



# CITY OF Caldwell, Idaho

Planning & Zoning

## HEARING REVIEW APPLICATION

### Type of Review Requested (check all that apply)

- Annexation
- Appeal/Amendment
- Comprehensive Plan Map Change
- De-Annexation
- Ordinance Amendment
- Rezone
- Special Use Permit
- Subdivision- Preliminary Plat
- Subdivision- Final Plat
- Subdivision- Short Plat
- Time Extension
- Variance
- Other \_\_\_\_\_

**STAFF USE ONLY:**

File number(s): 2011-17-07

Project name: Bauscher Rezone

Date filed: 9-1-2017 Date complete: \_\_\_\_\_

Related files: \_\_\_\_\_

### Subject Property Information

Address: 4023 S. 10th Ave Parcel Number(s): R35756011

Subdivision: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Acreage: .40 Zoning: R1

Prior Use of the Property: This was originally an easment for a city street which was later vacated.

Proposed Use of the Property: Re-zone to match the lot to the south currently zoned C2

### Applicant Information:

Applicant Name: Brett W. Bauscher Phone: 208-989-4497

Address: 18785 Weitz Rd. City: Caldwell State: Idaho Zip: 83607

Email: K9dvmid@gmail.com Cell: Same

Owner Name: Brett W. Bauscher & Kenneth Enochs Phone: 208-989-4497

Address: 18785 Weitz Rd. City: Caldwell State: Idaho Zip: 83607

Email: K9dvmid@gmail.com Cell: 208-989-4497

Agent Name: (e.g., architect, engineer, developer, representative) \_\_\_\_\_

Address: N/A City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Cell: \_\_\_\_\_

### Authorization

Print applicant name: Brett W. Bauscher

Applicant Signature: [Handwritten Signature] Date: 8/24/2017

PI

Project Name: <u>Bauscher Rezone</u>	File #: <u>Zon-17-07</u>
Applicant/Agent:	

Applicant (v)	Description	Staff (v)
✓	Completed & signed Hearing Review Master Application	✓
	Narrative fully describing the proposed use/request	
✓	Recorded warranty deed for the subject property	
	Signed Property Owner Acknowledgement (if applicable)	
✓	Vicinity map, showing the location of the subject property (8 1/2" x 11")	
	Site Plan	
	<b>The following are suggested items that may be shown on the site plan:</b>	
	• Property boundaries of the site	
	• Existing buildings on the site	
	• Parking stalls and drive aisles	
	• Sidewalks or pathways (proposed and existing)	
	• Fencing (proposed and existing)	
	Metes and bounds legal description for the site to be rezoned (must be submitted in electronic format).	
N/A	Landscape Plan (if applicable) N/A	
	Neighborhood Meeting sign-in sheet	
	Fee	

**STAFF USE ONLY:**

Date Application Received: 9-1-2017

Received by: ae/jw

Proposed Hearing Date: oct 12

Hearing Body: P&Z

City of Caldwell Receiving Form

Planning & Zoning, Engineering, and Fire Department

Sales	Planning & Zoning		Engineering		Fire Department		Totals
	Qty		Qty		Qty		
Comprehensive Plan	10360	\$					\$
Ordinances	10360	\$					\$
Master Park Plan/Master Trails & Pathway Plan	10360	\$					\$
Xerox copies	1401	\$					\$
Audio Tape Duplication	10360	\$					\$
Special Use Permit							
Less than 2 acres	10200	\$	12530	\$	22025	\$	\$
2 to 20 acres	10200	\$	12530	\$	22025	\$	\$
More than 20 acres	10200	\$	12530	\$	22025	\$	\$
PUD							
With subdivision	10210	\$	12530	\$	22025	\$	\$
Without subdivision	10210	\$	12540	\$	22025	\$	\$
Zone Change							
Less than 2 acres	10220	1 \$ 168.00			22025	1 \$ 125.00	\$ 293.00
2 to 20 acres	10220	\$			22025	\$	\$
More than 20 acres	10220	\$			22025	\$	\$
Annexation							
Less than 2 acres	10240	\$	12550	\$	22025	\$	\$
2 to 20 acres	10240	\$	12550	\$	22025	\$	\$
More than 20 acres	10240	\$	12550	\$	22025	\$	\$
Comprehensive Plan Map	10300	\$					\$
Less than 2 acres	10260	\$					\$
2 to 20 acres	10260	\$					\$
More than 20 acres	10260	\$					\$
Comprehensive Plan Text Amendment	10270	\$					\$

32098

# CITY OF CALDWELL

Hearing Date - Oct 10th  
P# 2

Cash  Check # 1392  
 Amount Tendered \_\_\_\_\_  
 Change \_\_\_\_\_  
 Payment 652.94

Date 9-1-2017

RECEIVED FROM Brett Bauscher R 3575601100

For Rezone 4-235 10th OS 10th ave

Account No. \_\_\_\_\_ By April

Regular Mapping	10340	42	\$ 1.57				\$ 65.94
Subdivision Time Extension	10180		\$				\$
Variance	10250		\$				\$
TOTAL:			\$ 411.57			\$ 125.00	\$ 652.94
						Tax 998	
						<b>GRAND TOTAL</b>	<b>\$ 652.94</b>
BRETT BAUSCHER							
0 S. 10th Ave							
R3575601100							
						UPDATED: 10/3/2016	

AL



*Small Animal Hospital*

Brett W. Bauscher, D.V.M.  
ID Lic. # 2059

3923 S. 10th Ave.  
Caldwell, ID 83605

Phone: 208-455-7757  
Fax: 208-455-7780  
[www.canyonanimal.com](http://www.canyonanimal.com)

Dear Caldwell City Planning and Zoning,

I am writing to request that the zoning designation of the parcel #35756011 be changed from R-1 to C-2. It is our intention to sell this property along with the adjoining property to the south which is already zoned C-2. The property in question was originally vacated by the City of Caldwell in June of 2006. The property is located between neighboring properties to the north and a drainage ditch to the south.

