



Planning and Zoning Commission
Hearing Date: November 21, 2024
Canyon County Development Services Department

PLANNING DIVISION STAFF REPORT

CASE: Agricultural Preservation Act (APA) Ordinance
APPLICANT/REPRESENTATIVE: Canyon County DSD
PROPERTY OWNER: N/A

APPLICATION:

The purpose of this ordinance is to comply with an Idaho state law passed during the 2024 legislative session- Title 67- Chapter 97, Agricultural Protection Act. The County Code of Canyon County Idaho is proposed to be amended to add the following new Article to Chapter 7 and shall be further known as the Chapter 7 Article 9 Agricultural Protection Act.

ANALYST: Jay A Gibbons, DSD Director

REQUEST:

Canyon County Development Services Department (DSD) has proposed an amendment to the Canyon County Code to add a new Article 9 to Chapter 7 in order to comply with the new 2024 Idaho State law known as the "Agricultural Protection Act" (**Exhibit 1.**) As a proposed amendment to the zoning code, the Planning and Zoning Commission is being requested to provide a recommendation to the Canyon County Board of County Commissioners, for their consideration and ultimate action. Compliance with the state law is required by January 1, 2025; compliance is indicated by the adoption of an agricultural protection act ordinance consistent with state law and the establishment of an Agricultural Protection Act Commission.

PUBLIC NOTIFICATION:

Hearing notice and draft ordinance published on website:	October 21, 2024
Newspaper notice published on:	October 22, 2024

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1. BACKGROUND:

Idaho State Code, Chapter 67, Chapter 97 "Agricultural Protection Act" was effective July 1, 2024. Compliance by all counties in Idaho is required by January 1, 2025. The majority of the state law is prescriptive towards the language and content of what is required to be in the County's ordinances. Portions of the law related to implementation are at the discretion of the counties, for example,

establishment of the process for application and placement of lands in an APA, standards for evaluation, some timelines and establishment of fees.

Proposed Canyon County Agricultural Protection Act Ordinance can be found in **Exhibit 2**. For ease in discernment as to which portions of the proposed ordinance are available for Planning and Zoning Commission input, a color-coded version can be found in **Exhibit 3**.

2. HEARING BODY ACTION:

Pursuant to Idaho Code 67-65, and the duties conferred by the Canyon County Board of Commissioners, the Planning and Zoning Commission shall review and provide recommendation on amendments to the Canyon County Zoning Code.

To ensure compliance with the state law by January 1, 2025, the Board of County Commissioner's public hearing and action on this ordinance is scheduled for December 18, 2024. Prior to the Board of County Commissioner's public hearing and action, there will be an additional public comment period, materials deadline and official transmittal of the ordinance to partner agencies for any relevant comment.

OPTIONAL MOTIONS:

Recommendation of the Ordinance as Presented: "I move to recommend the Agricultural Protection Act Ordinance as presented.

Recommendation of the Ordinance with proposed amendments: "I move to recommend the Agricultural Protection Act Ordinance with the following amendments...."

4. AGENCY COMMENTS:

Agency comments have been solicited with required legal notice and those received prior to the materials deadline for the November 21 hearing date have been added to the staff report for review by the Commission prior to the Planning and Zoning Commission's recommendation.

5. PUBLIC COMMENTS:

Due to time constraints required by the state law for compliance by January 1, 2025, there was a reduced written materials period prior to the November 7th Planning and Zoning Commission public hearing. Notice of the item on the Planning and Zoning Commission agenda, publication of the summary ordinance in the Idaho Press Tribune, and publication of the complete proposed ordinance on the Canyon County website met all state and county requirements. An additional public comment period and materials deadline will occur prior to the Board of County Commissioners public hearing and action on the ordinance.

Staff received three written public comments by the materials deadline of November 11, 2024. Those comments can be found in **Exhibit 4**. Five additional agency comments have been received after the materials deadline and they will be read into the record by staff at the public hearing.

Pursuant to Canyon County Ordinance 01-17-07B Materials deadline, the submission of late documents or other materials does not allow all parties time to address the materials or allow sufficient time for public review. After the materials deadline, any input may be verbally provided at the public hearing to become part of the record.

A general description issues raised from the public testimony received at the November 7, 2024 Planning and Zoning Commission hearing is as follows:

1. Properties within areas of city impact should be eligible, not just those outside
2. Application fees for Comprehensive Plan map amendments should not apply
3. Showing approved APA properties should be shown on an overlay map in the comprehensive plan, not necessarily as a map amendment
4. Should there be compatibility or consistency issues with development patterns versus potential APA eligible properties
5. Soils classification should not be included as a criteria for eligible properties
6. No staff notification of pending expiration of approved properties should be provided, auto renew with no reminder.
7. Property rights of farmers should be higher than non ag properties
8. Other types of agriculture should be recognized on smaller properties than required by law

6. SUMMARY:

In consideration of the application and supporting materials, staff concludes that the proposed zoning ordinance amendment meets the requirements of the Idaho state law. Canyon County Ordinances do not have specific criteria for a text amendment to the zoning ordinance.

7. EXHIBITS:

1. Idaho state "Agricultural Protection Act"
2. Proposed Canyon County Agricultural Protection Act Ordinance- clean copy
3. Proposed Canyon County Agricultural Protection Act Ordinance- color coded for state required language. Master Application
4. Public comments received by materials deadline:
 - a. Keri Smith, received October 28, 2024
 - b. Roger Batt, received October 31, 2024
 - c. IDWR, received November 7, 2024
 - d. NMID, received November 12, 2024 (to be read into the record by staff)
 - e. Highway District #4, received November 14, 2024 (to be read into the record by staff)
 - f. Nampa Fire Dept, November 18, 2024 (to be read into the record by staff)
 - g. Snake River Canyon Scenic Byway, November 20, 2024 (to be read into the record by staff)
 - h. City of Nampa, November 20, 2024 (to be read into the record by staff)

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 97
AGRICULTURAL PROTECTION AREA ACT

67-9701. SHORT TITLE. This chapter shall be known and may be cited as the "Agricultural Protection Area Act."

[67-9701, added 2024, ch. 215, sec. 1, p. 762.]

67-9702. LEGISLATIVE INTENT. (1) It is hereby declared by the legislature of the state of Idaho that:

(a) Working farms, ranches, and forests provide important benefits to all Idahoans by sustaining: Idaho's economy; food and fiber production; the cultural heritage of local communities; habitat for wildlife; intact watersheds for clean water; and opportunities to hunt, fish, and enjoy the outdoors with landowner permission;

(b) Working farms, ranches, and forests and the benefits they provide to Idahoans are being lost to rapid population growth, conversion to development, and other uses in recent decades;

(c) Many of Idaho's rural working landowners are deeply committed to maintaining agricultural and forestry traditions and to serving as stewards of natural resources and wildlife; and

(d) Idaho deeply respects the property rights of individual landowners and seeks to minimize the government's control over a landowner's decisions regarding the use of his property.

(2) It is hereby declared as the purpose of this chapter to provide an opportunity to protect and enhance the economic and cultural benefits that working lands provide to Idahoans by promoting proactive planning tools for working landowners and governing bodies to maintain and enhance the economic value of working lands without impacting the property of those that elect not to participate in this opportunity.

[67-9702, added 2024, ch. 215, sec. 1, p. 762.]

67-9703. DEFINITIONS. As used in this chapter:

(1) "Agricultural production" means activities or conditions conducted on land actively devoted to agriculture as defined in section [63-604](#), Idaho Code, or on forest land as defined in section [63-1701](#), Idaho Code.

(2) "Agricultural protection area" means specific parcels of land in a designated geographic area voluntarily created under the authority of this chapter for the purpose of protecting and preserving agricultural land.

(3) "Agricultural protection area commission" means the advisory board to the governing body created pursuant to section [67-9705](#), Idaho Code.

(4) "Applicant" means anyone who owns five (5) acres or more of land that has been in active agricultural or forest production for the previous three (3) consecutive years, consistent with the provisions of sections [63-604](#) and [63-1701](#), Idaho Code, and who voluntarily applies for that land to be part of an agricultural protection area.

(5) "Hardship" means a situation or circumstance over which a landowner in an agricultural protection area has no control and can then petition for removal for reasons that include but are not limited to an adverse result in litigation against the farm or landowner, death of a close family member that

would lead to unanticipated financial hardships, significant tax liabilities, bankruptcy due to another person's fraud, or any other illegal activity.

(6) "Proposal" means written documents submitted to a governing body or agricultural protection area commission from a landowner regarding his property.

[67-9703, added 2024, ch. 215, sec. 1, p. 762.]

67-9704. AGRICULTURAL PROTECTION AREAS. (1) No later than January 1, 2025, each board of county commissioners shall establish an agricultural protection area ordinance in accordance with the notice and hearing procedures in section [67-6509](#), Idaho Code. At a minimum, the ordinance shall:

- (a) Establish a process through which agricultural lands may be placed in agricultural protection areas for a minimum of twenty (20) years;
- (b) Establish the application requirements, including but not limited to information about the landowner; a description of the parcels, structures, and facilities proposed to be included in an agricultural protection area; and the current uses of lands proposed to be included in an agricultural protection area;
- (c) Establish clear and objective standards for evaluating applications for inclusion in an agricultural protection area;
- (d) Establish the timeline for reviewing and making decisions on agricultural protection area applications; and
- (e) Establish an application fee to cover the administrative costs of processing applications, including but not limited to reviewing application materials, holding public meetings and hearings, providing public notice, recording applicable documents, and updating county land use maps, provided that such fee shall not exceed the actual costs of processing the application.

(2) No later than January 1, 2025, each board of county commissioners shall establish by resolution or ordinance an agricultural protection area commission pursuant to section [67-9705](#), Idaho Code.

(3) Agricultural protection areas shall be designated on future land use planning maps to serve as a voluntary and expeditious tool for working landowners while also informing planners, commissions, county officials, and citizens at large on how to proactively plan for agriculture.

(4) The designations of specific parcels of land as agricultural protection areas shall not impact other parcels of land not designated as agricultural protection areas.

[67-9704, added 2024, ch. 215, sec. 1, p. 763.]

