traffic Generation and Distribution report and potentially require a TIS at time of submission of building permits. Mitigation for the use that is established will be determined by the authority and will be required to build out any required improvements.

Legal access does exist at Churruca Lane and Marsing Road. Any other access will need to be established through the jurisdictional agency after the use is determined.

The Commercial designation would not impact schools. Police, fire and EMS were notified. Fire commented that response time should be 5 to 8 minutes. Full analysis

can be seen on pages 6-9 of the staff report in Exhibit III.



The first photo is from State Highway 55 looking Northeast at the point of the triangle. The second is from Marsing Road looking South at the Churruca Lane entrance. This image is from Google Earth



This is Google Earth aerial imagery. There are additional site photos in Exhibit IIIC, pages 167 through 169 of the complete staff report.

NOTIFICATION (07-05-01) & COMMENTS:

All property owners within a 600-foot radius of the existing property boundaries of the property have been provided notice of the public hearing in order that they may provide comment on the application. Notice was also published in the newspaper of general circulation on October 14, 2025, and a sign was posted on the subject property on October 14, 2025. All notices herein described have been provided at least fifteen (15) days prior to the public hearing. **At the time of the expiration of the materials deadline, two (2) written comments from the public were received in opposition to the proposed application. There were three (3) written comments submitted for the P&Z hearing as well as a drone video that was submitted.**



Property owners within 600 feet of the existing property boundaries were notified of the upcoming hearing. A newspaper notice was published and a physical sign posting was made at the property location on October 14, 2025.

A total of 5 written comments and a drone video was submitted in opposition to the proposal.

Decision Options:

The Board of County Commissioners may **approve** the conditional rezone with conditions and direct staff to make findings of fact to support this decision;

The Board of County Commissioners may **deny** the conditional rezone; or

The Board of County Commissioners may **table or continue** the hearing to a later date and request additional information on specific items.

The Board may approve or deny the conditional rezone or table the hearing to a later date and request additional information.



I will stand for questions.

If approval is proposed...

Draft conditions on following slide if approved.

Draft Conditions:

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. The development shall comply with any requirements for an approach permit, commission any required Traffic Impact Studies, and install any necessary mitigation for traffic impacts identified by the TIS as required by Idaho Transportation Department and/or Highway District 4 and/or Golden Gate Highway District No. 3.
3. The subject parcel shall only be used for the following as allowed in the C-1 (Neighborhood Commercial) zoning district: Restaurant, Microbrewery/Tasting Room, Animal Hospital, Farm Supply Sales, Farm Implement Sales/Service, Financial Institution and Retail.
4. Incorporate a historical theme into the project, to be developed and designed by the developer. The theme can be a specific orientation such as Lizard Butte, Oregon Trail, POW Internment Camp, Snake River Corridor, Agricultural significance of the area (soil, irrigation, seed production, wine production), or an overview of all aspects of the region. To sustain the historical significance, future development would include a specific display or commentary. The display would include an outside plaque or signage pertaining to the subject, along with interior pictures and displays. For example, if a Microbrewery is planned, an obvious IPA could be LIZARD BUTTE IPA with a label designed with a drawing of Lizard Butte and a description of the feature. This would segue into demonstrating the geographical significance of Lizard Butte during the mid-1800s.
5. 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."



Draft conditions of approval are on page 10 of the staff report. There are the standard conditions for condition 1 and 5. Condition 2 refers to the requirements from the highway districts and ITD. Condition 3 restricts the use of the C_1 zone and 4 as recommended by the applicant to tie in the historical theme.