



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

In the matter of the application of:

Person – OR2022-0005

The Canyon County Board of County Commissioners considers the following:

- 1) Comprehensive Plan Map Amendment to amend the 2020 Canyon County Comprehensive Plan future land use map for a 10.66-acre parcel from “agriculture” to “residential”.

Case #OR2022-0005, 28753 Peckham Road, Wilder (Parcel Number: R36963020), a portion of the NW¼ of Section 20, T4N, R5W, 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 OR2022-0005.
 - a. The request is being considered concurrent with a conditional rezone application (CR2022-0011).
 - b. The hearing on September 7, 2023, was tabled to October 19, 2023, by the Planning and Zoning Commission.
 - c. On October 19, 2023, the Planning and Zoning Commission forwarded the case to the Board of County Commissioners with a recommendation of denial.
 - d. The public hearing that was scheduled to go before the Board of County Commissioners on April 30, 2024. The Board tabled the hearing to May 14, 2024.

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 §07-06-03 (Comprehensive Plan Amendment Criteria), and Idaho Code §67-6509 (Recommendation and Adoption, Amendment and Repeal of the Plan).
 - a. Notice of the public hearing was provided in accordance with CCZO §07-05-01 and Idaho Code §67-6509.
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, including subdivision permits. *See* I.C. §67-6504, §67-6509.
3. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCZO §07-05-03.
4. No plan shall be effective unless adopted by resolution by the governing board. A resolution enacting or amending a plan or part of a plan may be adopted, amended, or repealed by definitive reference to the specific plan document. A copy of the adopted or amended plan shall accompany each adopting resolution and shall be kept on file with the city clerk or county clerk. *See* I.C. §67-6509(c).

The application, OR2022-0005, was presented at a public hearing before the Canyon County Board of County Commissioners on May 14, 2024. 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 of County Commissioners decides as follows:

COMPREHENSIVE PLAN AMENDMENT CRITERIA – CCZO §07-06-03

A. Is the requested type of growth generally in conformance with the comprehensive plan?

Conclusion: The request is not in conformance with the type of growth anticipated in the area as depicted in the 2020 Canyon County Comprehensive Plan.

Findings: (1) The future land use map within the 2020 Comprehensive Plan designates the area as “agriculture” (Attachment B6c of the staff report). The nearest residential designation is over 2 miles east of the subject property where the City of Wilder’s area of city impact is located (Attachment B6b of the staff report). The definition of the residential designation in the Comprehensive Plan states: “*Residential must be compatible with the existing agricultural activity. Residential development should be encouraged in or near areas of city impact or which areas that demonstrate a development pattern of residential land uses.*” The property is not located in an area of city impact. Residential uses in the area were either created via the County’s land division process or through a conditional use permit between 2004-2009. The majority of the parcels with residential dwellings in the vicinity range between 3 to 6-acre lot sizes. Therefore, there is no residential growth in the area, nor does the Comprehensive Plan provide guidance that promotes residential growth in the area.

(2) The requested residential designation would promote residential growth within an agricultural area that would impact existing agricultural activity and the character of the area. The agricultural designation is defined as the base zone throughout the County. “*It contains areas of production irrigated croplands, grazing lands, feedlots, dairies, seed production, as well as rangeland and ground of lesser agricultural value.*” The definition of the residential designation in the Comprehensive Plan states: “*Residential must be compatible with the existing agricultural activity.*” Although the property is 50% class 4 soils with slopes that range between 12-25%, the 10.66-acre property is commensurate with other parcel sizes created by land division in the area. Properties to the north of the property contain many 40 to 80-acre parcels in productive agricultural uses (Attachment B6b of the staff report). The Comprehensive Plan provides guidance to protect agricultural lands and the economic benefits they bring to the County (Chapters 4, 5, and 13 of the 2020 Comprehensive Plan).

(3) The request does *not align* with the following goals and policies of the Canyon County Comprehensive Plan:

Chapter 2: Population	
Policy 3.	Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.
Chapter 4: Economic Development	
Policy 1.	Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community.
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 1.	To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services.
Goal 2.	To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.