67-9705. AGRICULTURAL PROTECTION AREA COMMISSION. (1) The board of county commissioners shall appoint at least three (3) and no more than five (5) members actively employed by or supporting production agriculture in the county, which members may include representatives from the local soil and water conservation district board of supervisors, the local cattlemen's association board, the county farm bureau board, an irrigation district or water users association board, or a grower/commodity association or commission board, to serve as the agricultural protection area commission for the county.

(2) The terms of agricultural protection area commissioners shall be established by resolution or ordinance, but in no case shall be less than three (3) years or more than six (6) years.

(3) As part of its duties, the commission shall provide for meetings and hearings to obtain advice on the agricultural needs of the county. The commission may also conduct informal meetings with public officials and agencies, agricultural professionals, educational professionals, and other organizations to evaluate the agricultural needs of the county.

(4) The commission may make recommendations to the board of county commissioners concerning the process by which the agricultural protection area commission will accept, review, and offer recommendations regarding agricultural protection area proposals to the board of county commissioners, including the nature and type of information provided by applicants and the evaluation criteria required to review agricultural protection area applications.

(5) The commission shall review applications for inclusion in an agricultural protection area pursuant to the county agricultural protection area ordinance and make recommendations to the board of county commissioners regarding such applications.

(6) The commission shall review applications to include eligible land in an agricultural protection area and make recommendations to the board of county commissioners within sixty (60) days of receiving such applications.

[67-9705, added 2024, ch. 215, sec. 1, p. 763.]

67-9706. REVIEW AND ACTION ON AGRICULTURAL PROTECTION AREA APPLICATION. (1) Within sixty (60) days of receiving a recommendation from the agricultural protection area commission to support or reject an application, the board of county commissioners shall hold a public hearing regarding the application in accordance with the notice and hearing procedures pursuant to section 67-6509, Idaho Code. The board of county commissioners may approve or deny an application to include land in an agricultural protection area. If approved, the creation of an agricultural protection area shall be effective upon final action of the board of county commissioners.

(2) If the board of county commissioners fails to take action on the recommendation of the agricultural protection commission within sixty (60) days of receiving such recommendation, the recommendation of the agricultural protection area becomes final. A decision to approve or deny an agricultural protection area shall be subject to judicial review.

[67-9706, added 2024, ch. 215, sec. 1, p. 764.]

67-9707. RECORDING OF AGRICULTURAL PROTECTION AREAS. (1) In order to give constructive notice of the existence of an agricultural protection area designation to all persons who have, may acquire, or may seek to acquire an interest in land in or adjacent to the agricultural protection area, within ten (10) days of the creation of the agricultural protection area, the applicable clerk of the board of county commissioners shall file an executed document with the county recorder containing:

(a) The date of creation or dissolution of the agricultural protection area by the board of county commissioners;

(b) A legal description of the parcel or parcels of real property to be included in the agricultural protection area that is available through the county recorder's office; and

(c) A record of the findings of the agricultural protection area commission and decision of the board of county commissioners.

(2) The applicable governing body's failure to record the agricultural protection area does not invalidate the decision to create or dissolve an agricultural protection area.

[67-9707, added 2024, ch. 215, sec. 1, p. 764.]

67-9708. RENEWAL OF AGRICULTURAL PROTECTION AREAS. (1) Twenty (20) years after the creation of an agricultural protection area, if the landowner desires to continue with the agricultural protection area, no action on the part of the landowner is necessary and the board of county commissioners shall automatically renew the agricultural protection area for another twenty (20) years.

(2) If the landowner desires to terminate the agricultural protection area, written notice to the board of county commissioners is required at least ninety (90) days prior to the expiration of the agricultural protection area before the board of county commissioners terminates the designation.

(3) The clerk of the board of county commissioners shall record the renewal of an agricultural protection area pursuant to section [67-9707](#), Idaho Code.

[67-9708, added 2024, ch. 215, sec. 1, p. 764.]

67-9709. ADDING LAND TO AND REMOVING LAND FROM AN AGRICULTURAL PROTECTION AREA. (1) A landowner may add land to an existing agricultural protection area by filing an application with the board of county commissioners. The board of county commissioners shall review an application to add land to an existing agricultural protection area in accordance with section [67-9706](#), Idaho Code.

(2) An owner of land within an agricultural protection area may remove any or all of the land from the agricultural protection area by filing a petition for removal with the board of county commissioners.

(a) The board of county commissioners shall acknowledge receipt of the petition for removal in writing; and

(b) Confirm the removal date as ten (10) years from the date of petition for removal, or upon expiration of the designation, whichever is sooner.

(3) The board of county commissioners shall establish a process by which an owner of land within an agricultural protection area may remove any or all of the land from the agricultural protection area for reasons of hardship, as defined in this chapter.

(4) The board of county commissioners may charge an administrative fee to cover administrative costs associated with processing changes to an agricultural protection area, including but not limited to updating land use maps, recording documents, and reasonable staff time for processing the request, provided that such administrative fee shall not exceed the actual cost of processing changes to an agricultural protection area. The clerk of the board of county commissioners shall record the renewal of an agricultural protection area pursuant to section [67-9708](#), Idaho Code.

[67-9709, added 2024, ch. 215, sec. 1, p. 765.]

67-9710. LIMITATIONS ON LOCAL REGULATIONS. (1) A board of county commissioners having created an agricultural protection area shall encourage the continuity, development, and viability of agricultural use within the specific boundaries designated in the agricultural protection area by not enacting a local law, ordinance, or regulation that would restrict a farm structure or farming practice within the boundaries of the agricultural protection area, unless such farm structure or farming practice does not comply with generally recognized farming practices or the farm structure or land use is in conflict with the current agricultural land use classification or agricultural zoning designation of the area.

(2) The board of county commissioners shall not change the current agricultural land use classification or agricultural zoning designation for parcels of land within an agricultural protection area without written permission from the landowner.

(3) The board of county commissioners shall amend applicable land use planning maps to reflect the boundaries of designated agricultural protection areas and their benefits as provided in sections [67-9711](#) and [67-9712](#), Idaho Code, and shall comply with the provisions of section [67-6508](#), Idaho Code.

(4) Nothing in this section shall prevent a board of county commissioners from regulating the siting of large confined animal feeding operations and facilities pursuant to section [67-6529](#), Idaho Code; the siting of residential, commercial, manufacturing, industrial, solar energy, or wind energy structures; or other nonagricultural land uses on lands included within an agricultural protection area.

[67-9710, added 2024, ch. 215, sec. 1, p. 765.]

67-9711. NUISANCES. (1) Recognizing that Idaho is a right-to-farm state and that agricultural operations and agricultural facilities pursuant to [chapter 45, title 22](#), Idaho Code, are protected from nuisance actions if they follow generally recognized farming practices, a political subdivision shall ensure that any of its laws or ordinances that define or prohibit a public nuisance shall exclude agricultural protection areas from its definition or from any prohibition for any agricultural activity or operation within an agricultural protection area as long as those agricultural activities or operations follow generally recognized farming practices.

(2) In a civil action for nuisance or criminal action for public nuisance, it is a complete defense if the action involves otherwise lawful agricultural activities that were:

(a) Conducted within an agricultural protection area; and

(b) Not in violation of any federal, state, or local law or regulation relating to the alleged nuisance and were conducted using generally recognized farming practices.

[67-9711, added 2024, ch. 215, sec. 1, p. 766.]

67-9712. EMINENT DOMAIN. A political subdivision having or exercising eminent domain powers may not condemn for any purpose any land within an agricultural protection area that is being used for production agriculture except for the expansion or maintenance of an existing highway right-of-way

or as granted in section 14, article I and section 8, article XI of the constitution of the state of Idaho.

[67-9712, added 2024, ch. 215, sec. 1, p. 766.]

Canyon County Agricultural Protection Act (APA) DRAFT ORDINANCE
10/17/24

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Chapter 7, Article 9 Agriculture Protection Act

Section 1: Purpose

The purpose of this ordinance is to comply with an Idaho state law passed during the 2024 legislative session- Title 67- Chapter 97, Agricultural Protection Act.

Section 2:

The County Code of Canyon County Idaho is hereby amended to add the following new Article to Chapter 7 and shall be further known as the Chapter 7 Article 9 Agricultural Protection Act

Section 3: Definitions

For the purpose of this Chapter and Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Agriculture Production: means activities or conditions conducted on land actively devoted to agriculture as defined in section 63-604, Idaho Code, or on forest land as defined in section 63-1701, Idaho Code.

Agriculture Protection Area (APA): means specific parcels of land in a designated geographic area voluntarily created under the authority of this chapter for the purpose of protecting and preserving agricultural land.

Agriculture Protection Area Commission: means the advisory board to the governing body created pursuant to section 67-9705, Idaho Code.

Agriculture Protection Area Applicant: means anyone who owns five (5) contiguous acres or more of land that has been in active agricultural or forest production for the previous three (3) consecutive years, consistent with the provisions of sections 63-604 and 63-1701, Idaho Code, and who voluntarily applies for that land to be part of an agricultural protection area.

Hardship: means a situation or circumstance over which a landowner in an agricultural protection area has no control and can then petition for removal for reasons that include but are not limited to an adverse result in litigation against the farm or landowner, death of a close family member that would lead to unanticipated financial hardships, significant tax liabilities, bankruptcy due to another person's fraud, or any other illegal activity.

Proposal: means written documents submitted to a governing body or agricultural protection area commission from a landowner regarding his property.

Section 4: Creation and Designation of APA

An APA designation is a voluntary land use designation available to landowners who wish to protect their agricultural land from future nonagricultural development. To qualify for an APA designation, the land must be:

- a) At least five (5) contiguous acres, and
- b) Actively devoted to an agricultural production as defined in Canyon County code, and
- c) Appraised as agriculture land, with a current agricultural exemption, and
- d) Designated as "Agriculture" on the County Comprehensive Plan, and
- e) Zoned as "Agriculture" on the County Zoning map, and
- f) Not located in, or within ½ mile, of a city of area impact, and
- g) Under one ownership

Landowners wishing to establish an APA must provide a completed application to the County Development Services Department in a format and content prescribed by DSD.

