

**City of Greenleaf**  
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**BEFORE THE PLANNING AND ZONING COMMISSION (P&Z)**

IN RE: FINDINGS OF FACT & CONCLUSIONS  
OF LAW AND RECOMMENDATIONS TO  
21705 Main - Re-zone CITY COUNCIL

**FINDINGS OF FACT**

**Applicant:**

Ismael & Emmet Pedraza

**Requested Actions:**

- Zoning Map Amendment
- Rezone from Neighborhood Commercial (NC) to Community Commercial (CC)
- Rezone from Residential R-5 to Community Commercial (CC)

**Location:**

21705 Main Street

**Development Data:**

**Zoning:** The subject parcels r36292 and r36286 have two zones assigned to the parcels – Portions within 300 feet of Main Street (State Highway 19) are zoned Neighborhood Commercial, with the remaining portions zoned R-5 Residential

**Lot Size:** 3.55 acre (r36292, 21705 Main)  
3.62 acre (r36286)

## **Application Submittal:**

The application was deemed substantially complete by city staff on 06 June 2023.

## **Public Notice Information:**

Publication: 30 July 2023, Idaho Press-Tribune  
Mailing for Agency Review: 03 August 2023  
Mailing to 300 ft Properties: 03 August 2023  
Posted at Agenda posting sites: 04 August 2023  
On-site sign: 11 August 2023

## **Code Review:**

Please see the staff report dated 16 August 2023 for code analysis. Applicable City Code reviewed included:

GC §9-4-1	Commercial and Overlay Zones: Purpose and Intent
GC §9-4-2	Commercial and Overlay Zones: Commercial Use Regulations
GC §9-4-3	Commercial and Overlay Zones: Commercial Zone General Development Standards
GC §9-4-4	Commercial and Overlay Zones: Commercial Zone Special Development Standards
GC §9-13-5:	Zoning Map Amendments
GC §9-13-5-1:	Procedure for Amendments to the Land Use Development Ordinance or Zoning Map
GC §9-13-5-3:	Application for Zoning Map Amendments
GC §9-13-7:	Development Agreements; Zoning Actions
GC §9-15-1:	Application; General Procedures
GC §9-15-2:	Preliminary Development Plan Review
GC §9-15-3:	Date and Notice of Public Hearing
GC §9-15-4:	Conduct of Hearings
GC §9-15-5:	Action by the Commission
GC §9-15-6:	Notification to Applicant
GC §9-15-7:	Action by the City Council
GC §9-15-8:	Appeal or Request for Hearing by Aggrieved Persons

## **Public Hearing before the Planning and Zoning Commission:**

As reflected in meeting minutes, a public hearing for the application was opened on 16 August 2023 before the P&Z and continued to 20 September 2023 without presentation or testimony to cure inconsistencies in public notice.

As reflected in meeting minutes, on 20 September 2023 the public hearing was resumed. Staff provided a staff report including review of public hearing notice, applicable city code, written testimony received, and staff recommendations. The applicant presented the project, clarification with the applicant took place, oral testimony was received, and the public hearing was closed.

**Written Correspondence received, Copy available upon request:**

Written correspondence was received from the following agencies in response to request for agency review. No general written comments were received from the community.

- Boise Project Board of Control
- Idaho Department of Environmental Quality
- Canyon County Weed & Pest
- The Community Planning Association of Southwest Idaho (COMPASS)

**List of Testimony received at Public Hearing before the P&Z. Please see meeting minutes for summary of testimony. Recording available upon request:**

- David Lincoln – Western Alliance for Economic Development - Neutral

**Commission Code-directed Actions and Conditions:**

Per GC §9-15-5, the Commission must recommend approval, conditional approval, or disapproval to the City Council within 45 working days from public hearing through a Findings of Fact and Conclusions of Law (FF&CL).

**P&Z Deliberation:**

The P&Z deliberated the application on 20 September 2023 under agenda item # 6.3. Excerpt from the meeting minutes follows:

**6.3 Deliberation regarding the 21705 Main Street rezone request and recommendation to the City Council. [ACTION ITEM]**

Consensus of the Commission was in favor of the requested re-zone, including a development agreement with conditions.

Discussion of development agreements and conditions followed. ITD access was discussed. Requirement of sidewalk was discussed, as was agency response from DEQ.

Conditions discussed included:

- Solid privacy perimeter fencing or storage units along the perimeter, to mitigate light and sound impact on neighboring property.
- Hours of operation between 8:00a and 10:00p, seven days a week, to mitigate light and sound impact on neighboring property.
- No commercial usage or RV occupation allowed in storage areas.
- RV washing in designated wash-pad area, RV dump station, and RV potable water station allowed constructed to applicable Federal, State, and City standards, as administered through the building permit process.
- Dark sky lighting only.
- Paved entrance / exit from SH-19 to the entrance gate to storage, gravel or chips over pit-run throughout in non-paved areas.
- Only the following uses allowed from table 9-4-2 (permitted and conditionally permitted uses within commercial zones):
  - barber, beauty shop
  - storage facility, self serve, including RV storage
  - food stand, including food truck / trailer with outdoor seating
  - library
  - office building
  - drive-up window service for coffee and related items
  - retail sales, excluding vehicle rental or sales

During discussion, it was noted that the property owner can apply to the city for amendment of the development agreement in the future.

Jim Haley moved to recommend to Council for the requested rezone to community commercial. Dave Cardenuto seconded. The motion received unanimous approval.

Steve Pemberton moved to recommend to Council an accompanying development agreement including the conditions and uses as discussed above. The motion was approved with Jim Haley opposed.

### **CONCLUSIONS OF LAW**

1. The City of Greenleaf is a duly constituted political subdivision of the State of Idaho
2. The City of Greenleaf has a Comprehensive Plan, as required by Idaho Code.
3. The City of Greenleaf has adopted a land use and zoning code, in accordance with Idaho Code.

4. The City of Greenleaf has authority to hear, review, and process the applicant's application, in accordance with the Idaho Local Land Use Planning Act (LLUPA) and applicable City Ordinances.
5. The Public Hearing continuance held before the Planning and Zoning Commission on 20 September 2023 cured notice irregularities for subsequent consideration of the application per applicable Idaho Code and City Ordinances.
6. Following the Public Hearing continuation on 20 September 2023, the Planning and Zoning Commission did deliberate and develop a reasoned recommendation to the City Council in conformance with GC §9-15-5.

### **PLANNING AND ZONING COMMISSION DECISION**

THEREFORE, the Planning and Zoning Commission for the City of Greenleaf hereby recommends approval of the requested re-zone of the property to Community Commercial, with an accompanying development agreement with provisions including the following as conditions:

1. Solid privacy perimeter fencing or storage units along the perimeter, to mitigate light and sound impact on neighboring property.
2. Hours of operation between 8:00a and 10:00p, seven days a week, to mitigate light and sound impact on neighboring property.
3. No commercial usage or RV occupation allowed in storage areas.
4. RV washing in designated wash-pad area, RV dump station, and RV potable water station allowed constructed to applicable Federal, State, and City standards, as administered through the building permit process.
5. Dark sky lighting only.
6. Paved entrance / exit from SH-19 to the entrance gate to storage, gravel or chips over pit-run throughout in non-paved areas.
7. Only the following uses allowed from table 9-4-2 (permitted and conditionally permitted uses within commercial zones):
  - barber, beauty shop
  - storage facility, self serve, including RV storage
  - food stand, including food truck / trailer with outdoor seating
  - library
  - office building
  - drive-up window service for coffee and related items
  - retail sales, excluding vehicle rental or sales (not including seizure sales of property by the storage unit owner)