Goal 4.	To encourage development in those areas of the county which provide the most favorable conditions for future community services.
Policy 2.	Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.
Policy 9.	Encourage and support land use proposals that are consistent with the community design goals and policies within the county.
Residential Policy 1.	Encourage high density development in areas of city impact.
Residential Policy 3.	Encourage compatible residential areas or zones within the county so that public services and facilities may be extended and provided in the most economical and efficient manner.

Chapter 6: Natural Resources/Agricultural Land & Water

Ag Land Goal 1.	To support the agricultural industry and preservation of agricultural land.
Ag Land Policy 1.	Protect agricultural activities from land use conflicts or undue interference created by nonagricultural development
Ag Land Policy 3.	Protect agricultural activities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development.

Chapter 13: Agriculture

Goal 1.	Acknowledge, support and preserve the essential role of agriculture in Canyon County.
Goal 2.	Support and encourage the agriculture use of agriculture lands.
Goal 3.	Protect agricultural lands and land uses from incompatible development.
Policy 1.	Preserve agricultural lands and zoning classifications.

- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0005.
- (5) Evidence includes associated findings and evidence supported within this document.

B. When considering the surrounding land uses, is the proposed land use more appropriate than the current comprehensive plan designation?

Conclusion: The request is not more appropriate than the current comprehensive plan designation.

- Findings:** (1) The nearest residential designation is over 2 miles east of the subject property where the City of Wilder's area of city impact is located (Attachment B6b of the staff report). The property is not located in an area of city impact. Residential uses in the area were either created via the County's land division process or through a conditional use permit between 2004-2009 which does not align with the guidance in the 2020 Canyon County Comprehensive Plan. The majority of the parcels with residential dwellings in the vicinity range between 3 to 6-acre lot sizes. The subject parcel was created by conditional use permit in 2004 which found the 10.66-acre parcel in alignment with the character of the area. Residential growth in the area has not changed much since that decision and therefore the parcel is commensurate with rural parcels within the vicinity in its current configuration (Attachment B6b of the staff report).
- (2) The requested residential designation would promote residential growth within an agricultural area that would impact existing agricultural activity and the character of the area. Although the property is 50% class 4 soils with slopes that range between 12-25%, the 10.66-acre property is commensurate with other parcel sizes created by land division in the area (Attachment B6a of

the staff report). Properties to the north of the property contain many 40 to 80-acre parcels in productive agricultural uses (Attachment B6b of the staff report). The Comprehensive Plan provides guidance to protect agricultural lands and the economic benefits they bring to the County (Chapters 4, 5, and 13 of the 2020 Comprehensive Plan).

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0005.

C. Is the proposed comprehensive plan amendment compatible with surrounding land use?

Conclusion: The request will allow development incompatible with surrounding land uses.

- Findings:**
- (1) The residential designation would allow residential zones that (1) have not been historically approved in the area, and (2) parcel lot sizes is inconsistent with the area. The nearest similar residential zone is approximately two miles east within Wilder's area of city impact (Attachment B6b of the staff report). Residential uses in the area were either created via the County's land division process or through a conditional use permit between 2004-2009 which does not align with the guidance in the 2020 Canyon County Comprehensive Plan. The majority of the parcels with residential dwellings in the vicinity range between 3 to 6-acre lot sizes. The subject parcel was created by conditional use permit in 2004 which found the 10.66-acre parcel in alignment of the character of the area. Residential growth in the area has not changed much since that decision and therefore the parcel is commensurate with rural parcels within the vicinity in its current configuration.
 - (2) The requested residential designation would promote residential growth within an agricultural area that would impact existing agricultural activity and the character of the area. Although the property is 50% class 4 soils with slopes that range between 12-25%, the 10.66-acre property is commensurate with other parcel sizes created by land division in the area (Attachment B6f of the staff report). Properties to the north of the property contain many 40 to 80-acre parcels in productive agricultural uses (Attachment B6b of the staff report). The Comprehensive Plan provides guidance to protect agricultural lands and the economic benefits they bring to the County (Chapters 4, 5, and 13 of the 2020 Comprehensive Plan).
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0005.

D. Do development trends in the general area indicate that the current designation and circumstances have changed since the comprehensive plan was adopted?