At a minimum, the application shall include the following:

- a) Name, phone number, email, and mailing address of the land owner;
- b) Affidavit of legal land ownership;
- c) A legal description of the parcels, structures, and facilities proposed to be included in the APA;
- d) A map showing the proposed boundaries of the proposed APA;
- e) History of ownership, the number of years the land has been in agricultural production, the types of agricultural commodities produced, and the applicant's plan to continue using the land for agricultural purposes;
- f) A letter of intent addressing all application criteria, reasons for seeking an APA designation, the current contiguous acreages of land, land use, agricultural productivity, other relevant characteristics of the land to be included in the APA, the number of years the land has been in agricultural production, the types of agricultural commodities produced, and the applicant's plan to continue using the land for agricultural purposes; and
- g) Soil surveys, documentation of water rights, flood plain designation, and any other relevant environmental assessments.

Section 5: Review Process

Complete Applications: DSD shall perform a completeness review prior to the official acceptance of an application by the County to determine if the application meets the minimum application requirements of the County. In the event that it is determined that an application is incomplete, the applicant will be notified regarding what is necessary to complete the application and the application returned. In the event that an incomplete application is returned more than two (2) times, additional application fees may be required according to the County's fee schedule. All plans, ordinances or processes in place at the time of the application passes its completeness review and application fees are paid, will apply.

Upon acceptance of the complete application by the County and payment of fees, DSD shall have

up to forty-five (45) days for review, provide notification to cities if applicable, compilation and posting of application materials, and scheduling of the APA Commission meeting. If the proposed APA is within one mile of a city's area of impact boundary, that city or cities shall be notified of the application and be given a minimum of fourteen (14) days to provide comment. Comments from a city or cities shall be considered in context of the below listed criteria.

Once received by the APA Commission, they shall review the proposal and make a recommendation in the form of proposed findings of facts and conclusions of law to the Board of County Commissioners within sixty (60) days.

The application shall be evaluated on the following criteria:

- a) The total contiguous acreage of the land is at least five (5) acres in size and is actively devoted to agricultural production,
- b) Proximity to an area of city impact,
- c) Potential of conflict with city annexation, development plans, or agreements,
- d) Proximity to existing public rights of way,
- e) Proximity to planned transportation corridors, improvements, or future public rights of way,
- f) Proximity to existing or planned utility locations,
- g) Proximity to planned airport expansion or development,
- h) Proximity to any planned improvements described in the County Parks Plan
- i) Compatibility and consistency with existing development patterns, Comprehensive Plan designations, zoning designations, or planned development with land use entitlements,
- j) Degree of transition of the land use in the proximity of the proposed APA
- k) Agricultural production capability of the land within the proposed APA,
- l) Soil classification, water rights and usage, and any effect on provision of essential services to the requested APA land or nearby land, and
- m) Other local impacts relevant to the proposed APA.

Notwithstanding the criteria and review process outlined in this code, the Board of County Commissioners may place additional conditions on lands approved to be designated as an APA, including, but not limited to, setbacks from existing public rights of way, setbacks from existing public structures, improvements to promote compatibility with surrounding land uses, and a review of the land's APA designation after twenty (20) years.

Once the APA Commission makes its recommendation to the Board of County Commissioners, the Board of County Commissioners shall hold a public hearing in compliance with Idaho State Code 67-6509 and Canyon County Code 01-17, and issue its decision, within 60 days. Failure to make a decision shall render the APA Commission's recommendation final.

The Board of County Commissioners may remand an application/appeal back to the APA Commission for reconsideration of their recommendation if the Board determines that the official record is incomplete, or that the application has had substantial additions, amendments or modifications from the application presented to the APA Commission, or that procedural steps required were not followed.

The taking of additional testimony and evidence on remand shall be limited to those issues stated by the Board as per its written directive. Additional notice shall be required. Additional remand fees shall be paid by the applicant according to the County's fee schedule. Remand fees may be waived for good cause.

If after hearing the new testimony or evidence as directed by the Board, the APA Commission's recommendation is changed, new proposed findings of fact and conclusions of law shall be sent to the Board for further action. If the APA Commission's recommendation is not changed, supplemental explanation and/or expanded proposed findings of fact and conclusions of law shall be sent back to the Board for further action.

The Board of County Commissioner's decision shall include findings and facts supporting its decision.

Upon making its decision, the Board of County Commissioners shall:

- a) Record of the designation of an APA, a legal description of the area, and approved findings and facts related to the APA with the County Recorder within ten (10) days from the date of its final decision;
- b) After following public hearing requirements in Idaho Code 67-6509, and Canyon County ordinance, amend county land use planning maps to reflect the boundaries of the APA; and,
- c) Notify relevant public officials and agencies of the designation.

Section 6: Expansion or Modification of an APA

An expansion, modification, or removal of an existing APA shall follow the same application, review, and hearing procedures outlined in this code. Any expansion of an APA shall be contiguous to the existing APA.

Section 7: Early Termination for Undue Hardship

A landowner wishing to terminate an APA must request in writing a meeting with the Board of County Commissioners. The Board of County Commissioners shall acknowledge receipt of the petition for removal in writing and confirm the removal date as ten (10) years from the date of petition for removal, or upon expiration of the designation, whichever is sooner. Early termination of the APA shall only occur upon the proving by the land owner of an undue hardship. The landowner seeking to terminate an APA bears the burden of proof in demonstrating the undue hardship.

Section 8: Enrollment Duration, Review and Termination

Per Idaho State code, lands designated as an APA will remain so designated for a period of twenty (20) years. If the landowner desires to continue with the APA, no action on the part of the landowner is necessary and the board of county commissioners shall automatically renew the APA for another twenty years. The clerk of the board of county commissioners shall record the renewal of the APA pursuant to Idaho Code Section 67-9707.

If the landowner desires to terminate the APA, written notice to the board of county commissioners is required at least ninety (90) days prior to the expiration of the APA before the board of county commissioners terminates the designation.

Section 9: Fees

Fee amounts are established and periodically updated by the Board of County Commissioner's approval of the DSD fee schedule. A completeness review fee will be required if submitted materials require more than two (2) staff reviews prior to acceptance. Upon acceptance by DSD, an application fee shall be required to cover administrative costs, including, but not limited to, reviewing materials, processing and recording documents, and conducting public meetings. In addition, if the APA is approved by the Board of County Commissioners, all applicable fees associated with a Comprehensive Plan map amendment shall be required. Any application for changes to an APA shall be the same as the fees requesting establishment.

Section 10: Enforcement, Prohibitions, and Penalties

Unless otherwise approved by the Board of County Commissioners, the following land uses are prohibited within an APA:

- a) The siting of residential, commercial, manufacturing, industrial, solar energy, wind energy, or battery storage structures; or
- b) Any other use not explicitly allowed in an agricultural zone in the Canyon County land use matrix.

The Development Services Director or his/her designee shall be responsible for enforcing the provisions of this ordinance. Any person found to be in violation of this code shall be guilty of a misdemeanor and punishable as provided in Section 18-113, Idaho Code.

Section 11: Severability

If any section, subsection, sentence, clause, or phrase of this title is held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title and they shall remain in full force and effect.

Section 12: Effective Date

This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED and APPROVED by the Canyon County Board of County Commissioners on this _____ day of _____, 2024

Canyon County Agricultural Protection Act (APA) DRAFT ORDINANCE

10/17/24

***note- Yellow highlight is required language by the state law;**

Green is at County discretion- applying the general state law requirements

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

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Hardship: means a situation or circumstance over which a landowner in an agricultural protection area has no control and can then petition for removal for reasons that include but are not limited to an adverse result in litigation against the farm or landowner, death of a close family member that would lead to unanticipated financial hardships, significant tax liabilities, bankruptcy due to another person's fraud, or any other illegal activity.

Proposal: means written documents submitted to a governing body or agricultural protection area commission from a landowner regarding his property.

Section 4: Creation and Designation of APA

An APA designation is a voluntary land use designation available to landowners who wish to protect their agricultural land from future nonagricultural development. To qualify for an APA designation, the land must be:

- a) At least five (5) contiguous acres, and
- b) Actively devoted to an agricultural production as defined in Canyon County code, and
- c) Appraised as agriculture land, with a current agricultural exemption, and
- d) Designated as "Agriculture" on the County Comprehensive Plan, and
- e) Zoned as "Agriculture" on the County Zoning map, and
- f) Not located in, or within ½ mile, of a city of area impact, and
- g) Under one ownership

Landowners wishing to establish an APA must provide a completed application to the County Development Services Department in a format and content prescribed by DSD. At a minimum, the application shall include the following:

- a) Name, phone number, email, and mailing address of the land owner;
- b) Affidavit of legal land ownership;
- c) A legal description of the parcels, structures, and facilities proposed to be included in the APA;
- d) A map showing the proposed boundaries of the proposed APA;
- e) History of ownership, the number of years the land has been in agricultural production, the types of agricultural commodities produced, and the applicant's plan to continue using the land for agricultural purposes;
- f) A letter of intent addressing all application criteria, reasons for seeking an APA designation, the current contiguous acreages of land, land use, agricultural productivity, other relevant characteristics of the land to be included in the APA, the number of years the land has been in agricultural production, the types of agricultural commodities produced, and the applicant's plan to continue using the land for agricultural purposes; and
- g) Soil surveys, documentation of water rights, flood plain designation, and any other relevant environmental assessments.

Section 5: Review Process

Complete Applications: DSD shall perform a completeness review prior to the official acceptance of an application by the County to determine if the application meets the minimum application requirements of the County. In the event that it is determined that an application is incomplete, the applicant will be notified regarding what is necessary to complete the application and the application returned. In the event that an incomplete application is returned more than two (2) times, additional application fees may be required according to the County's fee schedule. All plans, ordinances or processes in place at the time of the application passes its completeness review and application fees are paid, will apply.

Upon acceptance of the complete application by the County and payment of fees, DSD shall have up to forty-five (45) days for review, provide notification to cities if applicable, compilation and posting of application materials, and scheduling of the APA Commission meeting. If the proposed APA is within one mile of a city's area of impact boundary, that city or cities shall be notified of the application and be given a minimum of fourteen (14) days to provide comment. Comments from a city or cities shall be considered in context of the below listed criteria.