Sincerely,

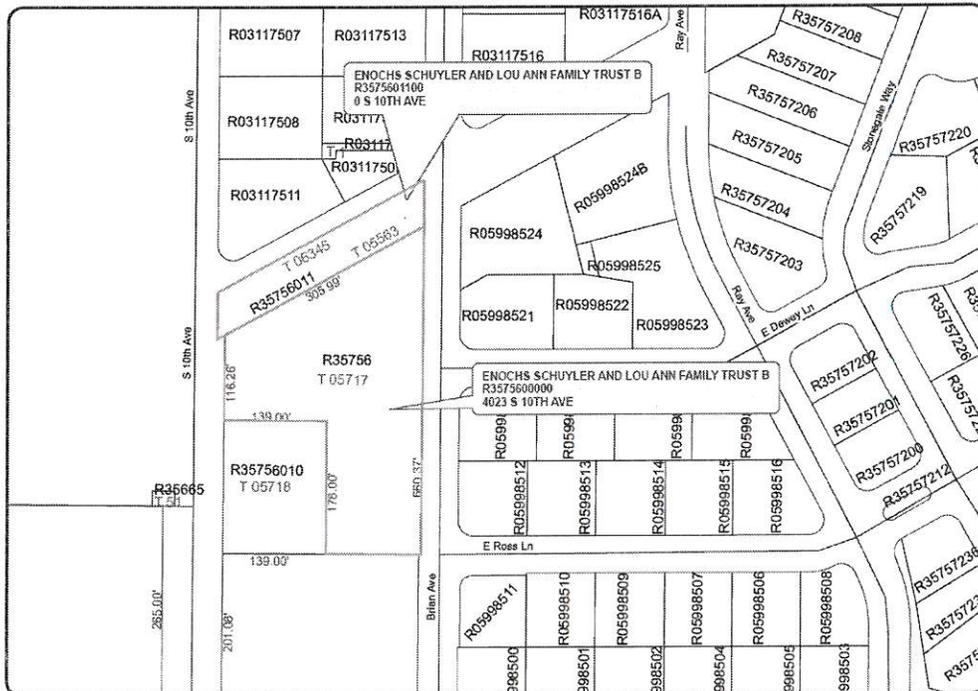
Brett W. Bauscher, DVM

A-2

## AERIAL & PLAT MAPS 10th Ave. Properties



\*Approximation Only  
**BLUE** – Subject Parcel



\*Approximation Only

A3



CANYON COUNTY LISTING - R35756011 3000 ft.  
August 22, 2017



AB

ACCOUNT	Address	City	State	ZipCode	Owner One	Owner Two	In Care Of
R35756010	18785 WEITZ RD	CALDWELL	ID	83607	BAUSCHER BRETT		
R35756011	18785 WEITZ RD	CALDWELL	ID	83607	BAUSCHER BRETT WILLIAM	ENOCHS KENNETH RYAN	
R35756	18785 WEITZ RD	CALDWELL	ID	83607	BAUSCHER BRETT WILLIAM	ENOCHS KENNETH RYAN	
R03117513	3806 BRIAN AVE	CALDWELL	ID	83605	BECK ARWIN L	BECK ELEANOR H/W	
R03117516	820 CR 850 N	SULLIVAN	IL	61951	BISH ALTHA M		BISH JERRY= BISH JERRY=
R03117510	820 CR 850 N	SULLIVAN	IL	61951	BISH ALTHA M		
R05998523	617 E DEWEY LN	CALDWELL	ID	83605	BOW BRIAN D	BOW EMILY A H/W	
R35666	4012 S 10TH AVE	CALDWELL	ID	83605	CHURCH OF CHRIST CALD INC		CHURCH SECRETARY =
R05998524	3821 BRIAN AVE	CALDWELL	ID	83605	DEFEHR TRUST		
R03117506	504 E EASY ST	CALDWELL	ID	83605	ERTL JANICE LOUISE		
R05998520	3915 BRIAN AVE	CALDWELL	ID	83605	FAVILLO BERNARDINE C	FAVILLO JOHN	
R05998522	611 E DEWEY LN	CALDWELL	ID	83605	HALVERSON RONALD M	HALVERSON MARTHA J H/W	
R05998524B	3818 RAY AVE	CALDWELL	ID	83605	HENSEN JIM AND BONNIE TRUST	HENSEN JAMES LEROY TRUSTEE	
R03117516A	3806 RAY AVE	CALDWELL	ID	83605	HOADLEY TRACY A		
R35665	PO BOX 7608	BOISE	ID	83707	INTERMOUNTAIN GAS CO		NICOLE GYLLENSKOG
R03117511	3821 S 10TH AVE	CALDWELL	ID	83605	JAKUBOWSKI LAURIE A		
R03117515	3809 BRIAN AVE	CALDWELL	ID	83605	JENSEN EVERETT F		
R03117512	3810 BRIAN AVE	CALDWELL	ID	83605	LAVILLA DEAN	LAVILLA SHANNON H/W	
R03117509	3810 BRIAN AVE	CALDWELL	ID	83605	LAVILLA DEAN	LAVILLA SHANNON H/W	
R35756012	316 ROTHBURY DR	CALDWELL	ID	83605	LLOYD FAMILY LLC		
R05998525	605 E DEWEY LN	CALDWELL	ID	83605	ROSEWOOD WELL CO INC		
R05998521	605 E DEWEY LN	CALDWELL	ID	83605	SAVELL ARDEN L	SAVELL SHANA M H/W	
R35663	3816 S 10TH AVE	CALDWELL	ID	83605	SLANE GEORGE		
R03117514	3805 S 10TH AVE	CALDWELL	ID	83605	SMITH TERESA ANN	SMITH TERRANCE V	
R03117508	508 EASY ST	CALDWELL	ID	83605	THOMAS-MARKEL TAMARA A	MARKEL MICHAEL D	
R05998519	8200 HWY 44	MIDDLETON	ID	83644	TULLOCK VINCE R	TULLOCK DARCI J K H/W	
	5503 COMPASS WAY	CALDWELL	ID	83607	WALTMAN CONNIE		

