



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

In the matter of the application of:

**Nampa & Meridian Irrigation District – Case
#CU2024-0012**

The Canyon County Planning and Zoning Commission considers the following:

1) Conditional Use Permit

Nampa & Meridian Irrigation District is requesting a Conditional Use Permit for a Public Use/Quasi-public Use, Contractor Shop and Staging Area on approximately 20.15 acres in an Agricultural (A) Zone for a campus facility to include an administrative building with future expansion areas & parking, an operations & maintenance office/shops, materials storage areas, staff/equipment parking with security fencing. The property is known as parcel R28832 and is addressed as 2619 S McDermott Rd, Nampa, ID in the NE ¼ of Section 05, T2N, R1W, 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 CU2024-0012.

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)), Canyon County Code §07-14 (Use Standards), 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 pursuant to 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 which 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.

- e. Definitions – Public Uses: Public parks, schools, administrative and cultural buildings and structures, but not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities. Also public owned buildings, fire and police stations, libraries, Post Offices, and public utilities administration buildings. *See* CCZO §07-02-03.
 - f. Land Use Regulations - Zoning and Land Use Matrix: Public uses and quasi-public uses are permitted uses through a conditional use permit. *See* CCZO §07-10-27.
 - g. Use Standards – Contractor’s Shop: The use shall be contained within a building or behind a sight obscuring fence. *See* CCZO §07-14-09.
 - h. Use Standards – Staging Area: (1) All work shall be conducted off site. (2) Business vehicles shall be operable and parked on site, not on a public or private road. (3) Persons not employed on the premises may visit the premises for the purpose of picking up equipment and materials to be used elsewhere, including trucks offloading or transferring equipment and/or materials to other vehicles. (4) Employees may meet on the premises to share rides to and from job sites. (5) Employees' vehicles shall be parked on site and not on a public or private road. *See* CCZO §07-14-29.
2. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-07-01.
 3. There are no mandates in the Local 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 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 (CU2024-0012) was presented at a public hearing before the Canyon County Planning and Zoning Commission on September 5, 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 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 proposed uses include an allowed use and two uses permitted in the zone by conditional use permit.

Findings: (1) According to CCZO §07-02-03, a contractor shop “May include, but not be limited to, a building where a contractor conducts his business, including offices and parking of equipment and employee parking.” A staging area is “An area where equipment and/or materials are stored for use conducted entirely off site.”

- (2) According to CCZO §07-10-27, Land Use Regulations - Zoning and Land Use Matrix: Public uses and quasi-public uses, contractor shops and staging areas are permitted uses through a conditional use permit in the “A” (Agricultural) zone.
- (3) The subject parcel, R28832, is zoned “A” (Agricultural) (Exhibit D, Attachment 4).
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0012.
- (5) Evidence includes associated findings and evidence supported within this document.

2. What is the nature of the request?

Conclusion: The applicant is requesting a conditional use permit for a Public Use/Quasi-public Use, Contractor Shop and Staging Area

- Findings:**
- (1) The requested use includes a campus facility to include an administrative building with future expansion areas & parking, an operations & maintenance office/shops, materials storage areas, staff/equipment parking with security fencing. (Exhibit C, Attachment 1)
 - (2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0012.
 - (3) 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 2030 Canyon County Comprehensive Plan.

- Findings:**
- (1) The Future Land Use designation in the 2030 Canyon County Comprehensive Plan is Agricultural (Exhibit D, Attachment 6).
 - (2) The use is consistent with the following goals and policies of the 2030 Canyon County Comprehensive Plan:

Chapter 1: Property Rights	
G1.01.00	Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.
P1.01.01	No person should be deprived of private property without due process of law.
Chapter 2: Population	
G1.02.00	Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition, and preserve it for future generations without becoming a public nuisance.
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.
P4.01.02	
G3.05.00	Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.
Chapter 4: Land Use and Community Design	
P4.01.02	Planning, zoning, and land-use decisions should balance the community’s interests and protect private property rights.

P4.03.01 Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.

P4.03.03 Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and some instances may require conditions of approval to promote compatibility.

(3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0012.

(4) 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: As conditioned, the proposed use will not be injurious to other property in the immediate vicinity or negatively change the essential character of the area.

Findings: (1) The surrounding area includes both active agricultural uses and rural residential uses in Canyon and Ada Counties (Exhibits D, Attachment 2).