Once received by the APA Commission, they shall review the proposal and make a recommendation in the form of proposed findings of facts and conclusions of law to the Board of County Commissioners within sixty (60) days.

The application shall be evaluated on the following criteria:

- a) The total contiguous acreage of the land is at least five (5) acres in size and is actively devoted to agricultural production,
- b) Proximity to an area of city impact,
- c) Potential of conflict with city annexation, development plans, or agreements,
- d) Proximity to existing public rights of way,
- e) Proximity to planned transportation corridors, improvements, or future public rights of way,
- f) Proximity to existing or planned utility locations,
- g) Proximity to planned airport expansion or development,
- h) Proximity to any planned improvements described in the County Parks Plan
- i) Compatibility and consistency with existing development patterns, Comprehensive Plan designations, zoning designations, or planned development with land use entitlements,
- j) Degree of transition of the land use in the proximity of the proposed APA
- k) Agricultural production capability of the land within the proposed APA,
- l) Soil classification, water rights and usage, and any effect on provision of essential services to the requested APA land or nearby land, and
- m) Other local impacts relevant to the proposed APA.

Notwithstanding the criteria and review process outlined in this code, the Board of County Commissioners may place additional conditions on lands approved to be designated as an APA, including, but not limited to, setbacks from existing public rights of way, setbacks from existing public structures, improvements to promote compatibility with surrounding land uses, and a review of the land's APA designation after twenty (20) years.

Once the APA Commission makes its recommendation to the Board of County Commissioners, the Board of County Commissioners shall hold a public hearing in compliance with Idaho State Code 67-6509 and Canyon County Code 01-17, and issue its decision, within 60 days. Failure to make a decision shall render the APA Commission's recommendation final.

The Board of County Commissioners may remand an application/appeal back to the APA Commission for reconsideration of their recommendation if the Board determines that the official record is incomplete, or that the application has had substantial additions, amendments

or modifications from the application presented to the APA Commission, or that procedural steps required were not followed.

The taking of additional testimony and evidence on remand shall be limited to those issues stated by the Board as per its written directive. Additional notice shall be required. Additional remand fees shall be paid by the applicant according to the County's fee schedule. Remand fees may be waived for good cause.

If after hearing the new testimony or evidence as directed by the Board, the APA Commission's recommendation is changed, new proposed findings of fact and conclusions of law shall be sent to the Board for further action. If the APA Commission's recommendation is not changed, supplemental explanation and/or expanded proposed findings of fact and conclusions of law shall be sent back to the Board for further action.

The Board of County Commissioner's decision shall include findings and facts supporting its decision.

Upon making its decision, the Board of County Commissioners shall:

- a) Record of the designation of an APA, a legal description of the area, and approved findings and facts related to the APA with the County Recorder within ten (10) days from the date of its final decision;
- b) After following public hearing requirements in Idaho Code 67-6509, and Canyon County ordinance, amend county land use planning maps to reflect the boundaries of the APA; and,
- c) Notify relevant public officials and agencies of the designation.

Section 6: Expansion or Modification of an APA

An expansion, modification, or removal of an existing APA shall follow the same application, review, and hearing procedures outlined in this code. Any expansion of an APA shall be contiguous to the existing APA.

Section 7: Early Termination for Undue Hardship

A landowner wishing to terminate an APA must request in writing a meeting with the Board of County Commissioners. The Board of County Commissioners shall acknowledge receipt of the petition for removal in writing and confirm the removal date as ten (10) years from the date of petition for removal, or upon expiration of the designation, whichever is sooner. Early termination of the APA shall only occur upon the proving by the land owner of an undue hardship. The landowner seeking to terminate an APA bears the burden of proof in demonstrating the undue hardship.

Section 8: Enrollment Duration, Review and Termination

Per Idaho State code, lands designated as an APA will remain so designated for a period of twenty (20) years. If the landowner desires to continue with the APA, no action on the part of the landowner is necessary and the board of county commissioners shall automatically renew the APA

for another twenty years. The clerk of the board of county commissioners shall record the renewal of the APA pursuant to Idaho Code Section 67-9707.

If the landowner desires to terminate the APA, written notice to the board of county commissioners is required at least ninety (90) days prior to the expiration of the APA before the board of county commissioners terminates the designation.

Section 9: Fees

Fee amounts are established and periodically updated by the Board of County Commissioner's approval of the DSD fee schedule. A completeness review fee will be required if submitted materials require more than two (2) staff reviews prior to acceptance. Upon acceptance by DSD, an application fee shall be required to cover administrative costs, including, but not limited to, reviewing materials, processing and recording documents, and conducting public meetings. In addition, if the APA is approved by the Board of County Commissioners, all applicable fees associated with a Comprehensive Plan map amendment shall be required. Any application for changes to an APA shall be the same as the fees requesting establishment.

Section 10: Enforcement, Prohibitions, and Penalties

Unless otherwise approved by the Board of County Commissioners, the following land uses are prohibited within an APA:

- a) The siting of residential, commercial, manufacturing, industrial, solar energy, wind energy, or battery storage structures; or
- b) Any other use not explicitly allowed in an agricultural zone in the Canyon County land use matrix.

The Development Services Director or his/her designee shall be responsible for enforcing the provisions of this ordinance. Any person found to be in violation of this code shall be guilty of a misdemeanor and punishable as provided in Section 18-113, Idaho Code.

Section 11: Severability

If any section, subsection, sentence, clause, or phrase of this title is held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title and they shall remain in full force and effect.

Section 12: Effective Date

This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED and APPROVED by the Canyon County Board of County Commissioners on this _____ day of _____, 2024

Sabrina Minshall

From: Keri Smith <keri@tvpidaho.com>
Sent: Monday, October 28, 2024 11:24 PM
To: Sabrina Minshall
Subject: [External] APA Ordinance
Attachments: Summary of Comments on Canyon APA Model Ordinance DRAFT 10_15_24 with BOCC directed changes w requirements and options Bazzoli edits 2 sm.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Attached are some questions, comments, and suggestions for your review. Happy to jump on a call and talk through some of it to help me better understand a few things.

In general, the Board I represent supports the legislature's adoption of the Ag Protection Area Act. We would encourage you to not treat the adoption of these areas different than you treat conditional rezones and rezones that are in perpetuity. These applications to be included in an APA are not different than a developer's intent to rezone for residential, commercial or industrial. The landowner is a developer of farm ground and trying to preserve the use he/she is and has developed on land zoned agriculture; this is no different than how a residential developer is able to preserve his land for his identified use in perpetuity.

Just as an FYI, the "condensed" time frame to provide written comments is noted with cause and problematic for garnering support of this ordinance. I would encourage the P&Z to take as much written testimony as possible prior to their decision. If I had more time, I'd be able to gather official support and an official statement.

Sincerely,

Keri Smith
208.960.4811
keri@tvpidaho.com



Canyon County APA DRAFT ORDINANCE
10/17/24

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Chapter 7, Article 9 Agriculture Protection Act

Section 1: Purpose

The purpose of this ordinance is to comply with an Idaho state law passed during the 2024 legislative session- Title 67- Chapter 97, Agricultural Protection Act.

Section 2:

The County Code of Canyon County Idaho is hereby amended to add the following new Article to Chapter 7 and shall be further known as the Chapter 7 Article 9 Agricultural Protection Act

Section 3: Definitions

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Agriculture Production: means activities or conditions conducted on land actively devoted to agriculture as defined in section 63-604, Idaho Code, or on forest land as defined in section 63-1701, Idaho Code.

Agriculture Protection Area (APA): means specific parcels of land in a designated geographic area voluntarily created under the authority of this chapter for the purpose of protecting and preserving agricultural land.

Agriculture Protection Area Commission: means the advisory board to the governing body created pursuant to section 67-9705, Idaho Code.

Agriculture Protection Area Applicant: means anyone who owns five (5) contiguous acres or more of land that has been in active agricultural or forest production for the previous three (3) consecutive years, consistent with the provisions of sections 63-604 and 63-1701, Idaho Code, and who voluntarily applies for that land to be part of an agricultural protection area.

Hardship: means a situation or circumstance over which a landowner in an agricultural protection area has no control and can then petition for removal for reasons that include but are not limited to an adverse result in litigation against the farm or landowner, death of a close family member that would lead to unanticipated financial hardships, significant tax liabilities, bankruptcy due to another person's fraud, or any other illegal activity.

Proposal: means written documents submitted to a governing body or agricultural protection area commission from a landowner regarding his property.

Section 4: Creation and Designation of APA

Summary of Comments on Canyon APA Model Ordinance DRAFT 10_15_24 with BOCC directed changes w requirements and options Bazzoli edits 2 sm

Page: 1

■ Number: 1 Author: kerismith Subject: Comment on Text Date: 10/28/24, 10:07:22PM

I think the intent of the legislature was to establish what it was limited to. Is there anything else that the BOCC wants to include as a hardship?

An APA designation is a voluntary land use designation available to landowners who wish to protect their agricultural land from future nonagricultural development. To qualify for an APA designation, the land must be:

- a) At least five (5) contiguous acres, and
- b) Actively devoted to an agricultural production as defined in Canyon County code, and
- c) Appraised as agriculture land, with a current agricultural exemption, and
- d) Designated as "Agriculture" on the County Comprehensive Plan, and
- e) Zoned as "Agriculture" on the County Zoning map, not located in, or within ½ mile of a city of area impact, and
- f) Under one ownership

Landowners wishing to establish an APA must provide a completed application to the County Development Services Department in a format and content prescribed by DSD. At a minimum, the application shall include the following:

- a) Name, phone number, email, and mailing address of the land owner;
- b) Affidavit of legal land ownership;
- c) A legal description of the parcels, structures, and facilities proposed to be included in the APA;
- d) A map showing the proposed boundaries of the proposed APA;
- e) History of ownership, the number of years the land has been in agricultural production, the types of agricultural commodities produced, and the applicant's plan to continue using the land for agricultural purposes;
- f) A letter of intent addressing all application criteria, reasons for seeking an APA designation, the current contiguous acreages of land, land use, agricultural productivity, other relevant characteristics of the land to be included in the APA, the number of years the land has been in agricultural production, the types of agricultural commodities produced, and the applicant's plan to continue using the land for agricultural purposes; and
- g) Soil surveys, documentation of water rights, flood plain designation, and any other relevant environmental assessments.