PROPERTY LISTING DISCLAIMER

This information should be used for informational use only and does not constitute a legal document for the description of these properties. Every effort has been made to insure the accuracy of these data & is subject to change without notice; however, the Assessor's Office assumes no liability nor do we imply any particular level of accuracy. The Canyon County Assessor's Office disclaims any responsibility or liability for any direct or indirect damages resulting from the use of these property listings.

**NEIGHBORHOOD MEETING FORM**  
 City of Caldwell Planning and Zoning Department  
 621 E. Cleveland Blvd., Caldwell, ID 83605  
 Phone: (208) 455-3021

Start Time of Neighborhood Meeting: 9-5-2017 7:00 PM  
 End Time of Neighborhood Meeting: 8:00 PM

Those in attendance please print your name and address. If no one attended, Applicant please write across this form "No one attended."

<u>PRINTED NAME</u>	<u>ADDRESS, CITY, STATE, ZIP</u>
1. Shannon Lavill	3810 Brian Cald, ID 83605
2. Randall Jensen	3809 Brian Cald Id 83605
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	

A-8

- 20. \_\_\_\_\_
- 21. \_\_\_\_\_
- 22. \_\_\_\_\_
- 23. \_\_\_\_\_
- 24. \_\_\_\_\_
- 25. \_\_\_\_\_

**Neighborhood Meeting Certification:**

Applicants shall conduct a neighborhood meeting for the following: special use permit applications; variance applications; annexation applications; planned unit development applications; preliminary plat applications that will be submitted in conjunction with an annexation, rezone or planned unit development application; and, rezone applications as per City of Caldwell Zoning Ordinance Section 10-03-12.

Description of the proposed project: Rezoning of Parcel # 35756011 from R-1 to C-2

Date of Round Table meeting: ~~9-5-2017~~ 9-1-2017

Notice sent to neighbors on: 8-22-2017

Date & time of the neighborhood meeting: 9-5-2017 7:00 PM

Location of the neighborhood meeting: Canyon Small Animal Hospital

**Developer/Applicant:**

Name: Brett Bauscher

Address, City, State, Zip: 18785 Weitz Rd, Caldwell, ID 83607

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accord with City of Caldwell Zoning Ordinance Section 10-03-12.

DEVELOPER/APPLICANT SIGNATURE Brett Bauscher DATE 9-6-2017

A-8



# Canyon Small Animal Hospital

3923 S. 10th Ave.  
Caldwell, ID 83606

Phone: 208-455-7757  
Fax: 208-455-7780  
w

## Fax Transmittal Form

**To**

Name: *April Cabello*  
Organization Name/Dept:  
CC:  
Phone number:  
Fax number: *208-455-3050*

**From**

Brett Bauscher  
Phone: 208-455-7757  
Fax: 208-455-7780  
w

Urgent  
For Review  
Please Comment  
Please Reply

Date sent:  
Time sent:  
Number of pages including cover page:

**Message:**

*Attached: ① Description of zoning request  
② Neighborhood meeting sign up sheet*

---

# Canyon Small Animal Hospital

---

08/21/2017

Dear Neighbor:

This is to invite you to attend an informal meeting on Tuesday, September 5, 2017, at 7:00 p.m. at Canyon Small Animal Hospital, 3923 S. 10<sup>th</sup> Ave., Caldwell. The purpose of this meeting is to address any questions or concerns you may have regarding my intent to request a change of zoning for property no. R35756011, shown below. It is currently zoned Residential, and I am requesting that it be changed to C-2, Light Commercial, in order to match the zoning of the adjacent property (empty lot surrounding my veterinary hospital).



Sincerely,

Brett W. Bauscher, DVM

128

2016-030678

RECORDED

08/01/2016 04:38 PM



00246209201600306780040048

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=4 SDUPUIS

\$19.00

DEED

DAVID KERRICK

**DEED OF DISTRIBUTION**

**THIS INDENTURE**, made on this 29<sup>th</sup> day of July, 2016, by and between BRETT WILLIAM BAUSCHER and KENNETH RYAN ENOCHS as Co-Trustees of **THE SCHUYLER & LOU ANN ENOCHS FAMILY TRUST, u/t/a September 18, 1986** and **TRUST B OF THE SCHUYLER & LOU ANN ENOCHS FAMILY TRUST, u/t/a September 18, 1986**, the parties of the first part, and **BRETT WILLIAM BAUSCHER**, a married man as his sole and separate property, and **KENNETH RYAN ENOCHS**, a married man as his sole and separate property, referred to as the parties of the second part, of 18785 Weitz Road, Caldwell, Idaho 83607;

**WITNESSETH:**

**WHEREAS**, pursuant to **THE SCHUYLER & LOU ANN ENOCHS FAMILY TRUST, u/t/a September 18, 1986**, the parties of the second part are entitled to distribution of the Trust's interest in the hereinafter described real property:

SEE EXHIBIT "A" ATTACHED HERETO

Together with all water, water rights, ditches and rights of way for ditches thereunto belonging or in anywise appertaining.

