



PLANNING AND ZONING COMMISSION

RECOMMENDED FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

**[Sand Creek Investments/Springbok Development] –
[Case # OR2021-0006]**

The Canyon County Planning and Zoning Commission considers the following:

- 1) Comprehensive Plan Amendment for parcels R28990 and R28988, approximately 41.06 acres at address 9466 S Happy Valley Road, Nampa, ID. Also described as a portion of the SW quarter of Section 18, 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 OR2021-0006/RZ2021-0011.

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), Idaho Code §67-6509 (Recommendation and Adoption, Amendment and Repeal of the Plan), 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 and Idaho Code §67-6509.
2. The commission 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 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 in county ordinances. CCZO §07-03-01, 07-06-05.
4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCZO §07-05-03.
5. 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 A resolution enacting or amending a plan or part of a plan may be adopted, amended, or repealed by definitive reference to the specific plan document.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 OR2021-0006 was presented at a public hearing before the Canyon County Planning and Zoning Commission on September 19, 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 Planning and Zoning Commission 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 requested type of growth is not generally in conformance with the 2020 Comprehensive Plan. This is an area of intensive agricultural uses including many dairies and feedlots. The surrounding properties are primarily in agricultural production inclusive of many of the residential parcels in the vicinity. Although the city limits of Nampa are expanding in the area to the north, the City denied extension of municipal water to this proposed development as the proposed density was not consistent with the Nampa Comprehensive Plan. Commissioner Villafana noted that the proposed development is not consistent with the surrounding area and plan as evidenced by surrounding parcel sizes and the wide variance of parcel sizes in the radius of the property not being consistent with the proposed development. Commissioner Dorsey stated that five acre lots do impact agriculture and that this development proposal is not timely. Services need to be available to enable much greater density.

Findings: The comprehensive plan amendment request is not in general conformance with the following policies and goals contained within the 2020 Canyon County Comprehensive Plan:

- Property Rights Policy No. 8: *“Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.”*
- Population Goal No. 1: *“Consider population growth trends when making land use decisions.”*
- Population Policy No. 3: *“Encourage future population to locate in areas that are conducive for residential living and do not pose an incompatible land use to other land uses.”*
- Economic Goal No. 2: *“To support the agriculture industries by encouraging the maintenance of continued agricultural land uses and related agricultural activities.”*
- Economic Policy No. 1: *“Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community.”*
- Land Use Goal No. 2: *“To provide for the orderly growth and accompanying development of the resources within the County that is compatible with their surrounding area.”*
- Land Use Policy No. 1: *“Review all residential, commercial, and industrial development proposals to determine the land use compatibility and impact to surrounding areas.”*
- Land Use Agricultural Policy No. 1: *“Encourage the protection of agricultural land for the production of food.”*
- Land Use Agricultural Policy No. 2: *“Consider the use of voluntary mechanisms for the protection of agricultural land.”*
- Land Use Residential Policy No. 2: *“Encourage residential development in areas where agricultural uses are not viable.”*
- Natural Resources: Agricultural Land Goal No. 1: *“To support the agricultural industry and preservation of agricultural land.”*
- Natural Resources: Agricultural Land Policy No. 1: *“Protect agricultural activities from land use conflicts or undue interference created by non-agricultural development.”*

- Natural Resources: Agricultural Land Policy No. 3: *“Protect agricultural activities from land use conflicts or undue interference created by existing or proposed residential, commercial, or industrial development.*
- Public Services, Facilities, & Utilities Policy No. 2: *“Encourage the establishment of expanded sewer infrastructure and wastewater treatment in areas of city impact.*
- Agriculture Goal No. 1: *“Acknowledge, support and preserve the essential role of agriculture in Canyon County.”*
- Agriculture Goal No. 2: *“Support and encourage the agricultural use of agricultural lands.”*
- Agriculture Goal No. 3: *“Protect agricultural lands and land uses from incompatible development.”*
- Agriculture Policy No. 1: *“Preserve agricultural lands and zoning classifications.”*
- Agriculture Policy No. 3: *“Protect agricultural operations and facilities from land use conflicts or undue interference created by existing or proposed residential, commercial, or industrial development.”*

Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2021-0006 and RZ2021-0011.

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: In consideration of the surrounding land uses, the proposed comprehensive plan amendment to “Residential” is not more appropriate than the current comprehensive plan designation of “Agriculture”. When considering the surrounding land uses, the proposed land use is not more appropriate than the current comprehensive plan designation of “Agriculture.” The primary use and zoning designations within the vicinity of the property is agriculture. Parcel no. R28988 & R28990 are not located within an area of city impact. Commissioner Villafana noted that the proposed development is not consistent with the surrounding area and Plan as evidenced by surrounding parcel sizes and the wide variance of parcel sizes in the radius of the property not being consistent with the proposed potential density of the development. Commissioner Dorsey stated that the discussed alternative five acre lots do impact agriculture and that this development proposal is not timely. Services need to be available to enable much greater density at the time of development.

Findings: Within one mile of the site, there are two (2) large dairies (Exhibit B.2.4.). Within the two mile radius there are five dairies in this area of the county to the south of the subject properties. There are also feedlots within the one-mile radius inclusive of a small feedlot on the immediately adjacent property (R28988010). The proposed development property is also located adjacent to a seed research company, Vision Bioenergy (Parcels R28992 and R28992010, approx. 80 acres).

Canyon Soil Conservation District provided information regarding the soils & farmland on the site and indicated the property contains the following for parcel R28990. *“The property is comprised of 9% Irrigation Class II, 65% Irrigation Class III and 26% Irrigation Class IV. Class II is the best suited productive soils in Canyon County with few limitations. Class III has moderate limitations and appropriate management practices can make any irrigated soil productive. We do not recommend a land use change.”* (Exhibit D.9.)