Section 5: Review Process

Upon receipt of the proposed application and payment of fees, DSD shall have up to forty-five (45) days for review, provide notification to cities if applicable, compilation and posting of application materials, and scheduling of the APA Commission meeting. If the proposed APA is within one mile of a city's area of impact boundary, that city or cities shall be notified of the application and be given a minimum of fourteen (14) days to provide comment. Comments from a city or cities shall be considered in context of the below listed criteria.

Once received by the APA Commission, they shall review the proposal and make a recommendation in the form of proposed findings of facts and conclusions of law to the Board of County Commissioners within sixty (60) days.

The application shall be evaluated on the following criteria:

■ Number: 1 Author: kerismith Subject: Comment on Text Date: 10/28/24, 1:27:27PM

Why is this relevant? What if I want to put all of my land into an APA and thus have no contiguous acreage?

■ Number: 2 Author: kerismith Subject: Comment on Text Date: 10/28/24, 11:07:59PM

Does the property owner need to have current contiguous acreages of land to be included? Do land uses on all sides have to be the same? Does the same include all agriculture or compatible agriculture?

■ Number: 3 Author: kerismith Subject: Comment on Text Date: 10/28/24, 11:09:01PM

This could make the cost of applying expensive. That wasn't the intent... was it? Are the first three requirements ok to be provided from available online sources from government agencies? What time of relevant environmental assessment could be required and applicable?

- a) The total contiguous acreage of the land is at least five (5) acres in size and is actively devoted to agricultural production,
- b) Proximity to an area of city impact,
- c) Potential of conflict with city annexation, development plans, or agreements,
- d) Proximity to existing public rights of way,
- e) Proximity to planned transportation corridors, improvements, or future public rights of way,
- f) Proximity to existing or planned utility locations,
- g) Proximity to planned airport expansion or development,
- h) Proximity to any planned improvements described in the County Parks Plan,
- i) Compatibility and consistency with existing development patterns, comprehensive plan designations, zoning designations, or planned development with land use entitlements,
- j) Degree of transitional of the land use in the proximity of the proposed APA,
- k) Agricultural production capability of the land within the proposed APA,
- l) Soil classification, water rights and usage, and any effect on provision of essential services to the requested APA land or nearby land, and
- m) Other local impacts relevant to the proposed APA.

Notwithstanding the criteria and review process outlined in this code, the Board of County Commissioners may place additional conditions on lands approved to be designated as an APA, including, but not limited to, setbacks from existing public rights of way, setbacks from existing public structures, improvements to promote compatibility with surrounding land uses, and a review of the land's APA designation after twenty (20) years.

Once the APA Commission makes its recommendation to the Board of County Commissioners, the Board of County Commissioners shall hold a public hearing in compliance with Idaho State Code 67-6509 and Canyon County Code 01-17, and issue its decision, within 60 days. Failure to make a decision shall render the APA Commission's recommendation final.

The Board of County Commissioners may remand an application/appeal back to the APA Commission for reconsideration of their recommendation if the Board determines that the official record is incomplete, or that the application has had substantial additions, amendments or modifications from the application presented to the APA Commission, or that procedural steps required were not followed.

The taking of additional testimony and evidence on remand shall be limited to those issues stated by the Board as per its written directive.

Additional notice shall be required.

Additional remand fees shall be paid by the applicant according to the County's fee schedule. Remand fees may be waived for good cause.

If after hearing the new testimony or evidence as directed by the Board, the APA Commission's recommendation is changed, new proposed findings of fact and conclusions of law shall be sent to the Board for further action. If the APA Commission's recommendation is not changed, supplemental explanation and/or expanded proposed findings of fact and conclusions of law shall be sent back to the Board for further action.

The Board of County Commissioner's decision shall include findings and facts supporting its

-
- Number: 1 Author: kerismith Subject: Comment on Text Date: 10/28/24, 11:09:43PM
criteria b-h: how are these criteria? They do not set a minimum or maximum standard or expectation. Are they just findings of fact and not actual criteria?
-
- Number: 2 Author: kerismith Subject: Comment on Text Date: 10/28/24, 9:02:19PM
Should this state? Compatible and consistent with existing development patterns (within the immediate vicinity), zoning designations? How is "planned development" defined?
-
- Number: 3 Author: kerismith Subject: Comment on Text Date: 10/28/24, 9:04:10PM
This sentence doesn't make sense...? Intent? Criteria?
-
- Number: 4 Author: kerismith Subject: Comment on Text Date: 10/28/24, 9:05:17PM
How does an applicant meet this criteria? Is there a minimum threshold?
-
- Number: 5 Author: kerismith Subject: Comment on Text Date: 10/28/24, 9:09:38PM
Can soils with a "bad" classification not be included - even if they are used for uses that are viable? Like a feedlot on land with poor soil and no water? Or a vineyard on sloped land, with class 5 soils, with limited water? And ANY effect on provision of essential services... what does that mean and how is this criteria applied?
-
- Number: 6 Author: kerismith Subject: Comment on Text Date: 10/28/24, 9:10:14PM
How would this "criteria" be applied? Any example?
-
- Number: 7 Author: kerismith Subject: Comment on Text Date: 10/28/24, 9:14:01PM
If an agriculture operator and owner wants to put his land into an agriculture protection area and continue using his property for what it is currently zoned for, why would he be required to make changes to the property? What would the setbacks apply to? Row crop farming, a feedlot, fences, vineyard???

decision.

Upon making its decision, the Board of County Commissioners shall:

- a) Record of the designation of an APA, a legal description of the area, and approved findings and facts related to the APA with the County Recorder within ten (10) days from the date of its final decision;
- b) After following public hearing requirements in Idaho Code 67-6509, and Canyon County ordinance, amend county land use planning maps to reflect the boundaries of the APA; and,
- c) Notify relevant public officials and agencies of the designation.

Section 6: Expansion or Modification of an APA

An expansion, modification, or removal of an existing APA shall follow the same application, review, and hearing procedures outlined in this code. Any expansion of an APA shall be contiguous to the existing APA.

Section 7: Early Termination for Undue Hardship

A landowner wishing to terminate an APA must request in writing a meeting with the Board of County Commissioners. The Board of County Commissioners shall acknowledge receipt of the petition for removal in writing and confirm the removal date as ten (10) years from the date of petition for removal, or upon expiration of the designation, whichever is sooner. Early termination of the APA shall only occur upon the proving by the land owner of an undue hardship. The landowner seeking to terminate an APA bears the burden of proof in demonstrating the undue hardship.


Section 8: Enrollment Duration, Review and Termination

Per Idaho State code, lands designated as an APA will remain so designated for a period of twenty (20) years. If the landowner desires to continue with the APA, no action on the part of the landowner is necessary and the board of county commissioners shall automatically renew the APA for another twenty years. The clerk of the board of county commissioners shall record the renewal of the APA pursuant to Idaho Code Section 67-9707.

If the landowner desires to terminate the APA, written notice to the board of county commissioners is required at least ninety (90) days prior to the expiration of the APA before the board of county commissioners terminates the designation.

Section 9: Fees


Fee amounts are established and periodically updated by the Board of County Commissioner's approval of the DSD fee schedule. A completeness review fee will be required if submitted materials require more than two (2) staff reviews prior to acceptance. Upon acceptance by DSD, an application fee shall be required to cover administrative costs, including, but not limited to,

 Number: 1 Author: kerismith Subject: Comment on Text Date: 10/28/24, 9:42:28PM


Does this mean the Comp Plan and the Zoning map? OR just one of them? Or what planning maps?

 Number: 2 Author: kerismith Subject: Comment on Text Date: 10/28/24, 9:45:48PM

I would recommend that relevant public officials and agencies be identified here. Like Mayor's, Planning director's, Chairman of P&Z and City Councils, economic development director's, etc. How about Department of Ag, Irrigation Districts, IDWR, Soil Conservation Districts, etc?

 Number: 3 Author: kerismith Subject: Sticky Note Date: 10/28/24, 9:57:39PM

Should the "request in writing" provide evidence of "hardship"?

 Number: 4 Author: kerismith Subject: Comment on Text Date: 10/28/24, 9:59:20PM

Wording is different, hard to follow, understand intent.

 Number: 5 Author: kerismith Subject: Comment on Text Date: 10/28/24, 10:12:48PM

"undue" is mentioned twice. It is not used in the statute. Recommend removing that word and just leave that the owner needs to demonstrate the burden of proof.

reviewing materials, processing and recording documents, and conducting public meetings. In addition, if the APA is approved by the Board of County Commissioners, ¹ all applicable fees associated with a Comprehensive Plan map amendment shall be required before the APA is finalized. Any application for changes to an APA shall be the same as the fees requesting establishment.

Section 10: Enforcement, Prohibitions, and Penalties

Unless otherwise approved by the Board of County Commissioners, the following land uses are prohibited within an APA:

- a) ² The siting of residential, commercial, manufacturing, industrial, solar energy, wind energy, or battery storage structures; or
- b) Any other use not explicitly allowed in an agricultural zone in the Canyon County land use matrix.

The Development Services Director or his/her designee shall be responsible for enforcing the provisions of this ordinance. Any person found to be in violation of this code shall be guilty of a misdemeanor and punishable as provided in Section 18-113, Idaho Code.

Section 11: Severability

If any section, subsection, sentence, clause, or phrase of this title is held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title and they shall remain in full force and effect.

Section 12: Effective Date

This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED and APPROVED by the Canyon County Board of County Commissioners on this _____ day of _____, 2024

■ Number: 1 Author: kerismith Subject: Comment on Text Date: 10/28/24, 11:05:09PM

This may be cost prohibitive and i dont' think it's necessary. A BOCC can change Comp Plan map every 6 months and the 20 year, with automatic renewals. And it can be changed without notice to individual property owners. A comprehensive plan map amendment also is inappropriate because the statute is clear that the decision for one property can not affect future land use decisions. So

■ Number: 2 Author: kerismith Subject: Comment on Text Date: 10/28/24, 11:12:10PM

So the BOCC can allow these uses if a hearing is conducted and the uses are "approved"?