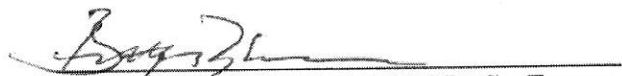
**NOW, THEREFORE**, the said BRETT WILLIAM BAUSCHER and KENNETH RYAN ENOCHS, Co-Trustees aforesaid, the parties of the first part, for valuable consideration received, have bargained and conveyed, and by these presents do bargain, and convey unto the said parties of the second part, their heirs and assigns forever, all of the right, title and interest, and estate of **THE SCHUYLER & LOU ANN ENOCHS FAMILY TRUST, u/t/a September 18, 1986** and **TRUST**

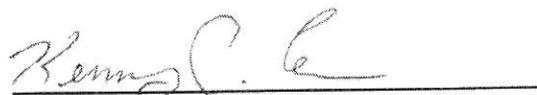
**B OF THE SCHUYLER & LOU ANN ENOCHS FAMILY TRUST, u/t/a September 18, 1986,**  
and also all the right, title, and interest that the said Trusts, by operation of law or otherwise, may  
have acquired other than or in addition to that of said Trusts in or to all of that certain lot, piece, or  
parcel of land situated, lying, and being in the County of Canyon, State of Idaho, described above.

**TO HAVE AND TO HOLD,** all and singular the above mentioned and described premises,  
together with the appurtenances, unto the said parties of the second part, their heirs and assigns  
forever.

**IN WITNESS WHEREOF,** the said parties of the first part have, as Trustee as aforesaid,  
hereunto have set their hands and seals the day and year first above written.

THE SCHUYLER & LOU ANN ENOCHS  
FAMILY TRUST, u/t/a September 19, 1986  
and TRUST B OF THE SCHUYLER &  
LOU ANN ENOCHS FAMILY TRUST,  
u/t/a September 18, 1986

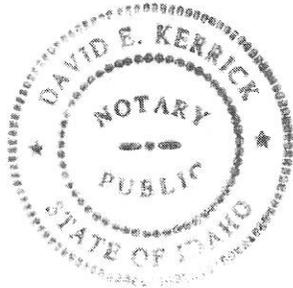
  
BRET WILLIAM BAUSCHER, Co-Trustee

  
KENNETH RYAN ENOCHS, Co-Trustee

STATE OF IDAHO )  
 : ss.  
County of Canyon )

On this 29<sup>th</sup> day of July, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared BRETT WILLIAM BAUSCHER and KENNETH RYAN ENOCHS, known to me to be the Co-Trustees of THE SCHUYLER & LOU ANN ENOCHS FAMILY TRUST, u/t/a September 18, 1986 and TRUST B OF THE SCHUYLER & LOU ANN ENOCHS FAMILY TRUST, u/t/a September 18, 1986 signed the foregoing document as Co-Trustees, and that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



A handwritten signature in cursive script, appearing to read "D. Kerrick", written over a horizontal line.

Notary Public for Idaho  
Residing at: Caldwell, Idaho  
My Commission Expires: 4/1/18

Clinic North

R35756-011:

A parcel of land being a portion of the McCARTHY SUBDIVISION as on file in Book 6 of Plats at Page 30 in the Office of the Recorder of Canyon County, Idaho, lying West of Brian Avenue, Southeastarly of Lucky Way and East of South 10th Avenue located in the Southwest Quarter of Section 34, Township 4 North, Range 3 West, Boise Meridian, Caldwell, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Southwest corner of said Southwest Quarter (corner common to sections 33, 34, 3, and 4) said corner monumented with a 3-inch diameter brass disk; thence

North 00° 12' 30" West, a distance of 538.72 feet along the Westerly boundary of said Southwest Quarter to the Southwest corner of said McCARTHY SUBDIVISION, said corner monumented with a MAG nail; thence leaving said Westerly boundary North 61° 03' 02" East, a distance of 34.22 feet along the Southerly boundary of said McCARTHY SUBDIVISION to the POINT OF BEGINNING, said point monumented with a 1/2-inch diameter iron pin; thence leaving the Southerly boundary of said McCARTHY SUBDIVISION and along the Easterly, Southeastarly and Westerly rights of way of said S. 10th Avenue, Lucky Way and Brian Avenue the following courses and distances; thence

North 00° 12' 30" West, a distance of 22.40 feet to the beginning of a tangent curve right and having a radius of 20.00 feet; thence

Northeastarly a distance of 21.38 feet along the arc of said curve, through a central angle of 61° 15' 28", the long chord of which bears North 30° 25' 16" East, a distance of 20.38 feet; thence tangent to said curve,

North 61° 03' 02" East, a distance of 271.77 feet to the beginning of a tangent curve right and having a radius of 20.00 feet; thence

Southeastarly a distance of 41.45 feet along the arc of said curve, through a central angle of 118° 44' 28", the long chord of which bears South 59° 34' 14" East, a distance of 34.42 feet to a point; thence non-tangent to said curve,

South 00° 12' 30" East, a distance of 0.46 feet to a point on the Southerly boundary of said McCARTHY SUBDIVISION; thence

South 61° 03' 02" West, a distance of 317.39 feet along the Southerly boundary of said McCARTHY SUBDIVISION to the POINT OF BEGINNING.

