



Board of Canyon County Commissioners
Hearing Date: December 18, 2024
Canyon County Development Services Department

PLANNING DIVISION ADDENDUM

CASE NUMBER: Agricultural Preservation Act Ordinance
APPLICANT/REPRESENTATIVE: Development Services Staff
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 Ordinance.

LOCATION: Canyon County

ANALYST: Jay Gibbons, Director
REVIEWED BY: Carl Anderson, Planning Supervisor

P&Z RECOMMENDATION: Approval with amendments

SUMMARY:

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 of the P&Z staff report.**) 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. The Planning & Zoning Commission heard the case at a public hearing held on November 7, 2024 & November 21, 2024. After deliberation the Planning & Zoning Commission recommended (Approval with Amendments) of the request (Exhibit I & II).

The Staff report packet dated November 21, 2024, and all supporting material are contained in Exhibit III. Any additional agency & public comments received for the subject public hearing, or received as a late exhibit at the previous public hearing may be found in Exhibits IV & V.

In order for the Board of Canyon County Commissioners to make a positive finding on the proposed ordinance, compliance with the Canyon County 2030 Comprehensive Plan must be addressed. At the November 21, 2024 Planning & Zoning Commission public hearing, testimony was provided illustrating that the proposed ordinance is, in fact, compliant with the Chapter 12 Goals, Policies and Actions set forth in the current comprehensive plan. See Exhibit VII.

EXHIBITS:

- I. Planning & Zoning Commission FCOs Dated: November 21, 2024
- II. Planning & Zoning Commission Minutes: Transcription Pending
- III. Planning & Zoning Commission Staff Report Packet Dated: November 21, 2024
- IV. Agency Comments Received by: December 8, 2024
 - a. Idaho DEQ; Received: November 25, 2024
 - b. Canyon Soil Conservation District; Received December 8, 2024
- V. Public Comments Received by: December 8, 2024
 - a. Stephanie Ertz; Received: December 6, 2024
 - b. Patrick Williamson; Received: December 6, 2024
 - c. Patrick Williamson; Received: December 6, 2024
 - d. Claudia Haynes; Received December 8, 2024
 - e. Keri Smith; Received December 4, 2024
- VI. Application Materials Received by Materials Deadline: December 8, 2024
- VII. Table 12 in Chapter 12 'Agriculture' in the Canyon County 2030 Comprehensive Plan – highlighted policies and actions are relevant to the ordinance's compliance.



Canyon County Planning and Zoning Commission Amendment of Canyon County Zoning Ordinance

Agricultural Protection Act Ordinance

Development Services Department, November 21, 2024

Findings of Fact, Conclusions of Law, and Order

Amendment of the Canyon County Zoning Ordinance to add a new Article to Chapter 7, to be known as the Chapter 7 Article 9 Agricultural Protection Act in accord with Idaho Code §67-9701 - 9712.

Findings of Fact and Conclusion of Law

1. A public hearing was conducted in accordance with CCZO Chapter 7, Articles 5 and 6, and Idaho Code §67-6509 and §67-6511.
2. The request is not subject to the regulatory taking analysis provided for by section §67-8003.
3. There is no evidence that would demonstrate that the requested amendments are contrary to the Comprehensive Plan or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction.
4. In accordance with Canyon County Code §07-06-01(4)(A), the Planning and Zoning Commission considered the Comprehensive Plan and other evidence gathered through the public hearing process.

Recommended Amendments to proposed Ordinance

1. Remove references to or requirements pertaining to the following:
 - a. The prohibition of APA eligible properties within areas of city impact areas
 - b. Remove requirements to provide soils classification/survey data
 - c. All references to 'contiguous'
 - d. Requirement for comprehensive plan map amendment
 - e. The BOCC shall not require improvements to an APA property to increase/improve compatibility
 - f. Minimize fees, simply expedite the approval processes.
 - g. Remove requirements pertaining to history of ownership
 - h. Remove item b in section 10
 - i. DSD staff reminders to property owner as expiration nears.
 - j. Remove all application evaluation criteria not specifically required by statute (items b-m) with the exception of item i (compatibility and add water rights data to this item).
2. Add allowances for the following:
 - a. Allow buildings & structures for use specifically for the occurring agricultural use, ie. Crop storage buildings, shops and other ag related facilities
 - b. Allow renewable energy systems appropriately sized for the APA.
 - c. Allow auto renewal

Order

Based upon the Findings of Fact and Conclusions of Law contained herein, the Planning and Zoning Commission recommends approval of the Agricultural Protection Act Ordinance with the amendments enumerated above to the Board of County Commissioners.

APPROVED this 21 day of November, 2024.



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

A handwritten signature in blue ink, appearing to read "Robert Sturgill".

Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 21 day of November, in the year 2024, before me Amber Lewter, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

Notary: Amber Lewter

My Commission Expires: 10/20/2029



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 |

TABLE OF CONTENTS:

| | Page # |
|------------------------|--------|
| 1. Background | 1 |
| 2. Hearing Body Action | 2 |
| 3. Hearing Criteria | n/a |
| 4. Agency Comment | n/a |
| 5. Public Comment | 2 |
| 6. Summary | 3 |
| 7. Exhibits | 4 |

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)
 - i. Comments from at APA Open House, November 19, 2024 (read into the record by staff)
 - j. Stephanie Ertz, November 21, 2024 (read into the record by staff)
 - k. Canyon Soil Conservation District, November 21, 2024 (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:

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

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

The logo for Treasure Valley Planning Idaho. It features the words "Treasure Valley" in a large, elegant, cursive script. Below this, the words "PLANNING IDAHO" are written in a smaller, all-caps, sans-serif font. The entire text is enclosed within a thin rectangular border.

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.

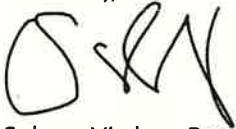
The seed industry is the cornerstone of agriculture. Canyon County, Idaho's largest seed-producing region, is one of only five global seed production areas. Seed production in Canyon County exists because of our ability to irrigate in a high desert climate – something very rare compared to the rest of 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 ****

PUBLIC RECORD NOTICE: All communications transmitted within the Canyon County email system may be a public record and may be subject to disclosure under the Idaho Public Records Act and as such may be copied and reproduced by members of the public.

Jay Gibbons

From: Amber Lewter
Sent: Tuesday, November 12, 2024 11:48 AM
To: Jay Gibbons
Subject: FW: [External] RE: Full Political APA Ordinance

From: Gretchen Flores <GFlores@nmid.org>
Sent: Tuesday, November 12, 2024 8:28 AM
To: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Subject: [External] RE: Full Political APA Ordinance

To Whom It May Concern:

Nampa & Meridian Irrigation District (NMID) has no comment on the above-referenced application as no facilities are impacted and plans show storm water is retained on site.

All private laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site, NMID will need to review drainage plans. The developer must comply with Idaho Code 31-3805.

Please feel free to contact me with any further questions.

