



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

In the matter of the application of:

Treasure Valley Transit – CU2022-0045

The Canyon County Planning and Zoning Commission considers the following:

- The applicant, Treasure Valley Transit, is requesting a conditional use permit to allow a quasi-public use within an “R-R” (Rural Residential) Zoning District. The use includes office buildings, outbuildings, and employee and commercial vehicle parking for a private nonprofit public transportation company that operates in an on-demand capacity. The 3.22-acre property is located at 3101 S Powerline Rd, Nampa on parcel R29190; also referenced as a portion of the SE ¼ of Section 03, Township 2N, 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 CU2022-0045.

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 §07-07 (Conditional Use Permits), Canyon County Code §07-02-03 (Definitions), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures), and Canyon County Code §09-11-25 (Area of City Impact Agreement).
 - a. Notice of the public hearing was provided in accordance with CCZO §07-05-01, Idaho Code §67-6509 and §67-6512.
 - b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.
 - c. Every use which requires the granting of a conditional use permit is declared to possess characteristics that require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance, or other detriment to persons or property in the vicinity. *See* CCZO §07-07-01.
 - d. Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development;(6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. *See* Idaho Code §67-6512, CCZO §07-07-17, and 07-07-19.

2. The commission shall have those powers and perform those duties assigned by the board that is provided for in the Local Land Use Planning Act, Idaho Code, title 67, chapter 65, and in county ordinances. CCZO §07-03-01, §07-07-01.
3. There are no mandates in the Local Land Use Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. Chambers v. Kootenai Cnty. Bd. of Comm'rs, 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).
4. 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.
5. 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.
6. 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, CU2022-0045, was presented at a public hearing before the Canyon County Planning and Zoning Commission on April 6, 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 Canyon County Planning and Zoning Commission decide as follows:

CONDITIONAL USE PERMIT HEARING CRITERIA – CCZO §07-07-05

1. Is the proposed use permitted in the zone by conditional use permit?

Conclusion: The subject property, 3.22 acres, is zoned “R-R” (Rural Residential) and the proposed use, quasi-public use (permanent) is permitted in the “R-R” zone by conditional use permit.

Findings: (1) According to CCZO §07-10-27, the Canyon County land use matrix, a quasi-public (permanent) use is permitted in the “R-R” zone by conditional use permit.

(2) Treasure Valley Transit is a private, nonprofit public transportation operation, making it a quasi-public use.

(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0045.

2. What is the nature of the request?

Conclusion: According to the applicant's letter of intent (Exhibit 2 of the staff report), the proposed use includes office buildings, outbuildings, and employee and commercial vehicle parking for a private, nonprofit public transportation company that operates in an on-demand capacity. According to the applicant, there will be very few customer visits to the subject property. They are proposing to have seventeen (17) full-time employees, nineteen (19) parking spaces for employee parking, and twenty-five (25) parking spaces for commercial vehicles. They are currently utilizing five (5) buses and five (5) vans for daily use with seven (7) additional vehicles parked on-site for backup. They are proposing to operate the business Monday – Friday from 6 AM to 6 PM. (Conditions 10, 11, 12, 13)

Findings: (1) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0045.

(2) Evidence includes associated findings and evidence supported within this document.

3. Is the proposed use consistent with the comprehensive plan?

Conclusion: The proposed use is consistent with the Goals and Policies of the 2030 Canyon County Comprehensive Plan as follows:

Chapter 2: Population	
G2.01.00	Incorporate population growth trends & projections when making land-use decisions.
P2.01.01	Plan for anticipated population and households that the community can support with adequate services and amenities.
G2.02.00	Promote housing, business, and service types needed to meet the demand of the future and existing population.
Chapter 3: Economic Development	
G3.01.00	Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.
P3.01.01	Direct business development to locations that can provide necessary services and infrastructure.
P3.01.02	Support suitable sites for economic growth and expansion compatible with the surrounding area. <i>Staff Analysis: The proposed use already operates in the area, but they are proposing to move to the subject property to expand their operations. The proposed use provides employment opportunities for the area.</i>
Chapter 4: Land Use and Community Design	
G4.01.00	Support livability and high quality of life as the community changes over time.
P4.02.01	Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.
P4.04.01	Support development in locations where services, utilities, and amenities are or can be provided.
P4.04.02	Align planning efforts in areas of city impact.
Chapter 7: Public Services, Facilities, and Utilities	
G7.01.00	Endeavor to continue providing reliable public services, public safety facilities, & public utilities that support existing developed areas and future growth.
Chapter 8: Transportation	
G8.03.00	Enhance transportation opportunities for local and regional travel.
P8.03.02	Support alternative modes of travel.

Findings: (1) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0045.

(2) Evidence includes associated findings and evidence supported within this document.

4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?

Conclusion: The facility formerly housed the Idaho Department of Fish and Game administration offices and vehicle maintenance. The quasi-public use, as proposed, is not anticipated to create a negative impact on the surrounding area.

- Findings:**
- (1) The surrounding area is residential and public use with Wilson Ponds and the Fish Hatchery owned by the Idaho Department of Fish and Game.
 - (2) Nampa city limits are less than 650 feet north and west of the subject property.
 - (3) Potential impacts from the proposed uses shall be mitigated through appropriate conditions of approval. (Conditions 1, 4, 5, 8)
 - (4) The commercial vehicles will be taken off-site for any vehicle maintenance. This information was obtained through public testimony during the public hearing.
 - (5) Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on February 14, 2023. Newspaper notice was published on February 24, 2023. Property owners within 600' were notified by mail on February 24, 2023. The City of Nampa was noticed on February 14, 2023. The property was posted on March 3, 2023.
 - (6) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0045.
 - (7) Evidence includes associated findings and evidence supported within this document.