IDAHO - EASTERN OREGON SEED ASSOCIATION

55 S.W. 5th Ave. #100 • Meridian, ID 83642 • 208-888-0988 • Fax: 208-888-4586

October 31, 2024

Canyon County Planning & Zoning Commission
111 N 11th Ave
Caldwell, ID 83605

Subject: Written Comments on Canyon County Agricultural Protection Act (APA) Draft Ordinance

The Idaho Eastern Oregon Seed Association (IEOSA), representing about 100 Idaho seed companies and affiliate businesses within the seed trade, is in opposition to the current Agricultural Protection Act (APA) Draft Ordinance. The IEOSA worked with the Idaho Legislature during the 2024 Legislative Session to help pass the Agriculture Protection Area Act. The APA Act gives counties authority to draft Agriculture Protection Area ordinances to provide incentives for qualifying landowners to voluntarily place their agricultural lands into Agriculture Protection Areas.

After careful review of Canyon County's Draft APA Ordinance, the IEOSA concludes that the language provides agricultural landowners with little incentive to pursue placing their lands into Agriculture Protection Areas. This is unfortunate since the intent of the Idaho Legislature in passing the Agriculture Protection Area Act was to empower counties to provide proactive planning tools and work with landowners to maintain and enhance the value coming from such farmland. Unfortunately, this draft does the opposite of the Legislature's intent.

The draft prohibits a substantial portion of Canyon County's agriculture landowners from applying for Agriculture Protection Area designations. These lands in the city impact area or ½ mile from the impact area are those most at risk of being transitioned from agriculture to non-agriculture use. The draft Ordinance also creates a risky situation where the County can create burdensome and unfounded regulations specific to APA lands, thus disincentivizing participation.

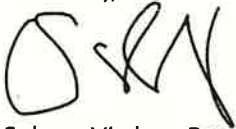
The seed industry is the cornerstone of agriculture. Canyon County, Idaho's largest seed-producing region, is one of only five global seed production areas. Seed production in Canyon County exists because of our ability to irrigate in a high desert climate – something very rare compared to the rest of the world. Each dollar invested in Idaho seed production generates 1.9 times that in economic activity, leaving Canyon County with a \$950 million overall impact to its local economy. As Canyon County continues to grow in population, we continue to lose this industry and the ability to produce seed to feed a national and global population.

-over-

The Idaho Eastern Oregon Seed Association offers the attached draft ordinance (Exhibit A) as a substitute for the current draft ordinance. The substitute draft is something our industry fully supports – and it reflects the original intent of the Idaho Legislature's adoption of the Agriculture Protection Area legislation.

We appreciate the opportunity to provide input on this critical issue and hope that our concerns will be considered in the decision-making process. If you have any questions, please know that we are happy to provide assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Virden', written over a horizontal line.

Selena Virden, President
Idaho Eastern Oregon Seed Association

EXHIBIT A – Substitute Draft Agriculture Protection Area Ordinance

Submitted by the Idaho Eastern Oregon Seed Association

Canyon County Agricultural Protection Act (APA) DRAFT ORDINANCE

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Chapter 7, Article 9 Agriculture Protection Act

Section 1: Purpose

The purpose of this ordinance is to comply with an Idaho state law passed during the 2024 legislative session- Title 67- Chapter 97, Agricultural Protection Act.

Section 2:

The County Code of Canyon County Idaho is hereby amended to add the following new Article to Chapter 7 and shall be further known as the Chapter 7 Article 9 Agricultural Protection Act

Section 3: Definitions

For the purpose of this Chapter and Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Agriculture Production: means activities or conditions conducted on land actively devoted to agriculture as defined in section 63-604, Idaho Code, or on forest land as defined in section 63 1701, Idaho Code.

Agriculture Protection Area (APA): means specific parcels of land in a designated geographic area voluntarily created under the authority of this chapter for the purpose of protecting and preserving agricultural land.

Agriculture Protection Area Commission: means the advisory board to the governing body created pursuant to section 67-9705, Idaho Code.

Agriculture Protection Area Applicant: means anyone who owns five (5) contiguous acres or more of land that has been in active agricultural or forest production for the previous three (3) consecutive years, consistent with the provisions of sections 63-604 and 63-1701, Idaho Code, and who voluntarily applies for that land to be part of an agricultural protection area.

Hardship: means a situation or circumstance over which a landowner in an agricultural protection area has no control and can then petition for removal for reasons that include but are not limited to an adverse result in litigation against the farm or landowner, death of a close family member that would lead to unanticipated financial hardships, significant tax liabilities, bankruptcy due to another person's fraud, or any other illegal activity.

Proposal: means written documents submitted to a governing body or agricultural protection area commission from a landowner regarding his property.

Section 4: Creation and Designation of APA

An APA designation is a voluntary land use designation available to landowners who wish to protect their agricultural land from future nonagricultural development. To qualify for an APA designation, the land must be:

- a) At least five (5) contiguous acres, and
- b) Actively devoted to ~~an~~ agricultural production as defined in **(need to site the code section)** Canyon County code, and
- c) Appraised as agriculture land, with a current agricultural exemption, and
- ~~d) Designated as "Agriculture" on the County Comprehensive Plan, and~~ *(Comment: Not needed if its zoned Agriculture. The Comp Plan talks about the Agriculture component of the County's planning and zoning but the zoning ordinance for the Ag Zone is what designates "Agriculture" as a land use. Also, the Comprehensive Plan re-write won't take place for a few years and APA's will be included in the re-write.)*
- e) Zoned as "Agriculture" on the County Zoning map, and *(Comment: Is this needed? Isn't it already zoned as agriculture if it already qualifies for the Ag Exemption?)*
- ~~f) Not located in, or within ½ mile, of a city of area impact, and~~ *(Comment: This language takes out the incentive for a large portion of the County's Agricultural producers to apply for an APA designation; impact areas already take up way too much ag land - just look at the existing impact area map. Including these lands and anything ½ mile in addition to these boundaries significantly limits most of Canyon County's ag landowners from applying for APA's. This is contrary to the intent of the Idaho Legislature when they passed this law)*
- g) Under one ownership *(Comment: What does this mean? What if it's multiple landowners who own the land together?)*

Landowners wishing to establish an APA must provide a completed application to the County Development Services Department in a format and content prescribed by DSD. At a minimum, the application shall include the following:

- a) Name, phone number, email, and mailing address of the land owner;
- ~~b) Affidavit of legal land ownership;~~ *(Comment: Why is this necessary? – Isn't the Assessors information enough on the parcel of land to qualify who owns it?)*
- c) A legal description of the parcels, structures, and facilities proposed to be included in the APA;
- d) A map showing the proposed boundaries of the proposed APA;
- e) History of ownership, the number of years the land has been in agricultural production, the types of agricultural commodities produced, and the applicant's plan to continue using the land for agricultural purposes; *(Comment: How far back do they need to go?)*

f) A letter of intent addressing all application criteria, ~~reasons for seeking an APA designation, the current contiguous acreages of land, land use, agricultural productivity, other relevant characteristics of the land to be included in the APA, the number of years the land has been in agricultural production, the types of agricultural commodities produced, and the applicant's plan to continue using the land for agricultural purposes;~~
(Comment: Redundant. Asking same information as above in (e).)

g) ~~Soil surveys, documentation of water rights, flood plain designation, and any other relevant environmental assessments.~~ *(Comment: Is this necessary? If it's being farmed it already has a valid water right attached to the land, and soil surveys are not needed if it's already producing crops. A farmer is likely going to take a soil sample before planting something to see what's needed to be added to the soil. Is this what is meant?)*

Section 5: Review Process

Complete Applications:

DSD shall perform a completeness review prior to the official acceptance of an application by the County to determine if the application meets the minimum application requirements of the County. In the event that it is determined that an application is incomplete, the applicant will be notified regarding what is necessary to complete the application and the application returned. In the event that an incomplete application is returned more than two (2) times, additional application fees may be required according to the County's fee schedule. All plans, ordinances or processes in place at the time of the application passes its completeness review and application fees are paid, will apply.

Upon acceptance of the complete application by the County and payment of fees, DSD shall have up to forty-five (45) days for review, provide notification to cities if applicable, compilation and posting of application materials, and scheduling of the APA Commission meeting. ~~If the proposed APA is within one mile of a city's area of impact boundary, that city or cities shall be notified of the application and be given a minimum of fourteen (14) days to provide comment. Comments from a city or cities shall be considered in context of the below listed criteria.~~ *(Comment: Why should the cities even care? Why do the cities need to be able to comment on an APA designation on land that's already designated in the Ag Zone?)*

Once received by the APA Commission, they shall review the proposal and make a recommendation in the form of proposed findings of facts and conclusions of law to the Board of County Commissioners within sixty (60) days.

The application shall be evaluated on the following criteria:

a) The total contiguous acreage of the land is at least five (5) acres in size and is actively devoted to agricultural production,

~~b) Proximity to an area of city impact,~~ *(Comment: Why should the cities care? Why should this be evaluated when the current designation of the land is in the Ag Zone? It's not going to change the way the land is being used.)*

~~c) Potential of conflict with city annexation, development plans, or agreements,~~ (Comment: Why does this matter? It's currently in the Ag Zone – nothing changes except designating land that's already being farmed into an APA designation)

d) Proximity to existing public rights of way,

e) Proximity to planned transportation corridors, ~~or~~ improvements, ~~or future public rights of way,~~ (Comment: Anything can be designated as a future public right of way – It should only focus on impacts to current uses like the Statute was written such as expanding existing highways.

f) Proximity to existing ~~or planned utility~~ locations, (Comment: Should only be applicable to current situations.)

~~g) Proximity to planned airport expansion or development,~~ (Comment: Should only be applicable to current situations)

~~h) Proximity to any planned improvements described in the County Parks Plan~~ (Comment: What does this mean?)