Together with:

The vacated Southerly half of the right-of-way of Lucky Way between South 10<sup>th</sup> Avenue and Brian Avenue, as shown on the plat of McCarthy Subdivision, recorded in Canyon County as Instrument No. 528790 in Book 6 of Plats at Page 30. (City of Caldwell Ordinance No. 2607 Instrument No. 200646023).

AMU

4

INSTRUMENT NO. 200646023

BILL NO. 32

ORDINANCE NO. 2607

AN ORDINANCE RECITING PETITION FOR VACATION AND RECITING APPROPRIATE NOTICE WAS GIVEN OF PUBLIC HEARING; DETERMINING THAT VACATION OF SAID PUBLIC RIGHT-OF-WAY IN THE CITY OF CALDWELL, CANYON COUNTY, IDAHO, DESCRIBED BELOW, SHALL BE MADE; AND DETERMINING THAT VACATION OF SAID FOLLOWING RIGHT-OF-WAY IS IN THE BEST PUBLIC INTEREST FOR THE CITY OF CALDWELL, CANYON COUNTY, IDAHO.

This request by Schuyler Enochs to vacate the Southerly half of the right-of-way of Lucky Way between South 10<sup>th</sup> Avenue and Brian Avenue, as shown on the plat of McCarthy Subdivision, recorded in Canyon County as Instrument No. 528790 in Book 6 of Plats at Page 30, located in the SW ¼ SW ¼ of Section 34, Township 4 North, Range 3 West of the Boise Meridian, City of Caldwell, Canyon County, Idaho;

The request is made to facilitate the construction of a new Veterinarian Clinic.

Section 1. That by a motion passed by the Council and approved by the Mayor of the City of Caldwell, Idaho, and statutory notice having been given to all property owners within three hundred (300) feet and published in the official newspaper of the City, in accordance with Section 50-1306A, Idaho Code, that an application has been presented to the Mayor and Council of the City of Caldwell, Idaho, requesting passage and approval of an ordinance vacating the above described right-of-way located in Caldwell, Canyon County, Idaho, and a public hearing held by the Council.

Section 2. That said right-of-ways do not contain public or private utility lines that cannot feasibly be relocated or retained through the establishment of appropriate easements, which are to be created and recorded by separate instruments.

This vacation is subject to the following precedent condition:

1. That all existing utility lines and utility services shall be relocated subject to the review and approval of the City Engineer and all affected utility companies or appropriate easements granted for any such utility lines or utility services subject to the same.
2. Appropriate easements are granted for Pioneer Irrigation District's "B" Drain to assure their easement is preserved and that no obstructions are in the drain right-of-way. Design of the drain is subject to review and approval of City Engineer.

A10

3. PETITIONER provides 40 foot half Right-of-Way on 10<sup>th</sup> Street and 45 foot half Right-of-Way on Ustick for the portion of petitioner's property fronting on said streets.
4. Sufficient Right-of-Way must remain to route sewer and other utility lines in remaining Right-of-Way
5. PETITIONER shall incur all costs related to said vacation.

Section 3. That it is hereby determined it is in the best interest of the public that the above-described right-of-ways in the City of Caldwell, Canyon County, Idaho be vacated.

Section 4. This resolution shall be in full force and effect from and after its passage and publication according to law.

Section 5. Be it ordained and established that the above-described premises in the City of Caldwell, Canyon County, Idaho, shall pass and revert to the adjacent private property owner southerly of the right-of-way to be vacated.

PASSED BY THE COUNCIL of the City of Caldwell, Idaho, this 5<sup>th</sup> day of June, 2006.

APPROVED BY THE MAYOR of the City of Caldwell, Idaho, this 5<sup>th</sup> day of June, 2006.