The addition of a residential designation outside of an area of city impact adjacent to active agriculture has the potential to create land use conflicts. The 2020 Canyon County Comprehensive Plan encourages the preservation of agricultural designations and zoning.

Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in OR2021-0006 and RZ2021-0011.

Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The proposed comprehensive plan amendment to “Residential” is not compatible with surrounding land uses. The primary use and zoning designations within the vicinity of the property is agriculture.

Findings: There are two (2) dairies within one mile of R28988 and R28990. Stewart Dairy is closest to the subject property, and is located approximately 2700 ft. south of the property. The property is also located adjacent to a seed research company, (Parcels R28992 and R28992010, approx. 80 acres). Within the notification radius of 600 ft. The median parcel size is 6.14 acres and the average is 22.43 acres. The addition of a residential designation outside of an area of city impact adjacent to active agriculture has the potential to create land use conflicts. The 2020 Canyon County Comprehensive Plan encourages the preservation of agricultural designations and zoning.

Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2021-0006 and RZ2021-0011.

Evidence includes associated findings and evidence supported within this document.

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 in the general area do not indicate that the current designation and circumstances have changed since the comprehensive plan was adopted.

Findings: Development trends or circumstances in the general area have not changed since the comprehensive plan was adopted. Within one (1) mile of the site, the most recent county subdivision plat recordation was in 2008 (Hard Rock Ridge 2). There have been three subdivisions platted within the City of Nampa between 2021 and 2024 nearly a mile from the subject property. The area remains primarily agricultural in nature with both agricultural zoning and uses adjacent to the site.

The subject property is contained within Traffic Analysis Zone (TAZ) “2856 and 2857.” As shown in Exhibit B.2.10 of the staff report, the data for the TAZ zone that contains the subject property does not forecast a significant increase in households in these zones. Household forecasts project an increase of one (1) household by the year 2040. This is an area that is not currently forecasted to receive residential growth.

Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on 9/23/21, 4/6/2022 and 8/20/24. City of Nampa was notified on 9/23/21, 2/13/24. Newspaper notice was published on 8/26/24, Property owners within 600’ were notified by mail on 10/8/21 & 12/17/21, 8/20/24, and the property was posted on or before 9/12/24.

Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2021-0006 and RZ2021-0011.

Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The proposed comprehensive plan amendment is not anticipated to impact public services and facilities. Any necessary measures to mitigate impacts are detailed below.

Findings: A comprehensive plan amendment does not directly impact public services and facilities however, it provides a path to obtaining entitlements for development that may impact services. This 41.06 acres is located within the Kuna Rural Fire District and the Kuna School District. The Commission finds that the plan amendment would impact public school facilities based upon Kuna School District representative, Tim Jensen, testimony that the school district would be negatively impacted by additional residential development as the district is at or above capacity in the area schools in Kuna's district. No mitigation measures were proposed by the developer at the time of application or in the public testimony.

Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on 9/23/21, 4/6/2022 and 8/20/24. City of Nampa was notified on 9/23/21, 2/13/24. Newspaper notice was published on 8/26/24, Property owners within 600' were notified by mail on 10/8/21 & 12/17/21, 8/20/24, and the property was posted on or before 9/12/24.

Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2021-0006 and RZ2021-0011.

Evidence includes associated findings and evidence supported within this document.

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: The proposed amendment would allow for residential uses. Any uses allowed or conditionally permitted in accordance with CCZO, must comply with all applicable federal, state, and local laws with regard to water quantity and quality.

Findings: This area of the county is located within the Ada Canyon high nitrate priority area. The addition of residential waste treatment facilities and potentially individual wells could have a negative impact on the quality of groundwater in the area. Concerns should be addressed with regards to high bedrock and impermeable surfaces. The county recommends that development be connected to municipal services or provide community water and wastewater systems.

Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on 9/23/21, 4/6/2022 and 8/20/24. City of Nampa was notified on 9/23/21, 2/13/24. Newspaper notice was published on 8/26/24, Property owners within 600' were notified by mail on 10/8/21 & 12/17/21, 8/20/24, and the property was posted on or before 9/12/24.

Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2021-0006 and RZ2021-0011.

Evidence includes associated findings and evidence supported within this document.

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

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

Findings: The City of Nampa was notified on 9/23/21 and 2/13/24 (see Exhibits D.6. and D.7.).

The City of Nampa Planning and Zoning Division and Engineering Division have provided comments on the proposed applications. The proposed applications do not comply with the future land use plans and expected density requirements of the city.

Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2021-0006 and RZ2021-0011.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends **denial** of Case # OR2021-0006, a comprehensive plan amendment from Agriculture to Residential for approximately 41.06 acres.

Pursuant to Idaho Code Section 67-6519, the following actions may be taken to potentially obtain approval:

1. Propose development of lot sizes consistent with existing development in the area. The current median lot size is 6.18 acres in the vicinity of the property.
2. The applicant may also consider waiting until the area development trends support the residential development of the properties and/or annexation to the City of Nampa becomes available.

Pursuant to Section 67-6535 of the Idaho Code, the applicant has 14 days from the date of final decision to seek reconsideration prior to seeking judicial review.

DATED this 3rd day of October, 2024.

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



Brian Sheets, Acting Chairman

State of Idaho)

SS

County of Canyon County)

On this 3rd day of October, in the year of 2024, before me Amber Lewter, a notary public, personally appeared Brian Sheets, 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