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@civildynamics.net' <amy@civildynamics.net>; '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>](mailto:dleon@nsd131.org); 'krantz@notusschools.org' [<krantz@notusschools.org>](mailto:krantz@notusschools.org); 'tkelly@parmaschools.org' [<tkelly@parmaschools.org>](mailto:tkelly@parmaschools.org); 'jenny.titus@vallivue.org' [<jenny.titus@vallivue.org>](mailto:jenny.titus@vallivue.org); 'lisa.boyd@vallivue.org' [<lisa.boyd@vallivue.org>](mailto:lisa.boyd@vallivue.org); 'joseph.palmer@vallivue.org' [<joseph.palmer@vallivue.org>](mailto:joseph.palmer@vallivue.org); 'jdillon@wilderschools.org' [<jdillon@wilderschools.org>](mailto:jdillon@wilderschools.org); 'lrichard@cityofcaldwell.org' [<lrichard@cityofcaldwell.org>](mailto:lrichard@cityofcaldwell.org); 'Alan Perry' [<aperry@cityofcaldwell.org>](mailto:aperry@cityofcaldwell.org); 'homedalefd@gmail.com' [<homedalefd@gmail.com>](mailto:homedalefd@gmail.com); 'tlawrence@kunafire.com' [<tlawrence@kunafire.com>](mailto:tlawrence@kunafire.com); 'khinkle@kunafire.com' [<khinkle@kunafire.com>](mailto:khinkle@kunafire.com); 'marsingfiredistrict@yahoo.com' [<marsingfiredistrict@yahoo.com>](mailto:marsingfiredistrict@yahoo.com); 'marsingruralfire@gmail.com' [<marsingruralfire@gmail.com>](mailto:marsingruralfire@gmail.com); 'brian.mccormack@melbafire.id.gov' [<brian.mccormack@melbafire.id.gov>](mailto:brian.mccormack@melbafire.id.gov); 'kenny.hoagland@melbafire.id.gov' [<kenny.hoagland@melbafire.id.gov>](mailto:kenny.hoagland@melbafire.id.gov); 'permits@starfirerescue.org' [<permits@starfirerescue.org>](mailto:permits@starfirerescue.org); 'johnsonre@nampafire.org' [<johnsonre@nampafire.org>](mailto:johnsonre@nampafire.org); 'johnsonrl@nampafire.org' [<johnsonrl@nampafire.org>](mailto:johnsonrl@nampafire.org); 'linanj@nampafire.org' [<linanj@nampafire.org>](mailto:linanj@nampafire.org); 'jeff@parmafire.us' [<jeff@parmafire.us>](mailto:jeff@parmafire.us); 'parmaruralfire@gmail.com' [<parmaruralfire@gmail.com>](mailto:parmaruralfire@gmail.com); 'permits@starfirerescue.org' [<permits@starfirerescue.org>](mailto:permits@starfirerescue.org); 'eddy@heritagewifi.com' [<eddy@heritagewifi.com>](mailto:eddy@heritagewifi.com); 'jmaloney@wilderfire.org' [<jmaloney@wilderfire.org>](mailto:jmaloney@wilderfire.org); 'knote.sandahl@doi.idaho.gov' [<knote.sandahl@doi.idaho.gov>](mailto:knote.sandahl@doi.idaho.gov); 'Chris Hopper' [<chopper@hwydistrict4.org>](mailto:chopper@hwydistrict4.org); 'Lenny Riccio' [<lriccio@hwydistrict4.org>](mailto:lriccio@hwydistrict4.org); 'bobw@gghd3.org' [<bobw@gghd3.org>](mailto:bobw@gghd3.org); 'office@gghd3.org' [<office@gghd3.org>](mailto:office@gghd3.org); 'Eddy Thiel' [<eddy@nampahighway1.com>](mailto:eddy@nampahighway1.com); 'gwatkins@nphd.net' [<gwatkins@nphd.net>](mailto:gwatkins@nphd.net); 'admin1@kunalibrary.org' [<admin1@kunalibrary.org>](mailto:admin1@kunalibrary.org); 'admin2@kunalibrary.org' [<admin2@kunalibrary.org>](mailto:admin2@kunalibrary.org); 'lizardbuttelibrary@yahoo.com' [<lizardbuttelibrary@yahoo.com>](mailto:lizardbuttelibrary@yahoo.com); 'brandy.walker@centurylink.com' [<brandy.walker@centurylink.com>](mailto:brandy.walker@centurylink.com); 'eingram@idahopower.com' [<eingram@idahopower.com>](mailto:eingram@idahopower.com); 'easements@idahopower.com' [<easements@idahopower.com>](mailto:easements@idahopower.com); 'mkelly@idahopower.com' [<mkelly@idahopower.com>](mailto:mkelly@idahopower.com); 'monica.taylor@intgas.com' [<monica.taylor@intgas.com>](mailto:monica.taylor@intgas.com); 'jessica.mansell@intgas.com' [<jessica.mansell@intgas.com>](mailto:jessica.mansell@intgas.com); 'contract.administration.bid.box@ziply.com' [<contract.administration.bid.box@ziply.com>](mailto:contract.administration.bid.box@ziply.com); 'developmentreview@blackcanyonirrigation.com' [<developmentreview@blackcanyonirrigation.com>](mailto:developmentreview@blackcanyonirrigation.com); 'aflavel.bkirrdist@gmail.com' [<aflavel.bkirrdist@gmail.com>](mailto:aflavel.bkirrdist@gmail.com); 'tritthaler@boiseproject.org' [<tritthaler@boiseproject.org>](mailto:tritthaler@boiseproject.org); 'gashley@boiseproject.org' [<gashley@boiseproject.org>](mailto:gashley@boiseproject.org); 'irr.water.3@gmail.com' [<irr.water.3@gmail.com>](mailto:irr.water.3@gmail.com); 'kchamberlain.fcdc@gmail.com' [<kchamberlain.fcdc@gmail.com>](mailto:kchamberlain.fcdc@gmail.com); 'office@idcpas.com' [<office@idcpas.com>](mailto:office@idcpas.com); 'fcdc1875@gmail.com' [<fcdc1875@gmail.com>](mailto:fcdc1875@gmail.com); 'farmers.union.ditch@gmail.com' [<farmers.union.ditch@gmail.com>](mailto:farmers.union.ditch@gmail.com); 'wilders04@msn.com' [<wilders04@msn.com>](mailto:wilders04@msn.com); 'irrigation.mm.mi@gmail.com' [<irrigation.mm.mi@gmail.com>](mailto:irrigation.mm.mi@gmail.com); 'NMID' [<NMID@nmid.org>](mailto:NMID@nmid.org); 'Erika Olvera' [<EOlvera@nmid.org>](mailto:EOlvera@nmid.org); 'terri@nyid.org' [<terri@nyid.org>](mailto:terri@nyid.org); 'kirk@pioneerirrigation.com' [<kirk@pioneerirrigation.com>](mailto:kirk@pioneerirrigation.com); 'sheepmama25@gmail.com' [<sheepmama25@gmail.com>](mailto:sheepmama25@gmail.com); 'fcdc1875@gmail.com' [<fcdc1875@gmail.com>](mailto:fcdc1875@gmail.com); 'mack@settlersirrigation.org' [<mack@settlersirrigation.org>](mailto:mack@settlersirrigation.org); 'kchamberlain.fcdc@gmail.com' [<kchamberlain.fcdc@gmail.com>](mailto:kchamberlain.fcdc@gmail.com); 'mitch.kiester@phd3.idaho.gov' [<mitch.kiester@phd3.idaho.gov>](mailto:mitch.kiester@phd3.idaho.gov); 'anthony.lee@phd3.idaho.gov' [<anthony.lee@phd3.idaho.gov>](mailto:anthony.lee@phd3.idaho.gov); 'drain.dist.2@gmail.com' [<drain.dist.2@gmail.com>](mailto:drain.dist.2@gmail.com); 'bryce@sawtoothlaw.com' [<bryce@sawtoothlaw.com>](mailto:bryce@sawtoothlaw.com); 'scott_sbi@outlook.com' [<scott_sbi@outlook.com>](mailto:scott_sbi@outlook.com); 'projectmgr@boiseriver.org' [<projectmgr@boiseriver.org>](mailto:projectmgr@boiseriver.org); 'testrada@starswd.com' [<testrada@starswd.com>](mailto:testrada@starswd.com); 'jlucas@achdidaho.org' [<jlucas@achdidaho.org>](mailto:jlucas@achdidaho.org); 'clittle@achdidaho.org' [<clittle@achdidaho.org>](mailto:clittle@achdidaho.org); 'brentc@brownbuscompany.com' [<brentc@brownbuscompany.com>](mailto:brentc@brownbuscompany.com); 'gis@compassidaho.org' [<gis@compassidaho.org>](mailto:gis@compassidaho.org); 'D3Development.services@itd.idaho.gov' [<D3Development.services@itd.idaho.gov>](mailto:D3Development.services@itd.idaho.gov); 'niki.benyakhlef@itd.idaho.gov' [<niki.benyakhlef@itd.idaho.gov>](mailto:niki.benyakhlef@itd.idaho.gov); 'itdd3permits@itd.idaho.gov' [<itdd3permits@itd.idaho.gov>](mailto:itdd3permits@itd.idaho.gov); 'airport.planning@itd.idaho.gov' [<airport.planning@itd.idaho.gov>](mailto:airport.planning@itd.idaho.gov); 'webmaster@valleyregionaltransit.org' [<webmaster@valleyregionaltransit.org>](mailto:webmaster@valleyregionaltransit.org); 'smm5156@gmail.com' [<smm5156@gmail.com>](mailto:smm5156@gmail.com); 'deb0815@yahoo.com' [<deb0815@yahoo.com>](mailto:deb0815@yahoo.com); 'kunacemetery@gmail.com' [<kunacemetery@gmail.com>](mailto:kunacemetery@gmail.com); '3tjj@frontiernet.net' [<3tjj@frontiernet.net>](mailto:3tjj@frontiernet.net); 'melbacemetery@gmail.com' [<melbacemetery@gmail.com>](mailto:melbacemetery@gmail.com); 'middletoncemdist13@gmail.com' [<middletoncemdist13@gmail.com>](mailto:middletoncemdist13@gmail.com); 'ann_jacops@hotmail.com' [<ann_jacops@hotmail.com>](mailto:ann_jacops@hotmail.com); 'facjhill@gmail.com' [<facjhill@gmail.com>](mailto:facjhill@gmail.com); 'Brian Crawforth' [<Brian.Crawforth@canyoncounty.id.gov>](mailto:Brian.Crawforth@canyoncounty.id.gov); 'Christine Wendelsdorf' [<Christine.Wendelsdorf@canyoncounty.id.gov>](mailto:Christine.Wendelsdorf@canyoncounty.id.gov); 'Michael Stowell' [<mstowell@ccparamedics.com>](mailto:mstowell@ccparamedics.com); 'tryska7307@gmail.com' [<tryska7307@gmail.com>](mailto:tryska7307@gmail.com); 'shankelc@cityofnampa.us' [<shankelc@cityofnampa.us>](mailto:shankelc@cityofnampa.us); 'Diana Little' [<Diana.Little@canyoncounty.id.gov>](mailto:Diana.Little@canyoncounty.id.gov); 'Loretta Tweedy' [<Loretta.Tweedy@canyoncounty.id.gov>](mailto:Loretta.Tweedy@canyoncounty.id.gov); 'Assessor Website' [<2cAsr@canyoncounty.id.gov>](mailto:2cAsr@canyoncounty.id.gov); 'Elections Clerk' [<electionsclerk@canyoncounty.id.gov>](mailto:electionsclerk@canyoncounty.id.gov); 'roger@amgidaho.com' [<roger@amgidaho.com>](mailto:roger@amgidaho.com); 'Nichole Schwend' [<Nichole.Schwend@canyoncounty.id.gov>](mailto:Nichole.Schwend@canyoncounty.id.gov); 'Rick Britton' [<Rick.Britton@canyoncounty.id.gov>](mailto:Rick.Britton@canyoncounty.id.gov); 'Richard Sims' [<middletown.rich@gmail.com>](mailto: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@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'kenny.huston@oer.idaho.gov' <kenny.huston@oer.idaho.gov>; 'brenna.garro@oer.idaho.gov' <brenna.garro@oer.idaho.gov>; 'peter.Jackson@idwr.idaho.gov' <peter.Jackson@idwr.idaho.gov>; 'maureen.oshea@idwr.idaho.gov' <maureen.oshea@idwr.idaho.gov>; 'westerninfo@idwr.idaho.gov' <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>; 'brandon.flack@idfg.idaho.gov' <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@ishs.idaho.gov' <tricia.canaday@ishs.idaho.gov>; 'dan.everhart@ishs.idaho.gov' <dan.everhart@ishs.idaho.gov>; 'patricia.hoffman@ishs.idaho.gov' <patricia.hoffman@ishs.idaho.gov>; 'stevie.harris@isda.idaho.gov' <stevie.harris@isda.idaho.gov>; 'brock.cornell@isda.idaho.gov' <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>; 'middletonexpress1@gmail.com' <middletonexpress1@gmail.com>; 'rmorgan@kellerassociates.com' <rmorgan@kellerassociates.com>