(2) The applicant is a public service agency whose soul purpose is to manage, operate and maintain the delivery and drainage of surface irrigation water to agricultural and urban areas across Canyon and Ada County.

(3) The location and configuration of the proposed use is appropriate to the applicant's agricultural mission.

(4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 5, 2024. Newspaper notice was published on August 6, 2024. Property owners within 600' were notified by mail on August 1, 2024. The property was posted on August 6, 2024. No public comments were received.

(5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0012.

(6) 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: Adequate facilities and systems are proposed to address service needs.

Findings: (1) Applicant has provided a site plan illustrating each of the required facilities and utility systems are addressed (Exhibit C, Attachment 2)

(2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 5, 2024. Newspaper notice was published on August 6, 2024. Property owners within 600' were notified by mail on August 1, 2024. The property was posted on August 6, 2024. See agency comments in Exhibit E, Attachments 1- 10.

(3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0012.

(4) 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 to the subject property for the development exists.

- Findings:** (1) The property has access to McDermott Rd. and Lake Hazel Rd.
- (2) Nampa Highway District #1 approved a variance to highway district standards on McDermott Rd., an Expressway, allowing 2 access points (Exhibit E, Attachment 2).
- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0012.
- (4) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The use is not expected to cause undue interference with existing or future traffic patterns.

- Findings:** (1) Nampa Highway District #1 did not state any concerns with traffic (Exhibit E, Attachment 1).
- (2) Nampa Highway District #1 approved a variance to highway district standards on McDermott Rd., an Expressway, allowing 2 access points (Exhibit E, Attachment 2).
- (3) The property has frontage on 2 arterials (Exhibit D, Attachment 2)
- (4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 5, 2024. Newspaper notice was published on August 6, 2024. Property owners within 600' were notified by mail on August 1, 2024. The property was posted on August 6, 2024.
- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0012.
- (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. The use is not anticipated to negatively impact essential services or require public funding.

- Findings:** (1) All essential services which could be impacted were notified of the proposed use. Nampa Fire District provided comments requiring compliance with code requirements and response times. Comments from the irrigation district require protection of existing irrigation and drainage facilities. See agency comments in Exhibit E, Attachments 1- 10
- (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 5, 2024. Newspaper notice was published on August 6, 2024. Property owners within 600' were notified by mail on August 1, 2024. The property was posted on August 6, 2024. See agency comments in Exhibit E, Attachments 1- 10.
- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0012.
- (4) Evidence includes associated findings and evidence supported within this document.

Canyon County Code §09-11-25, - AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The property is located within the City of Nampa Area of City Impact. A notice was sent to the City of Nampa per Canyon County Code Section 09-11-25.

- Findings:** (1) The City of Nampa sent a comment stating that they are not opposed to the application provided that a condition is added requiring that the applicant to provide a landscape buffer treatment as agreed to between the applicant and City (Exhibit E, Attachments 5 & 9). This has been added as Condition 6.
- (2) A notice was sent on June 27, 2024 to the City of Nampa in accordance with the Joint Exercise of Powers Agreement.
- (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 5, 2024. Newspaper notice was published on August 6, 2024. Property owners within 600' were notified by mail on August 1, 2024. The property was posted on August 6, 2024.
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0012

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case No. CU2024-0012, a conditional use permit for a Public Use/Quasi-public Use, Contractor Shop and Staging Area on a portion of parcel R28832 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. A building permit is required for the construction of the facility/proposed structures. The facility shall be constructed in substantial conformance with the site plans (Attachment_).
3. 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."
4. The applicant shall comply with applicable Nampa Fire District requirements. The applicant shall obtain a fire district permit before the construction of the facility. A copy of the permit shall be provided at the time of building permit submittal.
5. The applicant shall comply with applicable Nampa Highway District #1 access requirements. The applicant shall obtain a permit before the construction of the facility. A copy of the permit shall be provided at the time of building permit submittal.
6. The applicant shall provide a landscape plan to the City of Nampa as agreed up by applicant and City.
7. Signage shall meet CCZO §07-10-13 requirements, and shall not exceed 32 sq. feet as proposed by the applicant unless an additional sign permit is applied for and approved by the Director.
8. All exterior lighting shall be directed away from adjacent residential properties.

DATED this 5 day of September, '2024.



**PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO**

Robert Sturgill
Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 5th day of September, in the year 2024, before me Amber Lewter, 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: *Amber Lewter*

My Commission Expires: 10/20/2029