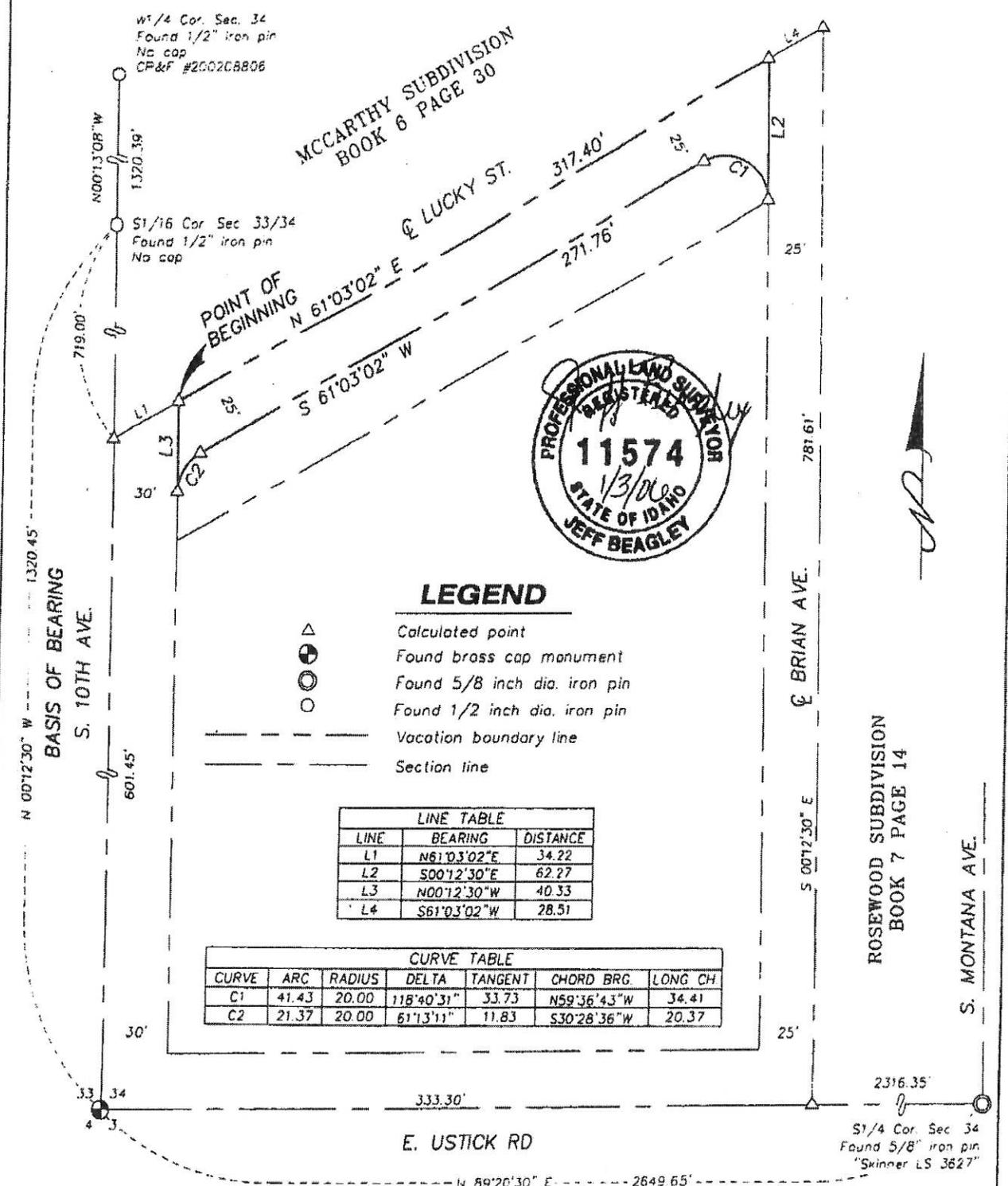
David L. Daniels  
Mayor

ATTEST:  
Monica Jones City Clerk



110

# RIGHT OF WAY VACATION EXHIBIT "B"

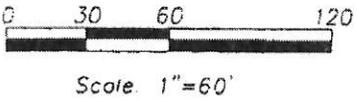


### LEGEND

- $\triangle$  Calculated point
- $\oplus$  Found brass cap monument
- $\odot$  Found 5/8 inch dia. iron pin
- $\circ$  Found 1/2 inch dia. iron pin
- Vacation boundary line
- Section line

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N61°03'02"E	34.22
L2	S00°12'30"E	62.27
L3	N00°12'30"W	40.33
L4	S61°03'02"W	28.51

CURVE TABLE						
CURVE	ARC	RADIUS	DELTA	TANGENT	CHORD BRG	LONG CH
C1	41.43	20.00	118°40'31"	33.73	N59°36'43"W	34.41
C2	21.37	20.00	61°13'11"	11.83	S30°28'36"W	20.37



**Earl, Mason, & Stanfield, Inc.**  
Professional Engineers, Land Surveyors & Planners

314 Badoja St. • Caldwell, ID 83605  
(208) 454-0256  
(208) 454-0979 Fax

P/10

200646023

REORDER

2008 JUN 13 AM 8 42

3 MOBILE

CANYON CITY REORDER

BY *and george*

REQUEST CALDWELL CITY OF

TYPE *and* FEE

# Canyon County, Idaho

generated on 8/22/2017 3:56:54 PM EST

## Parcel

Parcel Number	Site Address	Current Total Assessed Value
35756011 0	0 S 10TH AVE CA ID, CA	\$4,200

### Owner Information

<b>Owner Name</b>	BAUSCHER BRETT WILLIAM ENOCHS KENNETH RYAN
<b>Mailing Address</b>	18785 WEITZ RD CALDWELL ID 83607
<b>Transfer Date</b>	08/01/2016
<b>Document #</b>	2016030678
<b>Deed Book/Page</b>	

### Location / Description

Tax District	001-00	Section & Plat
<b>Canyon County</b>	001,	<b>Routing #</b>
<b>Parcel Address</b>	0 S 10TH AVE CA ID, CA	<b>Legal Desc.</b> 34-4N-3W SW TX 05563 & TX 06345 IN SWSW
<b>Deeded Acreage</b>	.4000	

### Parcel Type

### Topography

### Services

<b>Property Class Code</b>	421 Comm lot/acg in city	<b>Level Ground</b>	Y	<b>Water</b>	
<b>Neighborhood Code</b>	510005	<b>High</b>	N	<b>Sewer</b>	
<b>Neighborhood Factor</b>	.00	<b>Low</b>	N	<b>Natural Gas</b>	
<b>Street / Road Code</b>	A	<b>Rolling</b>	N	<b>Electricity</b>	Y
		<b>Swampy</b>	N	<b>Sidewalk</b>	
				<b>Alley</b>	N

### Assessment Information

<b>Current Land Value</b>	\$4,200	<b>Residential Land</b>	\$0	<b>Adjustment Factor</b>	0.00
<b>Current Imp. Value</b>	\$0	<b>Residential Imp.</b>	\$0	<b>Average Value / Acre</b>	\$0
<b>Current Total Assessed Value</b>	\$4,200	<b>Residential Total</b>	\$0	<b>Appraisal Date</b>	10/14/2014
<b>Commercial Land</b>	\$4,200	<b>Non-Res Land</b>	\$0	<b>Reason For Change</b>	02
<b>Commercial Imp.</b>	\$0	<b>Non-Res Imp.</b>	\$0	<b>Prior Land Value</b>	\$4,200
<b>Commercial Total</b>	\$4,200	<b>Non-Res Total</b>	\$0	<b>Prior Imp. Value</b>	\$0
<b>Dwelling Value</b>	\$0	<b>Classified Land Value</b>	\$0		
<b>Farmland Value</b>	\$0	<b>Homesite Value</b>	\$0		