Subject: Full Political APA Ordinance

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

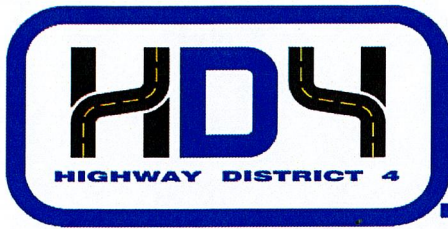
8am – 5pm

Wednesday

1pm – 5pm

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

PUBLIC RECORD NOTICE: All communications transmitted within the Canyon County email system may be a public record and may be subject to disclosure under the Idaho Public Records Act and as such may be copied and reproduced by members of the public.



November 14, 2024

Canyon County Board of Commissioners and Planning & Zoning Commission
111 N. 11th Street
Caldwell, Idaho 83605
Attention: Sabrina Minshall, Planning Director

**RE: Agricultural Protection Area Act (Idaho Code 67-97)
Draft Ordinance**

Dear Commissioners:

Highway District No. 4 has reviewed the proposed ordinance establishing Agricultural Protection Area(s) within the county, and offers the following comments:

HD4 is willing to provide comment on each new application for Agricultural Protection Area designations, or for additions to existing APAs. The highway district would provide comments on the following topics:

1. Existing public highways or rights-of-way within the proposed APA.
2. Description(s) of right-of-way width and/or location.
3. Future right-of-way widths based on functional classification (arterial, collector, local, etc...)
4. Additional future right-of-way needs due to slopes, terrain, drainage features, or intersection improvements.
5. Timing of roadway widening or intersection improvements within the APA:
 - a. Planned or programmed projects (typically 1-5 year horizon)
 - b. Anticipated needs within the 20-yr life of the APA

The draft ordinance does not explicitly state that notice will be provided to local agencies other than cities for APA hearings. If the highway district will receive notice in accordance with the LLUPA laws (I.C. 67-65), then comments will be provided as stated above. If the highway district will not receive notice to provide comment on these hearings, we request that county staff include in their report the following minimum information:

1. Existing public highways or rights-of-way within or adjacent to the APA.
2. Functional classification of existing public highways.
3. Future right-of-way widths for existing or planned public roadways as depicted on the current functional classification map.
4. Section or quarter section lines within or adjacent to the APA.

HD4 requests that all permanent structures to be constructed within an APA comply with Canyon County Code 07-10-19 Section Line Setback, which provides that no permanent structure shall be located closer than 70-feet to any section or quarter section line preserved for a future road unless waived by the highway district. These setbacks allow for expansion of the existing roadway system without significant impacts to existing building structures.

Along alignments identified on the functional classification map for future roadways, these setbacks preserve a corridor where the public roadway system can be improved with limited impact to building structures and their uses. If regularly applied, the section line setbacks significantly reduce the public cost of developing new roadways by minimizing the number of building structures that may be impacted.

Expansion of the public highway system is typically associated with needs arising from new growth and development. Although that is generally true, the existing highway system is not fully developed in an efficient fashion. For example, Farmway Rd is the only highway that connects between SH 55 (Karcher Rd) and SH 19 (Simplot Blvd). Urbanization along the Farmway Rd corridor (happening now) will increase travel times and congestion, and reduce the efficiency of that route for truck, agricultural, and long-distance trips. Extension of an additional existing roadway(s) between SH 55 and SH 19 will be desirable to maintain connectivity in the future, and preservation of corridors along section and quarter section lines promotes the ability to efficiently provide for necessary system improvements and minimize impacts to productive agricultural lands.

HD4 appreciates the opportunity for comment on this draft ordinance. Please feel free to contact me with any questions on this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read "Chris Hopper", followed by a long horizontal flourish.

Chris Hopper, P.E.
District Engineer

File: Development_Canyon County P&Z_2024_APA Ordinance

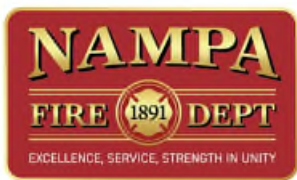
Jay Gibbons

From: Ron Johnson <johnsonrl@nampafire.org>
Sent: Monday, November 18, 2024 1:16 PM
To: Jay Gibbons
Subject: [External] RE: [EXTERNAL]Full Political APA Ordinance

Good afternoon,

Nampa Fire District does not oppose this application and has no additional comments.

Best regards,



Ron Johnson - IAAI-CFI, CFM

Deputy Chief - Fire Marshal

9 12th Ave South, Nampa, ID

O: 208.468.5760

C: 208.250.7005

[Nampa Fire Website](#) - [Facebook](#)

From: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Sent: Monday, November 18, 2024 8:35 AM
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@civildynamics.net' <amy@civildynamics.net>; '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>; 'jdillon@wilderschools.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>; Rob Johnson <johnsonre@nampafire.org>; Ron Johnson <johnsonrl@nampafire.org>; Julie Linan <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@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'Chris Hopper' <chopper@hwydistrict4.org>; 'Lenny Riccio' <lriccio@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' <lizardbuttelibrary@yahoo.com>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@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@phd3.idaho.gov' <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@boiseriver.org' <projectmgr@boiseriver.org>; 'testrada@starswd.com' <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@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'kenny.huston@oer.idaho.gov' <kenny.huston@oer.idaho.gov>;

'brenna.garro@oer.idaho.gov' <brenna.garro@oer.idaho.gov>; 'peter.Jackson@idwr.idaho.gov' <peter.Jackson@idwr.idaho.gov>; 'maureen.oshea@idwr.idaho.gov' <maureen.oshea@idwr.idaho.gov>; 'westerninfo@idwr.idaho.gov' <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>; 'brandon.flack@idfg.idaho.gov' <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@ishs.idaho.gov' <tricia.canaday@ishs.idaho.gov>; 'dan.everhart@ishs.idaho.gov' <dan.everhart@ishs.idaho.gov>; 'patricia.hoffman@ishs.idaho.gov' <patricia.hoffman@ishs.idaho.gov>; 'stevie.harris@isda.idaho.gov' <stevie.harris@isda.idaho.gov>; 'brock.cornell@isda.idaho.gov' <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>; 'middletonexpress1@gmail.com' <middletonexpress1@gmail.com>; 'rmorgan@kellerassociates.com' <rmorgan@kellerassociates.com>

Subject: [EXTERNAL]Full Political APA Ordinance

CAUTION: This email originated outside the Nampa Fire domain. DO-NOT CLICK on links or open attachments unless you recognize sender email or are sure content is safe.