~~i) degree of transition of the land use in the proximity of the APA~~ (Comment: The land is being transitioned from Ag to an APA – it doesn't change the fact it's still being farmed)

j) Compatibility and consistency with existing development patterns, ~~Comprehensive Plan designations, or~~ zoning designations, ~~or planned development with land use entitlements,~~ (Comment: The Comprehensive Plan only has the Ag Zone and other designations currently in it; APA's will need to be added to the next Comp Plan re-write.)

~~k) Agricultural production capability he land within the proposed APA,~~ (Comment: It's agricultural land – it's going to be farmed so its fully capable of agricultural production)

~~l) Soil classification, water rights and usage, and any effect on provision of essential services to the requested APA land or nearby land, and~~ (Comment: Farmland has water rights and water use attached to it – it wouldn't be farmed otherwise. If it's being farmed then the current soil classification justifies it as being able to produce food. What effect can these have on essential services by converting it from the Ag Zone to an APA? From land that's being farmed to land that will continue to be farmed?)

~~m) Other local impacts relevant to the proposed APA.~~ (Comment: what does this mean?)

Notwithstanding the criteria and review process outlined in this code, the Board of County Commissioners may place additional conditions on lands approved to be designated as an APA, including, but not limited to, setbacks from existing public rights of way, setbacks from existing public structures, improvements to promote compatibility with surrounding land uses, and a review of the land's APA designation after twenty (20) years **if the landowner does not apply to renew the APA after the twenty (20) year period expires.** (Comment: The County should only be allowed to make these changes once the APA expires after 20-years and is not renewed by the landowner – otherwise it gives the County the chance to make changes to an existing APA that could be unfair to the landowner.)

Once the APA Commission makes its recommendation to the Board of County Commissioners, the Board of County Commissioners shall hold a public hearing in compliance with Idaho State Code 67-6509 and Canyon County Code 01-17, and issue its decision, within 60 days. Failure to make a decision shall render the APA Commission's recommendation final.

The Board of County Commissioners may remand an application/appeal back to the APA Commission for reconsideration of their recommendation if the Board determines that the official record is incomplete, or that the application has had substantial additions, amendments or modifications from the application presented to the APA Commission, or that procedural steps required were not followed.

The taking of additional testimony and evidence on remand shall be limited to those issues stated by the Board as per its written directive. Additional notice shall be required. Additional remand fees shall be paid by the applicant according to the County's fee schedule. Remand fees may be waived for good cause.

If after hearing the new testimony or evidence as directed by the Board, the APA Commission's recommendation is changed, new proposed findings of fact and conclusions of law shall be sent to the Board for further action. If the APA Commission's recommendation is not changed, supplemental explanation and/or expanded proposed findings of fact and conclusions of law shall be sent back to the Board for further action.

The Board of County Commissioner's decision shall include findings and facts supporting its decision.

Upon making its decision, the Board of County Commissioners shall:

- a) Record of the designation of an APA, a legal description of the area, and approved findings and facts related to the APA with the County Recorder within ten (10) days from the date of its final decision;
- b) After following public hearing requirements in Idaho Code 67-6509, and Canyon County ordinance, amend county land use planning maps to reflect the boundaries of the APA; and,
- c) Notify relevant public officials and agencies of the designation.

Section 6: Expansion or Modification of an APA

An expansion, modification, or removal of an existing APA shall follow the same application, review, and hearing procedures outlined in this code. Any expansion of an APA shall be contiguous to the existing APA

Section 7: Early Termination for Undue Hardship

A landowner wishing to terminate an APA must request in writing a meeting with the Board of County Commissioners. The Board of County Commissioners shall acknowledge receipt of the petition for removal in writing and confirm the removal date as ten (10) years from the date of petition for removal, or upon expiration of the designation, whichever is sooner. Early termination of the APA shall only occur upon the proving by the land owner of an undue hardship. The landowner seeking to terminate an APA bears the burden of proof in demonstrating the undue hardship.

Section 8: Enrollment Duration, Review and Termination

Per Idaho State code, lands designated as an APA will remain so designated for a period of twenty (20) years. If the landowner desires to continue with the APA, no action on the part of the landowner is necessary and the board of county commissioners shall automatically renew the APA for another twenty years. The clerk of the board of county commissioners shall record the renewal of the APA pursuant to Idaho Code Section 67-9707.

If the landowner desires to terminate the APA, written notice to the board of county commissioners is required at least ninety (90) days prior to the expiration of the APA before the board of county commissioners terminates the designation.

Section 9: Fees

Fee amounts are established and periodically updated by the Board of County Commissioner's approval of the DSD fee schedule. A completeness review fee will be required if submitted materials require more than two (2) staff reviews prior to acceptance. Upon acceptance by DSD, an application fee shall be required to cover administrative costs, including, but not limited to, reviewing materials, processing and recording documents, and conducting public meetings. In addition, if the APA is approved by the Board of County Commissioners, all applicable fees associated with a Comprehensive Plan map amendment shall be required. Any application for changes to an APA shall be the same as the fees requesting establishment.

Section 10: Enforcement, Prohibitions, and Penalties

Unless otherwise approved by the Board of County Commissioners, the following land uses are prohibited within an APA:

- a) The siting of residential, commercial, manufacturing, industrial, solar energy, wind energy, or battery storage structures; or
- b) Any other use not explicitly allowed in an agricultural zone in the Canyon County land use matrix.

The Development Services Director or his/her designee shall be responsible for enforcing the provisions of this ordinance. Any person found to be in violation of this code shall be guilty of a misdemeanor and punishable as provided in Section 18-113, Idaho Code.

Section 11: Severability

If any section, subsection, sentence, clause, or phrase of this title is held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title and they shall remain in full force and effect.

Section 12: Effective Date

This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED and APPROVED by the Canyon County Board of County Commissioners on this _____ day of _____, 2024

Jay Gibbons

From: O'Shea, Maureen <Maureen.OShea@idwr.idaho.gov>
Sent: Thursday, November 7, 2024 10:30 AM
To: Sabrina Minshall
Subject: [External] re: Full Political APA Ordinance
Attachments: NEW - P&Z Rezone full political agency notice.pdf

Sabrina,

The National Flood Insurance Program (NFIP) has no comments.

I am working part-time & generally available from 9:00 a.m. to noon Monday through Thursday.

Thank you,
Maureen O'Shea, CFM
Floodplain Specialist
Idaho Dept. of Water Resources
322 E. Front Street, PO Box 83720,
Boise, ID 83720-0098
Office # 208-287-4928
Cell # 208-830-4174
Maureen.OShea@idwr.idaho.gov
<https://www.idwr.idaho.gov/floods/>

From: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Sent: Wednesday, November 6, 2024 4:27 PM
To: 'rcollins@cityofcaldwell.org' <rcollins@cityofcaldwell.org>; 'p&Z@cityofcaldwell.org' <p&Z@cityofcaldwell.org>; 'dgeyer@cityofcaldwell.org' <dgeyer@cityofcaldwell.org>; 'jdodson@cityofcaldwell.org' <jdodson@cityofcaldwell.org>; 'mbessaw@cityofcaldwell.org' <mbessaw@cityofcaldwell.org>; 'amy@cityofcaldwell.org' <amy@cityofcaldwell.org>; 'alicep@cityofhomedale.org' <alicep@cityofhomedale.org>; 'jgreen@marsingcity.com' <jgreen@marsingcity.com>; 'mayor@cityofmelba.org' <mayor@cityofmelba.org>; 'cityclerk@cityofmelba.org' <cityclerk@cityofmelba.org>; 'jhutchison@middletoncity.com' <jhutchison@middletoncity.com>; 'jreynolds@middletoncity.com' <jreynolds@middletoncity.com>; 'mhobbs@middletoncity.org' <mhobbs@middletoncity.org>; 'rstewart@middletoncity.com' <rstewart@middletoncity.com>; 'sellersr@cityofnampa.us' <sellersr@cityofnampa.us>; 'watkinsk@cityofnampa.us' <watkinsk@cityofnampa.us>; 'badgerd@cityofnampa.us' <badgerd@cityofnampa.us>; 'addressing@cityofnampa.us' <addressing@cityofnampa.us>; 'critchfieldd@cityofnampa.us' <critchfieldd@cityofnampa.us>; 'clerks@cityofnampa.us' <clerks@cityofnampa.us>; 'timc@cityofnampa.us' <timc@cityofnampa.us>; 'notuscityclerk@gmail.com' <notuscityclerk@gmail.com>; 'info@parmacityid.org' <info@parmacityid.org>; 'mayor@parmacityid.org' <mayor@parmacityid.org>; 'planning@parmacityid.org' <planning@parmacityid.org>; 'snickel@staridaho.org' <snickel@staridaho.org>; 'wsevery@cityofwilder.org' <wsevery@cityofwilder.org>; 'casanderson@caldwellschools.org' <casanderson@caldwellschools.org>; 'jshoemaker@blm.gov' <jshoemaker@blm.gov>; 'nicmiller@cw.edu' <nicmiller@cw.edu>; 'ddenney@homedaleschools.org' <ddenney@homedaleschools.org>; 'Brian Graves' <bgraves@kunaschools.org>; 'tejensen@kunaschools.org' <tejensen@kunaschools.org>; 'nstewart@marsingschools.org' <nstewart@marsingschools.org>; 'sadams@melbaschools.org' <sadams@melbaschools.org>; 'horner.marci@westada.org' <horner.marci@westada.org>; 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'cstauffer@nsd131.org' <cstauffer@nsd131.org>; 'dleon@nsd131.org' <dleon@nsd131.org>; 'krantz@notusschools.org' <krantz@notusschools.org>; 'tkelly@parmaschools.org' <tkelly@parmaschools.org>; 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org>; 'lisa.boyd@vallivue.org' <lisa.boyd@vallivue.org>; 'joseph.palmer@vallivue.org' <joseph.palmer@vallivue.org>