AW

LEGAL DESCRIPTION:

A portion of the SW ¼ of Section 34, T4N, R3W, BM, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the SW corner of Section 34; thence N 00°12'30" W, 538.72 feet along the West boundary of said SW ¼ to the southwesterly corner of McCarthy Subdivision, as on file in Book 6 of Plats at Page 30 in the Office of the Recorder of Canyon County, Idaho, the **POINT OF BEGINNING**; thence continuing N 00°12'30" W, 62.73 feet to a point of intersection with the centerline of vacated Lucky Street; thence N 61°03'02" E, 351.61 feet along said centerline of vacated Lucky Street to a point on the west right-of-way boundary of Brian Avenue; S 00°12'30" E, 62.73 feet along said west right-of-way boundary to a point on the southeasterly boundary of said McCarthy Subdivision; thence S 61°03'02" W, 351.61 feet along said southeasterly boundary to the **POINT OF BEGINNING**. Containing 0.44 acres, more or less.

RLW

**RECOMMENDATION BY  
THE CALDWELL PLANNING & ZONING COMMISSION  
CITY OF CALDWELL, IDAHO  
PUBLIC HEARING HELD OCTOBER 10, 2017**

**Subject:** Case No. ZON-17-07 (Bauscher Rezone)

---

The following Land Use Action is the primary feature of this application:

- Rezone 0.4 acres, more or less, from R-1 (Low Density Residential) to C-2 (Community Commercial)

**TABLE OF CONTENTS:**

I	COURSE OF PROCEEDINGS
II	GENERAL FACTS
III	TESTIMONY
IV	APPLICABLE LEGAL STANDARDS
V	COMPREHENSIVE PLAN ANALYSIS
VI	FINDINGS OF FACT
VII	CONCLUSIONS OF LAW
VIII	RECOMMENDATION

**I COURSE OF PROCEEDINGS**

1.1 The Caldwell Planning and Zoning Department issued a notice of Public Hearing on application ZON-17-07 to be held on October 10, 2017. Public notice requirements set forth in Idaho Code, Chapter 65, Local Planning Act, were met. On, or before, September 24, 2017, notice was published in the Idaho Press Tribune, and on, or before, September 22, 2017 notice was mailed to all political subdivisions providing services to the site and to all property owners within 300 feet of the project site; and on, or before, September 28, 2017 notice was posted on the site.

1.3 Files and exhibits relative to this application are available for review in the Planning and Zoning Department, 621 Cleveland Boulevard, Caldwell and at applicable public hearings.

**II GENERAL FACTS**

2.1 APPLICANT: Brett Bauscher, 18785 Weitz Road, Caldwell, Idaho, 83607.

2.2 REQUEST: The applicant is requesting to rezone approximately 0.4 acres from R-1 (Low Density Residential) to C-2 (Community Commercial).

2.3 COMPREHENSIVE PLAN DESIGNATION: The Caldwell Comprehensive Plan Map designation for the site is Commercial.

**Community Commercial** – Suitable for a broad range of retail, service and professional businesses clustered in areas such as a shopping center which may be anchored by one or more large retail establishments.

2.4 COMPREHENSIVE PLAN COMPONENTS APPLICABLE TO THE REQUEST:

Land Use: The subject property is zoned R-1 (Low Density Residential) and is surrounded by:

<u>Direction</u>	<u>Zone</u>	<u>Comprehensive Map</u>	<u>Use</u>
Site	R-1	Commercial	Vacant Land/A-Drain
North	R-1	Commercial/Low Density Residential	Residential
South	C-2	Commercial	Vet Clinic/Dentist Office
East	R-1	Low Density Residential	Residential
West	County	High Density Residential	Vacant Land

2.6 Transportation/Connectivity: The subject property has frontage onto 10<sup>th</sup> Avenue, a minor arterial roadway and Brian Avenue, a local street.

2.7 Public Services, Utilities and Facilities: The engineering department, fire marshal, building department, police department, Pioneer Irrigation District, Canyon Highway District No. 4 were all sent a request for comment.

2.8 Landscaping: As per Section 10-07-02(2) of City Code, landscaping should be required for this project. City Code requires a 20-foot wide vegetative (grassed) landscape buffer along Ustick Road and a 10-foot wide landscape buffer along Brian Avenue.

### III PUBLIC TESTIMONY

#### 3.1 BEFORE THE PLANNING & ZONING COMMISSION, October 10, 2017

Jarom Wagoner, 621 Cleveland Blvd., Caldwell, ID 83605, Senior Planner, presented the staff report. Mr. Wagoner stated the laptop is not working and he referred the Commissioners to the map in the Staff Reported as Exhibit PZ-1000. He stated the applicant is requesting to rezone approximately 0.4 acres from R-1 (Low Density Residential) to C-2 (Community Commercial). The Comprehensive Plan map does show the area as Commercial. Mr. Bauscher owns the property to the South that is currently zoned Commercial. There is additional right-of way that needs to be dedicated on 10<sup>th</sup> Avenue. In addition, once construction does occur on the site, we would want to have 10<sup>th</sup> Avenue and Brian Avenue improved.

Commissioner Vance pointed out that Recommendation 8.1 lists 1.45 acres.

Mr. Wagoner indicated that was a typo and he would correct it. It should read a request by Mr. Bauscher to rezone .4 acres.