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, **Jay Gibbons** at jay.gibbons@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 **

PUBLIC RECORD NOTICE: All communications transmitted within the Canyon County email system may be a public record and may be subject to disclosure under the Idaho Public Records Act and as such may be copied and reproduced by members of the public.

November 19, 2024

To: BOCC
Fr: Snake River Canyon Scenic Byway
Re: APA Draft Ordinance

The Snake River Canyon Scenic Byway (SRCSB) is a non-profit organization overseeing the byway that goes through and beyond Canyon County. It is the only agriculturally based byway in Idaho and only one of 5 in the United States. The preservation of our agricultural heritage and our future economy is very important and we appreciate the opportunity to comment.

The SRCSB Board of Directors has reviewed the proposed Agricultural Protection Act draft ordinance and has the following comments:

1. Under Section 4(f) we strongly oppose the language that eliminates such designations to be “located in, or within a ½ mile, of any city area of impact.” If a landowner wants to preserve his land for agriculture it should not matter the location. As you are aware, cities (with the county’s agreement) can and will continue to expand their areas of impact to apply influence over development. This arbitrarily could remove important and significant agricultural land from consideration for protection simply because of its unfortunate location in or near one of these areas. We do not believe that was the intention of the state law and should not be considered a condition.
2. Under Section 4, the second (f) and (g), we object to the majority of the conditions being placed on qualifications for designation. Specifically:
 - a. It should not matter the acreage if it meets the minimum size of 5 acres as specified under state law
 - b. Providing productivity information, which is proprietary in nature, should be none of the county’s business if the land is indeed in agricultural use.
 - c. The number of years under production is again of no consequence in determining designation. For example if a barren piece of land has only recently been made productive due to technology changes in agricultural methods, that short time frame should not be held against the landowner. In fact, they should be rewarded for their efforts.
 - d. Again, the quality of the soils and other environmental issues are moot if the land is under agricultural use. With alternate methods, crops, and technology, farming has progressed and made even the least productive lands productive.
3. Under Section 10 we feel that the dual use of agricultural land should be allowed if the primary agricultural purpose is not disrupted by those uses (i.e. energy uses). Perhaps those uses could be allowed on a case by case basis to determine if, for example, wind turbines would affect the land’s use and productivity in any way. These dual uses can make farmland more economically viable and provide environmental benefits as well without threatening the agricultural nature of them.

Thank you for considering our comments concerning the ordinance.

Teri Ottens
SRCSB Board/Secretary
208-869-6832



PLANNING AND ZONING DEPARTMENT

November 20, 2024

Jay Gibbons, Acting Director
Canyon County Development Services
111 N 11th Ave., #310
Caldwell, ID 83605

RE: Agricultural Protection Act Ordinance

Mr. Gibbons,

Nampa Planning and Zoning Department has reviewed the Canyon County Agricultural Protection Act (APA) DRAFT ORDINANCE 10/17/24, and has the following comments:

Nampa strongly urges the Planning and Zoning Commission and Board of County Commissioners to include the following proposed language as proposed by County staff in the APA Ordinance:

Section 4(f) "Not located in, or within ½ mile, of a city area of impact"

Section 5(b) Proximity to an area of city impact,

Section 5(c) Potential of conflict with city annexation, development plans, or agreements,

Section 5(d) Proximity to existing public rights of way

Section 5(e) Proximity to planned transportation corridors, improvements, or future public rights of way

Section 5(f) Proximity to existing or planned utility locations

Section 5(g) Proximity to planned airport expansion or development

Section 5(h) Proximity to any planned improvements described in the County Parks Plan

Section 5(i) Compatibility and consistency with existing development patterns, Comprehensive Plan designations, zoning designations, or planned development with land use entitlements,

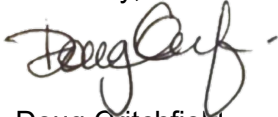
Section 5(j) Degree of transition of the land use in the proximity of the proposed APA in the ordinance adoption.

An Area of Impact is defined in Idaho State Code Section 67-6526 as an area within a boundary that is negotiated between the City and County that the City will grow into. The City of Nampa, private investors, landowners, and the community have invested heavily over several decades in the Nampa Area of Impact; and in production of the associated Comprehensive Plans, Future Land Use Maps, and Specific Area Plans. Current utility development and expansion is underway based on the current version of these plans. Private investment is contributing millions of dollars to the expansion of facilities throughout the Area of Impact. Several landowners and investors anticipate annexation and development when utilities become available. Inclusion of the APA preservation provisions in the Nampa Area of Impact, and in the areas that are within ½ mile from the Nampa Area of Impact, could cause significant damage to the City, landowners, and investors by disrupting the ability to develop and deliver services to areas that have been negotiated and planned for growth for decades.

The Area of Impact expanded into southwest Nampa following a two-year outreach and negotiation process. Farmers agreed to the expansion to the southwest in lieu of expansion to the south to protect seed growers in the area. Nampa negotiated in good faith with farmers and Canyon County that the expansion would allow the Southwest Nampa area to accept growth in a contiguous manner from the existing Nampa Area of Impact. Canyon County adopted the Nampa Area of Impact expansion into southwest Nampa in September 2023 without objection from farmers. Nampa continues to work with Canyon County on efforts to keep growth within the Nampa Area of Impact and eliminate urban development outside of the Area of City Impact. Introduction of APA preservation provisions in the Nampa Area of Impact could damage and disrupt the product of years of negotiations between farmers, Canyon County, landowners, and the City of Nampa

The expansion of APA preservation provisions into the Nampa Area of Impact would not make sense for farmers. In testimony that was provided during the Nampa Area of Impact expansion process, farmers indicated that they are less successful when farming near urban areas due to conflicts with traffic, seed contamination, and urban impacts from operations. Nampa agrees that farm operations and farmland preservation is best suited well outside of the Nampa Area of Impact.

Sincerely,



Doug Critchfield,
Principal Planner
Planning & Zoning Department
critchfieldd@cityofnampa.us
(208) 468-5442

EDC
file

- “We need the sort of program that exists in a few other states see; American Farmland Trust. To match aging farmers with unrelated young people who would be farmers and provide a protective legal framework.”
- “Sec. 67-9705 requires the APAC to establish the process- the appointments have not been made yet- so there has been no input on the ordinance from the experts.”
- “Ordinance goes beyond letter of the law regarding section 4 requirements most green highlighted language should be removed.”
- “20 years is a long time for such a commitment a 10-year option with renewal each year for another 10 would be better.”
- “It is not necessary to be under one ownership – remove this out of criteria”
- “Require all ROW to be excluded from APA.”
- “Follow your verbiage on the APA maps website for “Review Process of an APA””
- “Only section 9 of the proposal ordinance mentions requirements for Comp Plan Amendment disguised as “Fees””
- “Rather than simply comply with state law, would like to see County actually encourage farmland conservation.”
- “County should actually proactively contact and encourage land owners to participate.”
- “Why was the language added -not located within ½ mile of the city impact area? We have parcels currently farmed where the county has approved residential development around but they want to remain AG in perpetuity!”
- “The requirement to file for a Comp Plan amendment (buried in fees – not in above list) is not in line with the revised process shown in overview”
- “If developers and builders would not get a nod of pass fewer farmers would sell.”
- “Section 10 verbiage “unless otherwise approved by the Board of County Commissioners, the following land uses are prohibited within an APA” should be removed. The Commissioners should not get the last say or a say at all.”
- “Section 10 needs revised, does not actually protect agricultural ground. I would like to see this protect agriculture in full and not give power back to the County Commissioners for the final decision.”
- “Section 10 is a joke. It gives the BOCC the authority to approve any use.”
- “Do not require a comp plan change. It's already AG! Include provisions for “APA overlay” zone. Update that map.”
- “Criteria for approval is not a criteria.”
- “Remove requirements of ½ mile outside of the impact area.”
- “There does not seem to be any enforcement measures after the APA is place on a parcel”

Vote Sheet

4 in favor

1 needs change

1 not in favor

Dear Canyon County Planning and Zoning Commission,

My husband and I own and operate Happy Heron Farm, a small farm located at 91 S. Pit Ln, Nampa, Idaho. We started our farm in 2020 and we grow a variety of fruit and vegetables that are sold locally. We operate a CSA (Community Supported Agriculture) program and deliver fresh vegetables to members during the growing season. We have been vendors at both Nampa Farmers Market (2021 and 2022) and Boise Farmers Market (2024.) This year, we partnered with St. Luke's Hospital as part of their Pop Up Produce program, bringing fresh produce to hospital staff and guests weekly. Additionally, we sell our produce through Farm Deliver, a local business delivering local farm goods to subscribers in the Treasure Valley. Small farms like ours are a vibrant part of the local food economy.