<joseph.palmer@vallivue.org>; 'jdillon@wilderschools.org' <jdillon@wilderschools.org>; 'lrichard@cityofcaldwell.org' <lrichard@cityofcaldwell.org>; 'Alan Perry' <aperry@cityofcaldwell.org>; 'homedalefd@gmail.com' <homedalefd@gmail.com>; 'tlawrence@kunafire.com' <tlawrence@kunafire.com>; 'khinkle@kunafire.com' <khinkle@kunafire.com>; 'marsingfiredistrict@yahoo.com' <marsingfiredistrict@yahoo.com>; 'marsingruralfire@gmail.com' <marsingruralfire@gmail.com>; 'brian.mccormack@melbafire.id.gov' <brian.mccormack@melbafire.id.gov>; 'kenny.hoagland@melbafire.id.gov' <kenny.hoagland@melbafire.id.gov>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'johnsonre@nampafire.org' <johnsonre@nampafire.org>; 'johnsonrl@nampafire.org' <johnsonrl@nampafire.org>; 'linanj@nampafire.org' <linanj@nampafire.org>; 'jeff@parmafire.us' <jeff@parmafire.us>; 'parmaruralfire@gmail.com' <parmaruralfire@gmail.com>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'eddy@heritagewifi.com' <eddy@heritagewifi.com>; 'jmaloney@wilderfire.org' <jmaloney@wilderfire.org>; Knute Sandahl <Knute.Sandahl@doi.idaho.gov>; 'Chris Hopper' <chopper@hwydistrict4.org>; 'Lenny Riccio' <lrccio@hwydistrict4.org>; 'bobw@gghd3.org' <bobw@gghd3.org>; 'office@gghd3.org' <office@gghd3.org>; 'Eddy Thiel' <eddy@nampahighway1.com>; 'gwatkins@nphd.net' <gwatkins@nphd.net>; 'admin1@kunalibrary.org' <admin1@kunalibrary.org>; 'admin2@kunalibrary.org' <admin2@kunalibrary.org>; lizardbuttelibrary@yahoo.com; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingham@idahopower.com' <eingham@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'contract.administration.bid.box@ziply.com' <contract.administration.bid.box@ziply.com>; 'developmentreview@blackcanyonirrigation.com' <developmentreview@blackcanyonirrigation.com>; 'aflavel.bkirrdist@gmail.com' <aflavel.bkirrdist@gmail.com>; 'tritthaler@boiseproject.org' <tritthaler@boiseproject.org>; 'gashley@boiseproject.org' <gashley@boiseproject.org>; 'irr.water.3@gmail.com' <irr.water.3@gmail.com>; 'kchamberlain.fcdc@gmail.com' <kchamberlain.fcdc@gmail.com>; 'office@idcpas.com' <office@idcpas.com>; 'fcdc1875@gmail.com' <fcdc1875@gmail.com>; 'farmers.union.ditch@gmail.com' <farmers.union.ditch@gmail.com>; 'wilders04@msn.com' <wilders04@msn.com>; 'irrigation.mm.mi@gmail.com' <irrigation.mm.mi@gmail.com>; 'nmid@nmid.org' <nmid@nmid.org>; 'eolvera@nmid.org' <eolvera@nmid.org>; 'terri@nyid.org' <terri@nyid.org>; 'kirk@pioneerirrigation.com' <kirk@pioneerirrigation.com>; 'sheepmama25@gmail.com' <sheepmama25@gmail.com>; 'fcdc1875@gmail.com' <fcdc1875@gmail.com>; 'mack@settlersirrigation.org' <mack@settlersirrigation.org>; 'kchamberlain.fcdc@gmail.com' <kchamberlain.fcdc@gmail.com>; Mitch Kiester <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; 'drain.dist.2@gmail.com' <drain.dist.2@gmail.com>; 'bryce@sawtoothlaw.com' <bryce@sawtoothlaw.com>; 'scott_sbi@outlook.com' <scott_sbi@outlook.com>; projectmgr <projectmgr@boiseriver.org>; testrada@starswd.com; 'jlucas@achdidaho.org' <jlucas@achdidaho.org>; 'clittle@achdidaho.org' <clittle@achdidaho.org>; 'brentc@brownbuscompany.com' <brentc@brownbuscompany.com>; 'gis@compassidaho.org' <gis@compassidaho.org>; 'D3Development.services@itd.idaho.gov' <D3Development.services@itd.idaho.gov>; 'niki.benyakhlef@itd.idaho.gov' <niki.benyakhlef@itd.idaho.gov>; 'itdd3permits@itd.idaho.gov' <itdd3permits@itd.idaho.gov>; 'airport.planning@itd.idaho.gov' <airport.planning@itd.idaho.gov>; 'webmaster@valleyregionaltransit.org' <webmaster@valleyregionaltransit.org>; 'smm5156@gmail.com' <smm5156@gmail.com>; 'deb0815@yahoo.com' <deb0815@yahoo.com>; 'kunacemetery@gmail.com' <kunacemetery@gmail.com>; '3tjj@frontiernet.net' <3tjj@frontiernet.net>; 'melbacemetery@gmail.com' <melbacemetery@gmail.com>; 'middletoncemdist13@gmail.com' <middletoncemdist13@gmail.com>; 'ann_jacops@hotmail.com' <ann_jacops@hotmail.com>; 'facjhill@gmail.com' <facjhill@gmail.com>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; 'tryska7307@gmail.com' <tryska7307@gmail.com>; 'shankelc@cityofnampa.us' <shankelc@cityofnampa.us>; Diana Little <Diana.Little@canyoncounty.id.gov>; Loretta Tweedy <Loretta.Tweedy@canyoncounty.id.gov>; Assessor Website <2cAsr@canyoncounty.id.gov>; Elections Clerk <electionsclerk@canyoncounty.id.gov>; 'roger@amgidaho.com' <roger@amgidaho.com>; Nichole Schwend <Nichole.Schwend@canyoncounty.id.gov>; Rick Britton <Rick.Britton@canyoncounty.id.gov>; 'Richard Sims' <middletown.rich@gmail.com>; Jim Lunders <jlunders@2cmad.org>; 'mgrodriguez@usbr.gov' <mgrodriguez@usbr.gov>; 'edward_owens@fws.gov' <edward_owens@fws.gov>; BRO Admin <BRO.Admin@deq.idaho.gov>; Kenny Huston <kenny.huston@oer.idaho.gov>; Brenna Garro <Brenna.Garro@oer.idaho.gov>; Jackson, Peter <Peter.Jackson@idwr.idaho.gov>; O'Shea, Maureen

<Maureen.OShea@idwr.idaho.gov>; Western Info <westerninfo@idwr.idaho.gov>; 'john.graves@fema.dhs.gov' <john.graves@fema.dhs.gov>; 'idahoaaa@gmail.com' <idahoaaa@gmail.com>; 'zlathim@idl.idaho.gov' <zlathim@idl.idaho.gov>; Flack,Brandon <brandon.flack@idfg.idaho.gov>; 'aubrie.hunt@dhw.idaho.gov' <aubrie.hunt@dhw.idaho.gov>; 'marilyn.peoples@dhw.idaho.gov' <marilyn.peoples@dhw.idaho.gov>; Tricia Canaday <Tricia.Canaday@ishs.idaho.gov>; Dan Everhart <Dan.Everhart@ishs.idaho.gov>; Patricia Hoffman <Patricia.Hoffman@ishs.idaho.gov>; Stevie Harris <Stevie.Harris@ISDA.IDAHO.GOV>; Brock Cornell <Brock.Cornell@ISDA.IDAHO.GOV>; 'tate.walters@id.usda.gov' <tate.walters@id.usda.gov>; 'carol.chadwick@usda.gov' <carol.chadwick@usda.gov>; 'noe.ramirez@usda.gov' <noe.ramirez@usda.gov>; 'CENWW-RD-BOI-TV@usace.army.mil' <CENWW-RD-BOI-TV@usace.army.mil>; 'laura.j.freedman@usps.gov' <laura.j.freedman@usps.gov>; 'rakesh.n.dewan@usps.gov' <rakesh.n.dewan@usps.gov>; 'chad.m.franklin@usps.gov' <chad.m.franklin@usps.gov>; 'melvin.b.norton@usps.gov' <melvin.b.norton@usps.gov>; 'tammi.l.barth@usps.gov' <tammi.l.barth@usps.gov>; 'henry.medel@usps.gov' <henry.medel@usps.gov>; 'khrista.m.holman@usps.gov' <khrista.m.holman@usps.gov>; 'rochelle.fuquay@usps.gov' <rochelle.fuquay@usps.gov>; 'leroy.eyler@usps.gov' <leroy.eyler@usps.gov>; 'marc.c.boyer@usps.gov' <marc.c.boyer@usps.gov>; 'mhuff@co.owyhee.id.us' <mhuff@co.owyhee.id.us>; 'gmprdjennifer@gmail.com' <gmprdjennifer@gmail.com>; 'lisaitano@me.com' <lisaitano@me.com>; 'scott@fccnw.com' <scott@fccnw.com>; 'srcsbinfo@gmail.com' <srcsbinfo@gmail.com>; 'tottens@amsidaho.com' <tottens@amsidaho.com>; 'melvin.b.norton@usps.gov' <melvin.b.norton@usps.gov>; 'scott.hauser@usrtf.org' <scott.hauser@usrtf.org>; 'info@destinationcaldwell.com' <info@destinationcaldwell.com>; Newsroom <newsroom@idahopress.com>; 'news@kboi2.com' <news@kboi2.com>; 'news@kivitv.com' <news@kivitv.com>; '670@kboi.com' <670@kboi.com>; 'ktvbnews@ktvb.com' <ktvbnews@ktvb.com>; 'miltonexpress1@gmail.com' <miltonexpress1@gmail.com>; 'rmorgan@kellerassociates.com' <rmorgan@kellerassociates.com>

Subject: Full Political APA Ordinance

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Dear Agencies,

Your agency is being notified pursuant to the Local Land Use Planning Act, Idaho Code 67-6509, to all political subdivisions providing services within the planning jurisdiction of Canyon County, including school districts and media.

No response is required from your agency unless you have input on the proposed project.

Contact the planner of record, **Sabrina Minshall** at sabrina.minshall@canyoncounty.id.gov with any questions or additional agency comments or concerns if applicable.

Thank you,



Amber Lewter

Hearing Specialist

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-454-6631

Fax: 208-454-6633

Email: amber.lewter@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

Development Services Department (DSD)

NEW public office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

****We will not be closed during lunch hour ****

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