5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?

Conclusion: Facilities and systems for the proposed use already exist and are adequate to accommodate the use. (Conditions 1, 3, 7, 9)

- Findings:**
- (1) According to the applicant's land use worksheet (Exhibit 5), well and septic systems exist for the proposed use.
 - (2) According to the applicant's letter of intent (Exhibit 2), the Bray and Partridge Laterals as well as the pump house are located within the subject property. There is a 60' easement (30' from the centerline on both sides) associated with both laterals.
 - (3) According to the applicant's land use worksheet (Exhibit 5), stormwater will be retained on-site.
 - (4) The commercial vehicles will be taken off-site for any vehicle maintenance. This information was obtained through public testimony during the public hearing.
 - (5) Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on February 14, 2023.
 - (6) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0045.
 - (7) Evidence includes associated findings and evidence supported within this document.

6. Does legal access to the subject property for the development exist or will it exist at the time of development?

Conclusion: Legal access exists to the subject property and is served by York Ave. (Conditions 1, 2)

- Findings:**
- (1) According to Nampa Highway District, the two (2) approaches from York Ave currently serving the property are paved and satisfy the Highway District's requirements.
 - (2) Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on February 14, 2023.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0045.

(4) Evidence includes associated findings and evidence supported within this document.

7. Will there be undue interference with existing or future traffic patterns?

Conclusion: There will not be undue interference with existing or future traffic patterns. (Conditions 13, 14)

- Findings:**
- (1) Evidence has not been provided that indicates that there would be interference with existing or future traffic patterns.
 - (2) Nampa Highway District did not raise any concerns regarding traffic for the proposed use at this location.
 - (3) Vehicles will leave at staggered departure times. This information was obtained through public testimony during the public hearing.
 - (4) Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on February 14, 2023. Newspaper notice was published on February 24, 2023. Property owners within 600' were notified by mail on February 24, 2023. The City of Nampa was noticed on February 14, 2023. The property was posted on March 3, 2023.
 - (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0045.
 - (6) Evidence includes associated findings and evidence supported within this document.

8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?

Conclusion: Essential services will be provided to accommodate the use and will not be negatively impacted by the proposed use. (Condition 1)

- Findings:**
- (1) According to Nampa Fire District, Nampa Fire District Station 2 is the closest fire station and has a response time of approximately 4 minutes; the proposed use does not negatively impact their response time. They further state they do not oppose the application.
 - (2) Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on February 14, 2023. The City of Nampa was noticed on February 14, 2023.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0045.
 - (4) Evidence includes associated findings and evidence supported within this document.

9. Canyon County Code §09-11-25 (Area of City Impact Agreement) - AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The property is located within Nampa's Area of City Impact. A notice was sent to the City of Nampa per Canyon County Code Section 09-11-25(1). The conditions applied require future development to work with the City of Nampa. (Condition 6)

- Findings:**
- (1) According to the City of Nampa, they designate the property as "Education, Public Administration, Healthcare, or Other." The proposed use is an approved land use in that designation.

- (2) The City of Nampa has requested a condition be placed on the conditional use permit that a 10' wide paved pedestrian path be located along the south side of York Ave which has added as a condition. (Condition 6)
- (3) Notice of the public hearing was provided in accordance with CCZO §09-11-27(1). The City of Nampa was noticed on February 14, 2023.
- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0045.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case # CU2022-0045, a conditional use permit of a quasi-public use on parcel R29190, a 3.22-acre portion, for Treasure Valley Transit subject to the following conditions as enumerated:

Conditions of Approval

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. The applicant shall comply with applicable Nampa Highway District access requirements.
3. The applicant must meet with Southwest District Health and the Idaho Department of Environmental Quality to obtain all appropriate permits prior to commencement of use.
4. All exterior lighting shall be downward facing and directed away from surrounding properties.
5. The subject property shall be maintained and kept in good repair. The subject property and surrounding fence line shall be kept weed free and/or maintained with weeds being 6" in height or less.
6. A 10' wide paved pedestrian path shall be located along the south side of York Ave from S Powerline Rd to the Bray Lateral Bridge. An easement should be created to encompass the pathway. Alternatively, the applicant could deed right-of-way that would encompass the road and pathway. The applicant shall work with the City of Nampa to develop the pathway.
7. The use, including fencing and landscaping, shall not encroach into irrigation or utility easements including related maintenance roads unless approved by all responsible agencies.
8. The applicant shall obtain an approved administrative decision sign permit and building permit for the installation of the proposed sign. Signage shall comply with §07-10-13 of the Canyon County Zoning Ordinance.
9. The use shall comply with the applicable regulations of the Idaho Rules and Standards for Stormwater Drainage (IDAPA 58.01.05), and groundwater contamination standards (IDAPA 58.01.11).
10. The hours of operation shall be 6 a.m. to 6 p.m. Monday through Friday.
11. The proposed development shall be in general conformance with the applicant's letter of intent and site plan (Exhibits 2 and 3 of the staff report).
12. All parking spaces shall be paved and meet all applicable off-street parking requirements (CCZO §07-13-01 and §07-13-03).
13. The quasi-public use, a private, nonprofit public transportation company, shall not exceed twenty-five (25) commercial vehicles on-site.
14. Any expansion or modification of the approved use shall require approval through a conditional use permit modification.
15. This conditional use permit must follow land use time limitation as stated in CCZO 07-07-23: "When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date.

16. This permit is not transferrable to subsequent owners nor is the property approved for commercial use other than as stated herein for Treasure Valley Transit.

DATED this 6 day of April, 2023.



PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

[Signature]
Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 6th day of April, in the year 2023, before me Bonnie Puleo, 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.

Notary: Bonnie C. Puleo

My Commission Expires: 12/10/2027