We were encouraged to see the Agricultural Protection Act (APA) passed by the Idaho Legislature during the 2024 session. We believe it is an important first step to protecting agricultural land in Canyon County and across Idaho. We lease our land and the landowner is interested in applying for APA designation once the application process opens.

We believe there are several ways Canyon County's proposed ordinance can work better for farmers:

1. Currently, the ordinance disqualifies applicants who are "located in, or within ½ mile, of a city of area impact" (see *section (f) of qualifications*.) The Area of Impact in Canyon County is quite large – large enough to disqualify many landowners and potential properties outright.

In keeping with the language and spirit of a law whose goal is to protect farmland, we support removing this qualification from the ordinance. While certainly a factor for consideration, a landowner's proximity to a city or Area of Impact should not be grounds for illegibility alone. We worry this qualification will be a roadblock for many otherwise eligible properties.

2. In Section 9, the proposed ordinance requires a "Comprehensive Plan Map Amendment," and the landowner is responsible for paying the associated fees.

These fees, we are told, are high. The Comprehensive Plan Map Amendment process alone is an estimated \$3,500.00. This is quite steep, especially when the new law does not provide much incentive for the farmer to preserve his/her land in the first place. We are unclear why a landowner should be expected to pay these high fees for a Comprehensive Plan Map Amendment when no material changes are being made to the use of the land. It is not changing zoning classification or being developed. It seems like a hurdle to preserving farmland and might be better addressed another way.

3. Section 5 states that the Board of County Commissioners may place conditions on land in an APA including "improvements to promote compatibility with surrounding land uses."

This seems to be a step too far, especially when viewed through the lens of private property rights. Typically, as long as a property is not adversely impacting a neighboring property, the landowner is not required to make unwanted or unneeded land use changes just to be compatible with surrounding land uses. It's certainly a nice gesture if the landowner wants to do so, but it should not be a legal requirement. We support removing this language from the ordinance.

As this is a brand-new law to the state of Idaho, it would set a powerful and inspiring precedent if Canyon County were to take the lead on crafting language in its ordinance that is straightforward, user-friendly, and does not infringe on property rights of landowners. I would like to see Canyon County really listen to its farmers – they are the ones who may have the best ideas about how to address any issues with the proposed ordinance.

The pressure to develop land in The Treasure Valley is immense. If agricultural protection is a truly a priority, Canyon County Planning and Zoning Commission could go above and beyond the new law and choose to provide incentives for farmers who want to protect their farmland, preserving this area's important agricultural heritage for generations to come.

Thank you for your time and consideration,
Stephanie Ertz
Owner, Happy Heron Farm
(208) 908-8206
info@happyheronfarm.com

CANYON SOIL CONSERVATION DISTRICT

Exhibit 4k



2208 E. Chicago, Suite A
Caldwell, ID 83605
admin@canyonsoilconservation.org
Phone 208-779-3443
Fax 1-877-504-6752

SUPERVISORS: Mike Swartz, Chairman; Rex Runkle Vice-Chairman;
Robert McKellip, Secretary/Treasurer; Chris Gross, Supervisor; Clay Erskine, Supervisor; & Brad McIntyre, Supervisor
ASSOCIATE SUPERVISORS: Tom Johnston, Rich Sims & Matt Livengood
SOIL CONSERVATION DISTRICT STAFF: Lori Kent; Administrative Assistant & Stan Haye, Soil Conservation Technician

Dear Canyon County Commissioners,

I am writing on behalf of the board of supervisors of the Canyon Soil Conservation District. As a non-regulatory state agency, the Canyon Soil and Water Conservation District is in favor of and works to encourage any landowner wishing to implement conservation practices that will protect soil and water resources for the future. This includes promoting a landowner to exercise their personal property right under the new APA statute, Title 67- Chapter 97. We found a few issues we would like to address as we reviewed the draft ordinance proposed by planning and zoning. The following pages explain our concerns and why we recommend removing the indicated sections.

Clay Erskine

Supervisor
Canyon Soil Conservation District

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.

Draft ordinance 10/17/24

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~~

As the Canyon Soil and Water Conservation District we are in favor and encourage any landowner wishing to implement conservation practices that will protect soil and water resources for the future. This includes encouraging a landowner to exercise their personal property right under the new APA statute, Title 67- Chapter 97, to request designation as an APA regardless of their proximity to a city area of impact as long as the landowner meets all the requirements outlined by the state statute.

- 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. **Applications received that are located outside of a city's area of impact should be reviewed on their own merit as by definition they are outside of the city's current area of impact.**

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.~~

In our opinion the intent of this state statute is that a landowner may voluntarily exercise their personal property right to request an APA designation and that when approved, the designation will not have any impacts on the surrounding landowners property rights or requirements. We feel that the same consideration should be afforded the landowner within the APA. Surrounding land use changes should not require unwanted improvements within the existing APA. Also, the

state statute as written does not require the land owner to submit to a review in twenty years. The statute states that "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." We feel that land designated as development does not have to submit to a periodic review and land voluntarily designated as APA should be afforded the same consideration.

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. *We feel that requiring the applicant to pay for amending the Comp Plan map is an undue hardship placed on the applicant because there is no financial gain for the landowner to mitigate the cost.*

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 *Language could be crafted here to acknowledge that industrial sized electricity generation will not be allowed but appropriately sized and designed renewable energy generation for the sole purpose of agricultural energy use (i.e. irrigation pumping, refrigeration and cold storage of crops grown on the property, etc.) could be allowed.*
- 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



November 25, 2024

Jay Gibbons
Canyon County
111 North 11th Ave., Suite 310
Caldwell, Idaho 83605
jay.gibbons@canyoncounty.id.gov

Subject: NEW – BOCC Rezone full political agency notice

Dear Mr. Gibbons:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at:

<https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

- For new development projects, all property owners, developers, and their contractor(s) must ensure that reasonable controls to prevent fugitive dust from becoming airborne are utilized during all phases of construction activities, per IDAPA 58.01.01.651.

DEQ recommends the city/county require the development and submittal of a dust prevention and control plan for all construction projects prior to final plat approval. Dust prevention and control plans incorporate appropriate best management practices to control fugitive dust that may be generated at sites.

Citizen complaints received by DEQ regarding fugitive dust from development and construction activities approved by cities or counties will be referred to the city/county to address under their ordinances.

Per IDAPA 58.01.01.600-617, the open burning of any construction waste is prohibited. The property owner, developer, and their contractor(s) are responsible for ensuring no prohibited open burning occurs during construction.

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.

- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: <https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservations and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Albert Crawshaw, Waste & Remediation Manager, at (208) 373-0550.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,

A handwritten signature in blue ink, reading "Valerie A. Greear". The signature is fluid and cursive, with the first name "Valerie" being more prominent than the last name "Greear".

Valerie A. Greear, PE
Acting Regional Administrator

Jay Gibbons

From: Canyon SWCD <admin@canyonsoilconservation.org>
Sent: Sunday, December 8, 2024 10:25 AM
To: Jay Gibbons; Aaron Williams
Subject: [External] Comments on the APA ordinance for the Board of County Commissioners

Dear Canyon County Commissioners,

I am writing on behalf of the Board of Supervisors of the Canyon Soil Conservation District to let you know how excited we are to have the APA as a new property right for farmers and the larger agricultural community. We want you to know that you, as county commissioners of our incredible, wealthy agricultural county, have all of us farmers as your allies in this new APA statute. We are so proud of this new statute for farmers, crafted by farmers, to be enacted in Canyon County. As a non-regulatory state agency, the Canyon SCD is in favor of and works to encourage any landowner wishing to implement conservation practices that will protect soil and water resources for the future. This includes promoting any landowner to exercise their personal property right under the new APA statute, Title 67- Chapter 97, regardless of their proximity to a city's area of impact. We feel strongly that any landowner who qualifies under the state statute should be able to apply for an APA designation.

The Canyon SCD board of supervisors participated in hearings and gave feedback and testimony at the Canyon Planning and Zoning meetings in November. We were encouraged by the commission's amendments to the APA ordinance adopted by Chairman Sturgill on November 21st, 2024.

<https://www.canyoncounty.id.gov/wp-content/uploads/2024/11/PZ-Signed-FCOS-APA-ORdinance.pdf>

Namely:

Recommended Amendments to Proposed Ordinance

1. Remove references to or requirements pertaining to the following:
 - a. The prohibition of APA eligible properties within areas of city impact areas.
 - b. Remove requirements to provide soils classification/survey data.
 - c. All references to 'contiguous'.
 - d. Requirement for comprehensive plan map amendment.
 - e. The BOCC shall not require improvements to an APA property to increase/improve compatibility.
 - f. Minimize fees, simply expedite the approval processes.
 - g. Remove requirements pertaining to history of ownership.
 - h. Remove item b in section 10.
 - i. DSD staff reminders to property owner as expiration nears.
 - j. Remove all application evaluation criteria not specifically required by statute (items b-m) with the exception of item i (compatibility and add water rights data to this item).
2. Add allowances for the following:
 - a. Allow buildings & structures for use specifically for the occurring agricultural use, ie. Crop storage buildings, shops and other ag related facilities.
 - b. Allow renewable energy systems appropriately sized for the APA.
 - c. Allow auto renewal.