Conclusion: Development trends and circumstances in the general area have not changed.

- Findings:**
- (1) The nearest residential designation is over two miles east of the subject property where the City of Wilder's area of city impact is located (Attachment B6b of the staff report). The property is not located in an area of city impact (Attachment B6b of the staff report). Residential uses in the area were either created via the County's land division process or through a conditional use permit between 2004-2009 which no longer aligns with the guidance in the 2020 Canyon County Comprehensive Plan or County Code. The majority of the parcels with residential dwellings in the vicinity range between 3 to 6-acre lot sizes. The subject parcel was created by conditional use permit in 2004 which found the 10.66-acre parcel in alignment with the character of the area. Residential growth in the area has not changed much since that decision and therefore the parcel is commensurate with rural parcels within the vicinity in its current configuration (Attachment B6b of the staff report).
 - (2) The subject parcel is located within a 2,000-acre TAZ (Traffic Analysis Zone; Zone 2776 – Canyon West Demographic). The TAZ is delineated by the state and/or local transportation officials for tabulating traffic-related data (Attachment B6i). COMPASS (Community Planning

Association of Southwest Idaho) also uses the data as part of the Communities in Motion Regional Transportation Plan. As part of each TAZ zone, data is generated forecasting future population, households, and jobs which is used by COMPASS to identify growth areas and the necessary infrastructure and funding. This area is forecasted to have little to no residential growth because the character is rural/agricultural (Attachment B6b of the staff report). Therefore, the property is not in a growth area and does not have future funding for necessary infrastructure.

- (3) Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on March 21, 2024. Newspaper notice was published on March 21, 2024. Property owners within 600' were notified by mail on March 21, 2024. Full political notice was provided on March 21, 2024. The property was posted on March 28, 2024.
- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0005.

E. Will the proposed comprehensive plan amendment impact public services and facilities. What measures will be implemented to mitigate impacts?

Conclusion: No comments were received demonstrating the request would have impacts on public services and facilities.

- Findings:**
- (1) Golden Gate Highway District does not oppose the request subject to conditions of approval regarding the meeting of ACCHD standards and addressing site distance issues (Attachment B7a and B7b of the staff report). Idaho Transportation Department had no comments (Attachment B7g of the staff report). Wilder Fire District requests future access to meet their requirements and highly recommends a secondary emergency exit for emergency vehicles (Attachment B7e of the staff report). None of the comments opposed the request.
 - (2) Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on March 21, 2024. Newspaper notice was published on March 21, 2024. Property owners within 600' were notified by mail on March 21, 2024. Full political notice was provided on March 21, 2024. The property was posted on March 28, 2024.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0005.

Per Idaho Code §67-6537(4): When considering amending, repealing or adopting a comprehensive plan, the local governing board shall consider the effect the proposed amendment, repeal or adoption of the comprehensive plan would have on the source, quantity and quality of ground water in the area.

Conclusion: No water studies were submitted as part of the request. Therefore, impacts on water source, quality and quantity in the area are unknown. Future development will use individual domestic wells and individual septic systems.

- Findings:**
- (1) Due to the City of Wilder being over two miles from the subject property, future development would use individual wells and septic systems (CR2022-0011). The property is located in a Nitrate Priority area (Attachment B6h of the staff report).
 - (2) Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on March 21, 2024. Newspaper notice was published on March 21, 2024. Property owners within 600' were notified by mail on March 21, 2024. Full political notice was provided on March 21, 2024. The property was posted on March 28, 2024.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0005.


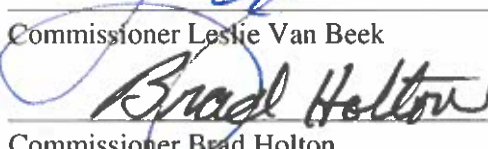
Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners deny Case # OR2022-0005, a comprehensive plan map amendment to amend the 2020 Canyon County Comprehensive Plan future land use map for a 10.66-acre parcel, R36963020, from "agriculture" to "residential".

DATED this 18 day of June, 2024.

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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Commissioner Brad Holton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Commissioner Zach Brooks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: Rick Hogaboam, Clerk

By: 

Deputy

Date: 6-18-24