Ms. Valene Ingle, 1319 Arlington Ave., Caldwell, Idaho testified she is here on behalf of Mr. Bauscher. He is requesting a zoning designation of Parcel 35756011 be changed from R-1 to C-2. It is his intent to potentially sell this property or use it as parking expansion.

Commissioner Doty asked if Mr. Bauscher was aware of and in agreement with all of the recommendations.

Ms. Ingle indicated yes, he is aware of the recommendations and in agreement with them. Ms. Ingle confirmed that improvements would have to be made on 10<sup>th</sup> Avenue and Brian Avenue once construction occurs.

**IV APPLICABLE LEGAL STANDARDS**

- 4.1 City of Caldwell Zoning Ordinance No. 1451, as amended
- 4.2 City of Caldwell Comprehensive Plan, as amended
- 4.3 Idaho Code, Title 67, Chapter 65, Local Planning Act

**V COMPREHENSIVE PLAN ANALYSIS**

The Caldwell Planning & Zoning Commission accepts the Comprehensive Plan Components as listed below.

- 5.1 The proposed project is consistent with the following Comprehensive Plan Components:

**GOALS AND POLICIES – Property Rights**

**Goal 1:** *Ensure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of the property.*

Policy 1-1: Establish a sound basis for land use and environmental regulations through comprehensive planning and adopted policies and ordinances.

Policy 1-2: Identify potential takings of private property prior to a regulatory or administrative action on specific property.

**GOALS AND POLICIES – Economic Development**

**GOAL 1:** *Promote economic development initiatives relating to housing, business, jobs, schools, recreational opportunities, infrastructure systems, public utilities and facilities, and public services.*

Policy 1-3: Encourage development that generates new job opportunity.

**GOAL 3:** *Create neighborhoods where citizens can live, work and play.*

Policy 3-2: Generate employment opportunities that support local economies and reduce vehicle miles traveled between home and work.

**GOALS AND POLICIES – Land Use**

**GOAL 1:** *Establish land-use management policies that protect property rights and the environment, maintain a high quality of life, provide adequate land for all types of development, and adequately buffer non-compatible uses.*

Policy 1-2: Encourage commercial and industrial uses in areas that are readily accessible to regional and principal arterials and/or public transit.

- 5.2 The request was not found to be inconsistent with any of the Comprehensive Plan Components.

All adopted city ordinances, standards and codes were used in evaluating the application.

## **VI FINDINGS OF FACT**

- 6.1 The Caldwell Planning & Zoning Commission accepts the facts outlined in the staff report, public testimony and the evidence list. All adopted city ordinances, standards and codes were used in evaluating the application.

## **VII CONCLUSIONS OF LAW**

- 7.1 The Caldwell Planning & Zoning Commission has the authority to hear this case and recommend to the Caldwell City Council that it be approved or denied. The public notice requirements were met and the hearing was conducted within the guidelines of applicable Idaho Code and City ordinances.

## **VIII RECOMMENDATION**

- 8.1 Based on the Findings of Fact and Conclusions of Law, the Caldwell Planning & Zoning Commission hereby recommends to the Caldwell City Council that Case Number ZON-17-07 a request by Brett Bauscher to rezone 0.4 acres, more or less, from R-1 (Low Density Residential) to C-2 (Community Commercial) for the property located approximately 550 feet north of Ustick Road on the east side of 10<sup>th</sup> Avenue (Parcel # R3575601100) in Caldwell, Idaho, is **approved** with the following conditions of approval:
- 8.2 Comply with the all applicable city codes, ordinances, policies, and standards.
- 8.3 Dedicate as public right-of-way a minimum forty (40) foot half width right-of-way (from centerline) along the entire 10<sup>th</sup> Avenue alignment (per City Standard R-810 B).
- 8.4 Construct 10<sup>th</sup> Avenue abutting the site as a 24.5 foot one-half width minor arterial street section from centerline to back of curb with a 5-foot wide bike lane and shall feature standard vertical curb, 5-foot wide detached sidewalk, sub-base and asphalt paving, required storm water drainage facilities and street lights (see Caldwell Std. Dwg. 810-B). The developer may choose to construct a 7-foot wide attached sidewalk, in lieu of the 5-foot wide detached sidewalk. The roadway improvements shall be constructed either at time of future development or in conjunction with a future road project for this section of 10<sup>th</sup> Avenue, whichever occurs earlier.
- 8.5 Install a 20-foot wide landscape buffer along 10<sup>th</sup> Avenue, abutting the site. The landscape buffer shall contain a minimum of 1 Class II trees and 10 shrubs and shall contain grass and other vegetative ground cover so that the entire buffer area is covered.
- 8.6 Dedicate as public right-of-way a minimum 26.5 foot half width right-of-way (from centerline) along the entire Brian Avenue alignment (per City Standard R-810 E).
- 8.7 Construct Brian Avenue abutting the site as a 18.5 foot one-half width local street section from centerline to back of curb with a 5-foot wide attached sidewalk and standard vertical curb (per City Standard R-810 E).
- 8.8 Install a 10-foot wide street landscape buffer along Brian Avenue, abutting the site. The landscape buffer shall contain a minimum of 1 Class II trees and 10 shrubs and shall contain grass and other vegetative ground cover so that the entire buffer area is covered.

Case # ZON-17-06 was heard by the Planning & Zoning Commission at a public hearing held October 10, 2017.

The Findings of Fact, Conclusions of Law, and Recommendation were administratively approved and signed by the Planning & Zoning Chairman on the date noted below.

  
Ed Doty-Pomoransky, Chairman

30 October 2017  
Date

ATTEST:

  
Jarom Wagoner, AICP Senior Planner