We strongly support adopting the APA ordinance with the above-approved amendments. We suggest that these amendments be approved at a regular meeting of P&Z prior to the BOCC hearing. This is necessary, as the commissioners recommended a material change to the proposed amendment. This will ensure that the ordinance's adoption will follow state code 67-6509 (1) & (2) and not be challenged in the future.

We **do not** support the original draft of the ordinance posted on the agenda of the December 18th BOCC hearing, which lacks the recommended amendments listed above.

We encourage the DSD to provide the Board of County Commissioners with an updated draft of the APA ordinance with the approved amendments for their and the public's consideration at the December 18th or future hearings.

In addition, we, as the Canyon Soil Conservation District, would like to be involved and offer our services for one of our supervisors to sit on the initial 67-9705. AGRICULTURAL PROTECTION AREA COMMISSION, for Canyon County.

I respectfully submit this letter as an exhibit to the public record for this ordinance amendment.

Clay Erskine

Supervisor
Canyon Soil Conservation District

Dear Canyon County Board of Commissioners,

My husband and I own and operate Happy Heron Farm, a small farm located at 91 S. Pit Ln, Nampa, Idaho. We started our farm in 2020 and we grow a variety of fruit and vegetables that are sold locally. We operate a CSA (Community Supported Agriculture) program and deliver fresh vegetables to members during the growing season. We have been vendors at both Nampa Farmers Market (2021 and 2022) and Boise Farmers Market (2024.) This year, we partnered with St. Luke's Hospital as part of their Pop Up Produce program, bringing fresh produce to hospital staff and guests weekly. Additionally, we sell our produce through Farm Deliver, a local business delivering local farm goods to subscribers in the Treasure Valley. Small farms like ours are a vibrant part of the local food economy.

We were encouraged to see the Agricultural Protection Act (APA) passed by the Idaho Legislature during the 2024 session. We believe it is an important first step to protecting agricultural land in Canyon County and across Idaho. We lease our land and the landowner is interested in applying for APA designation once the application process opens.

We are in full support of the amendments to the proposed ordinance made by the Planning & Zoning Commission on November 21, 2024. As stated in our initial comments to P&Z, we believe these changes make the APA ordinance work much better for farmers and will allow more farmland in Canyon County to be preserved than the original proposed ordinance.

Thank you for your time and consideration,
Stephanie Ertz
Owner, Happy Heron Farm

Thoughts on the P and Z suggested changes, I mostly agree with them but I am listing below what I disagree with the P and Z board on.

1) recommendations for removal

1 - C) Remove all references of contiguous property that was inserted by the county and leave the state mandate requirements. I like this suggestion, but state law is state law.

1 - I) I would like to have the county still send out the notices for property owners in APAs since many people would not remember things they did or others did 20+ years ago. The reminder notice might need to be sent out 120 days before the renewal date so the 90 day response from the property owner as mandated by this new law.

2) recommendations for adding

A) allow things like farm stands, packing and storage facilities, maintenance, fabrication, wineries, housing, corn mazes, tasting rooms as long as they are directly related to farm ownership business.

C) Auto renewal is part of the state law so I do not think it needs to be modified unless P and Z wants to make an option to put the property in an APA in-perpetuity with no reminders or possible termination option. I do not think that would work.

I would like to see the county include more of a carrot to get farmland owners to sign up for an APA. I believe that the state wanted to allow counties to do that themselves instead of mandating that at a state level. Maybe have the tax rate stay the same for 20 years then if they opt to stay in the APA the tax rate would only increase 33% of the difference of the new tax rate going into the APA renewal. If they opt out of the APA they pay the full amount of the tax rate as normal.

1

Draft ordinance 10/17/24

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:

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 A question for Mr. Wesley possibly: Does this include corporations, trusts, LLCs, LLPs, co-ops?

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; I affidavit the correct term? Provide proof of ownership makes more sense
- 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; kind of needed but might be better included with another the criteria requirements

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; is this relevant? Interesting info but how does this apply to the APA application?

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 see above

g) Soil surveys, documentation of water rights, flood plain designation, and any other relevant environmental assessments. Other relevant environmental assessments might be too vague what would this be?

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. Will this impact the 60 day decision deadline as written by this state statute

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, What about nearby parcels less than say a 1/4 mile from the subject property and not contiguous that is less than 5 acres can it be included in an APA application?

b) Proximity to an area of city impact, this could be where a property boundary map be included

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,

b) 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.

?) Maybe have a suggestion that the applicant look into succession planning for the property. I know that cannot be a requirement but I think a suggestion would be ok.

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. Seems like a property rights issue here and even trying to allow some eminent domain right of way and easement condemnation here which the law is trying to protect farmland from that. If highway districts, city services, cities, and Idaho power want easements or annexation they need to do better negotiating with property owners to get the requested easements or right of way.

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.~~ If there are small outlier parcels nearby, within a few hundred feet, I think that the APA board and BOCC should be allowed to include it if the property owner requests it.

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. This is state law now but I do not like this. I can see family disputes being dragged out because of the 10 year wait to terminate early.

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 Strike A or make allowances for these things if they are being done expressly for the farm operation. H2A housing on farm property, farm stands, wineries and tasting rooms, workshops for repair and fabrication of farm equipment, sorting, packing, and storage of produce to be sold. These are all things that farmers do and use to help keep the farm in business and not expressly allowed in the ag zone.

b) Any other use not explicitly allowed in an agricultural zone in the Canyon County land use matrix. redundant

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: Monica Reeves
Sent: Monday, December 9, 2024 8:06 AM
To: BOCC; Jay Gibbons; Carl Anderson; Jennifer Almeida
Subject: FW: [External] Claudia Haynes/ Canyon County Alliance for Responsible Growth/

From: Claudia Haynes <claudialeehaynes@gmail.com>
Sent: Sunday, December 08, 2024 4:23 PM
To: Monica Reeves <Monica.Reeves@canyoncounty.id.gov>
Subject: [External] Claudia Haynes/ Canyon County Alliance for Responsible Growth/

CORRECTED COPY.

12-8-24

Dear Monica:

Can you please make sure all the people on the Board receive my comments on the up coming meeting having to do with the Ag. Protection Area Ordinance. I understand that the dead line on the acceptance of comment is Sunday Dec 8th. end of day. Meeting with the Board is Dec 18, 2024.

I can not come to the meeting but I hope my comments will be read by the Commissioners. Thank you for your help on this making sure that I have sent this in on a timely manor.

Thank you for all the hard work you do for our County.
 Sincerely,
 Claudia Haynes
 Canyon County Alliance for Responsible Growth.
 Nampa, Idaho 83686

_____ -

12-8-24

Board of Canyon County Commissioners

Ref: LLUPA 67-6509 Ag. Protection Area Ordinance.

I believe that Planning and Zoning has had a hearing on this Ordinance and made some suggestions as to what changes may be considered. Planning and Zoning has been put into place as a VETTING PROCESS making suggestions of changes that they would recommend as they have been processing hearing forward to move the VETTING PROCESS through with as much accuracy as possible. Please consider P & Z's recommendation as you go through this process as they are very valuable.

Even though DSD will supply you with hearing minutes, the P&Z have also made **substantial recommendation** that might make the present ordinance protect Ag. land better. Please above all take these suggestions seriously. As they have put time and effort into these suggestions and have faced the peoples verbal issues in the hearing arena.

Along with any recommendations you have received from P.&Z., DSD, Canyon County Alliance for Responsible Growth would like you to consider our recommendations as follows:

1. Remove any mention of how close an **Ag. Protection Area (APA)** parcel can be to the **Area Of City Impact (AOIC)**
The cities want nothing closer than 1/2-mile from the AOIC.
2. Remove any mention of **specific soil types** required for an **APA** parcels.
Example, soils under the Sunnyslope vineyards and orchards are considered soil types 5, 6, or 7 (very poor)
because of their slopes, and could not apply for protection under the current language.
3. Remove any mention of **“contiguous”** parcels of APA.
Example, The minimum for an application is 5 acres, but small farms may have two or three very small plots,
not contiguous, that could be combined to exceed 5 acres.
4. Remove any mention of the farmer applying for APA to have a **pay for Comp Plan Map changes** an any APA
application fee, which together might cost \$5,000.
5. Remove BOCC ability to **require land-use improvements to promote compatibility with surrounding land use.**
6. Remove the requirement that **the applicant provide a “history of land ownership.”**
7. Remove the language **“unless otherwise approved by the BOCC”** for uses allowed in the Ag. zone.
This is not a current allowance. Anyone wanting to use not allowed in the Ag. Zone should have to apply for a
land use change- not just get the BOCC to approve it under their authority.
8. Allow **automatic renewal** of APA status, **instead of a 20-year re-application requirement.**
9. Allow **appropriately-sized renewable energy generation** on an APA property
(so they can pay for irrigation pumping with renewable energy.)
10. Allow applications on land approved as Ag, or on land which **“can be approved”** as Ag.
If land is not currently in Ag production, but it can be, it should be allowed by be applied for.

Respectively submitted by,

Claudia Haynes (one Director)
Rene' Bine (President of Alliance)
Canyon County Alliance for Responsible Growth.
Nampa, Idaho 83686

Jay Gibbons

From: Keri Smith <keri@tvpidaho.com>
Sent: Wednesday, December 4, 2024 2:05 PM
To: Jay Gibbons; Aaron Williams; Bryan Taylor
Cc: Zach Wesley; aaron.bazolli@canyoncounty.id.gov; Greg Rast
Subject: [External] Re: LLUPA 67-6509 - Ag Protection Area Ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for the response Jay. However, I am seriously concerned about the Board and your department's compliance with State Statute, thus I have added Prosecuting Attorney Taylor to this email strand so that he is aware of this problem. Let me be very clear that I am not threatening litigation, I am hopeful that Canyon County will correct the deficiencies I am about to identify. I also dispute that I was told or notified verbally or in writing that no changes would be made to the ordinance prior to the Board's public hearing. I was told that changes would not be made to the ordinance prior to the P&Z's public hearing; in which I conceded to.

In regards to your email response below, I note the lack of acknowledgment to the notice I provided to you that both "Legal Notices" are titled as a meeting before the Planning & Zoning Commission, not the Board of County Commissioners. This is clearly a mistake, but it is misleading to the public and could easily be missed. A corrected Legal Notice should be published (that includes the summary of the proposed ordinance as recommended by the P&Z).

Next, I am firmly putting this into the public record that by not providing the recommended ordinance from the Planning & Zoning Commission violates the intent of the law for a planning commission. I'll reference the specific sections of code that are applicable in my professional opinion (all indented information is quoted from Idaho Statute or summary of case law from Lexis):

This first section primarily covers why the FCO's posted on the website are deficient.

67-6511. ZONING ORDINANCE. (1) Each governing board shall, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, establish within its jurisdiction one (1) or more zones or zoning districts where appropriate. **The zoning districts shall be in accordance with the policies set forth in the adopted comprehensive plan.**

(2) Ordinances establishing zoning districts shall be amended as follows:

(a) Requests for an amendment to the zoning ordinance shall be submitted to the zoning or planning and zoning commission, which shall evaluate the request to determine the extent and nature of the amendment requested.

(b) **After considering the comprehensive plan** and other evidence gathered through the public hearing process, the zoning or planning and zoning commission may recommend and the governing board may adopt or reject an ordinance amendment pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code

c) **The governing board shall analyze proposed changes to zoning ordinances** to ensure **that they are not in conflict with the policies of the adopted comprehensive plan.**

Compliance with the comprehensive plan is referenced in three different areas of the same statute above; this signifies the importance of compliance with the Plan. A mere reference in the FCO's that "the Planning & Zoning Commission considered the Comprehensive Plan" is not sufficient per case law:

The enactment of a comprehensive plan is a precondition to the validity of zoning ordinances; it follows a fortiori that an amendment to a zoning ordinance must also be in accordance with the adopted plan. Love v. Board of County Comm'rs, 105 Idaho 558, 671 P.2d 471, 1983 Ida. LEXIS 516 (1983).

Where the findings of fact were insufficient to support the conclusion that zoning amendment was in accordance with the county comprehensive plan, the district court's decision reversing the decision of the county commission was appropriate because of the commission's failure to make written findings in support of its conclusions and, the case was remanded to the county commissioners for further proceedings. Love v. Board of County Comm'rs, 105 Idaho 558, 671 P.2d 471, 1983 Ida. LEXIS 516 (1983).

Next, the highlighted yellow area above clearly states that the Board should be analyzing the proposed changes to the zoning ordinance. The P&Z recommended an ordinance with major amendments (material change) to the Staff/BOCC recommended ordinance. This ordinance should be produced on behalf of the P&Z Commission for the Board's analysis as required by section c) above.

Furthermore, §67-6509 (2) states: **"The governing board shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendments, or repeal until recommendations have been received from the commission."**

The Board has not received the "recommendation" (the proposed ordinance amendment) from the commission. FCO's or a verbal dissertation do not constitute a recommendation; the Commission is recommending an "ordinance" to the Board and as such an ordinance should be produced. I would also contest that the FCO's posted on the County's website of the P&Z Commission's decision are not an actual reflection of the P&Z's deliberation and verbal record of the P&Z (specificity can be provided, but one example would be the Commission's clear intent to remove the words "unless otherwise approved by the BOCC" from the first paragraph of section 10.

A portion of §67-6509(1) states: "Following the commission hearing, if the commission recommends a material change to the proposed amendment to the plan that was considered at the hearing, it shall give notice of its proposed recommendation and conduct another public hearing concerning the matter if the governing board will not conduct a subsequent public hearing concerning the proposed amendment." The P&Z clearly recommended significant material changes to the proposed amendment, and if the Board is not conducting a subsequent public hearing on the P&Z's recommendation, then I will assume that a subsequent public hearing in accordance with this statute will happen, correct? The sentence of the statute contemplates that proposed changes (material changes) will be what is considered by the Board, and what shall happen if the Board does not consider those material changes. No changes have been produced by the Commission; thus, the Board is not considering them at this hearing (considering that somehow you get past the requirement that a public hearing can't even be scheduled without producing such a recommended ordinance from the Commission).

And the largest problem, is that they went beyond receiving information about the new legislation requiring the APA ordinance and began deliberating on the ordinance, received, and provided amendments to the ordinance to staff for the P&Z's consideration to "expedite" the hearing process as noted below during the following public meetings (these were all held prior to the legal public notice of the future hearing). All along, DSD staff should have been working with the P&Z Commission on the proposed ordinance (as contemplated by the Local Land Use Planning Act) amendment so that a clear recommendation as stated in the following statute could be provided to the Board without violating state law. The violation of state statute is the following: §67-6509 (2) **"The governing board shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendments, or repeal until recommendations have been received from the commission."** In at least 5 different meetings the BOCC had a timeline for the Board's hearing, the recommendations and publicly posted the Board's hearing date on the website prior to the P&Z's recommendation to them.

- October 15 (10:30): **DSD General Business** *This was when the BOCC reviewed the first draft ordinance*
- October 17(10:30): **DSD General Business** *This was the 2nd draft provided to the BOCC featuring the changes from October 15 and highlighting state code versus county optional language. Staff asked for specific support and recommendation of this ordinance from the Board. This Board direction is even documented in the Board minutes.*

- October 29 (10:30): **DSD General Business** *An Executive Session was called and Aaron Williams was present. Nothing was disclosed on the record, no direction was given on the record. I would assume the APA ordinance was discussed as Aaron Williams has been working with DSD specifically on this project.*

The first P&Z Meeting: **November 7** - P&Z opened the public hearing for the APA ordinance. It was identified that agencies had not been initially notified and the meeting needed continued to allow for additional agency and public comment period. No decision or deliberation happened during this meeting; only a staff report was given and public testimony received.

- November 12 (10:30): **DSD General Business** *Interim Director Jay Gibbons gives overview of the testimony received at the public Nov 7 P&Z hearing. Noted he and Director Aaron Williams were working on an open house planned for November 19th.*
- November 20 (3:00): **Executive Session regarding Personnel Matter Pursuant to Idaho Code, Section 74-206 (1)(b) - Department Head Performance Evaluation.** 11/20/24 3:28 P.M. UPDATE TO AGENDA: At approximately 3:12 p.m. Commissioner Holton made a motion to amend the agenda to include an update from Director Williams on the Agricultural Protection Act (APA) Workshop. The motion was seconded by Commissioner Van Beek and carried unanimously *
 - Director Aaron Williams gave a summary to the BOCC of comments received at the Open House on the APA Ordinance.

The board also provided feedback and direction regarding the legislation and the Board's intent to adopt or NOT adopt an ordinance for the APA ordinance on the following dates during other DSD General Business meetings:

- August 20 (9:45): **DSD General Business**
- August 29 (11:15) **DSD General Business**
- September 17 (10:30): **DSD General Business**
- September 26 (10:30): **DSD General Business**

I would highly encourage Development Services Staff and the PA's office to correct these errors before an ordinance is adopted. AGAIN, I am in support of adoption of an ordinance supporting the protection of agriculture. However, I want the ordinance to be legally adopted so that it cannot be challenged in the future. The Commissioners took an oath of office to uphold all laws, please help them.

I respectfully submit this letter/notice as an exhibit to the public record for this ordinance amendment.

Thank you,

Keri Smith

From: Jay Gibbons <Jay.Gibbons@canyoncounty.id.gov>

Date: Monday, December 2, 2024 at 10:42 AM

To: Keri Smith <keri@tvpidaho.com>, Aaron Williams <Aaron.Williams@canyoncounty.id.gov>

Cc: Zach Wesley <Zach.Wesley@canyoncounty.id.gov>, aaron.bazolli@canyoncounty.id.gov <aaron.bazolli@canyoncounty.id.gov>, Greg Rast <Greg.Rast@canyoncounty.id.gov>

Subject: RE: [External] Re: LLUPA 67-6509 - Ag Protection Area Ordinance

Ms Smith,

The legal notice was corrected last week and I believe it published today. Further, the P&Z Commission recommendation and FCO's are available on the Land Hearings webpage for the public's review. As you are aware, and has been stated previously, we will not be providing an updated ordinance incorporating the recommended amendments from P&Z to the Board initially. Once the Board provides direction, it will be updated for final approval. If you have questions, please direct them to me. Thank you.



Jay A. Gibbons, PLA ASLA

Interim Director

Canyon County Development Services Department

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

Direct Line: 208-455-5958

Mobile: 208-599-6738

Email: Jay.Gibbons@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

Development Services Department (DSD)

From: Keri Smith <keri@tvpidaho.com>

Sent: Monday, December 2, 2024 7:10 AM

To: Jay Gibbons <Jay.Gibbons@canyoncounty.id.gov>; Aaron Williams <Aaron.Williams@canyoncounty.id.gov>

Cc: Zach Wesley <Zach.Wesley@canyoncounty.id.gov>; aaron.bazolli@canyoncounty.id.gov; Greg Rast <Greg.Rast@canyoncounty.id.gov>

Subject: [External] Re: LLUPA 67-6509 - Ag Protection Area Ordinance

LEGAL NOTICE

NOTICE OF PUBLIC HEARING BEFORE THE CANYON COUNTY PLANNING AND ZONING COMMISSION
NOTICE AGRICULTURAL PROTECTION ACT (APA)

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Canyon County, Idaho, will consider adopting an Ordinance of Canyon County, Idaho Chapter 7, Article 9, of the Canyon County Code of Ordinances, Canyon County Agriculture Protection Act.:

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.

Idaho Code § 67-97 requires counties to establish a voluntary process through which agricultural producers may make application to commit lands actively devoted to agriculture production to remain in agricultural use for a minimum of twenty years. As required by state law, an APA designation aims to protect productive farmland, rangeland, and forest land; encourage best farming practices; support the local agricultural economy; and provide for long-term planning stability. This ordinance sets out the process for creation of Agriculture Protection Areas. 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.

If approved by the Board of Canyon County Commissioners, the effective date of the proposed ordinance will be January 1, 2025.

The full text of the proposed ordinance can be found at the County Development Services office at 111 North 11th Street Suite 310 or online at www.canyoncounty.id.gov/land-hearings/

A public hearing on said draft ordinance with the Board of County Commissioners will be **December 18th, 2024 at 1:30 pm.**

DATED this 13th day of November, 2024.

Jay Gibbons
Canyon County Development Services Interim Director

All interested citizens are invited to attend this Public Meeting and present oral testimony concerning these matters. All written testimony received by December 8, 2024 will be provided to the Commissioners. For language translation or assistance for the physically challenged, please call (208) 454-7458 at least five (5) days prior to the hearing so that arrangements can be made.

November 15, 2024

581613

PDFDocument

PDF Document · 17 KB

Good morning. Although I haven't heard from you yet, I was able to locate the Legal Notice for the BOCC hearing on the Agricultural Protection Area (see link to PDF of notice). I'm sorry that I'm writing this email with not great news; I'd

really like to be sending emails with praise and support for the new ordinance. However, I need to notify you (and Canyon County) of a couple issues:

1. The title states the hearing is “before the Canyon County Planning & Zoning Commission”. **This is incredibly misleading to the public who may not read this notice because it’s titled to the wrong hearing body.**
2. The recommendation of the P&Z is not included in this notice per the state statute that I referenced below in my email dated November 26. **This legal notice violates LLUPA, §67-6509 (1).**
3. The legal notice states that the ordinance can be viewed on the land hearings page, however only the draft ordinance dated 10/17/24 is available and is NOT reflective of the ordinance that the P&Z recommended approval of to the BOCC. This P&Z has not approved the recommended FCO’s for this ordinance amendment either and no Minutes or Order of Decision of this approval with recommended conditions have been approved by the P&Z either. The ordinance that the public is viewing right now is NOT the legal ordinance that should be forwarded to the BOCC for consideration.
4. The notice states that written exhibits must be submitted by December 8, but as previously stated, an official draft ordinance as recommended by the P&Z has not been provided via the means stated in the legal notice (on the Land Hearings webpage). **This exhibit deadline does not provide the public opportunity to respond meaningfully to the BOCC regarding this notice.**

As I stated to the P&Z Commission, I and other’s I represent support the APA Ordinance, specifically as recommended with changes for approval by the P&Z. We would like to see the BOCC legally adopt an ordinance and publicly share the recommended ordinance with the public for an opportunity to review and to provide meaningful comment/evidence. I think a corrected Legal Notice should be published with a new public hearing date that comply’s with notice requirements in front of the BOCC and the ordinance should be posted for the public once the P&Z approves the FCO’s and Minutes at their next regularly scheduled meeting.

I am available if you have any questions. If I’m wrong, please let me know so that we can all get on the same page. An acknowledgment of receipt of this email would be appreciated.

Sincerely,

Keri Smith
208.960.4811
keri@tvpidahoh.com



On Nov 26, 2024, at 8:35 PM, Keri Smith <keri@tvpidahoh.com> wrote:

Hi. I was looking at the calendar for the Board’s pending meeting on the APA ordinance on December 18 and I would like a little clarification on process. In review of the following code: LLUPA, §67-6509 (1):
...At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction... If the governing board will conduct a subsequent public hearing, notice of the planning and

zoning commission recommendation shall be included in the notice of public hearing provided by the governing board.

With consideration of the two sentences pulled from section 1, December 3 would be the last day to publish this notice, including summary. But the next P&Z meeting is not until December 5. Is this when they are approving the minutes and reviewing and approving the FCO's for this ordinance amendment? I'm assuming this is necessary for the summary for the ordinance that will be presented to the Board, correct?

Or is a summary completed already and ready to be published?

Keri Smith
208.960.4811
keri@tvpidaho.com



AGRICULTURE

PURPOSE

This element analyzes the area's agricultural base, including agricultural lands, farming activities, farming-related businesses, and the role of agriculture and agricultural uses in the community. The County will protect and enhance agriculture as the foundation of our lifestyle, economy, community character, and heritage.

GOALS, POLICIES, AND ACTIONS

The following goals, policies, and actions are incorporated to address the need for agriculture in the County.

| Goal | Policy | Action |
|------|--------|--------|
|------|--------|--------|

Table 12. Agriculture Goals, Policies, and Actions

| | |
|-------------------|--|
| G12.01.00 | Protect agricultural lands for long-term agricultural production from the encroachment of incompatible uses. |
| P12.01.01 | Preserve and maintain agriculturally designated lands for agricultural use. |
| A12.01.01a | Work with agencies and organizations that play a role in agricultural conservation. |
| A12.01.01b | Establish an Agriculture Preservation Ordinance and adopt an Intensive Agriculture Overlay. |
| A12.01.01c | Create an Agriculture Strategic Plan to be used with the Comprehensive Plan to lay the framework for farmland protection, conservation, agritourism, education, and other topics that support agriculture. |
| P12.01.02 | Encourage non-agricultural related development to the cities, areas of city impact, and other clearly defined and planned development areas. |
| P12.01.03 | Support farmland through zoning, purchasing and transferring development rights, clustered development, conservation easements, and other opportunities to guide development to more suitable areas. |
| A12.01.03a | Regularly update County zoning regulations and standards to ensure farmland protection and reduce land-use conflicts. |
| A12.01.03b | Update the County zoning regulations to support the continued use of agricultural land. |
| A12.01.03c | Formulate a task force of stakeholders (including municipalities) to design a Transfer of Development Rights program. |
| P12.01.04 | Prioritize the protection of agriculture and farmlands in Canyon County as an essential part of the County's economy, identity, and sense of place. |
| A12.01.04a | Develop programs, policies, and other regulations to achieve agricultural conservation, preservation, and support agricultural activities. |
| P12.01.05 | Direct development to land with lower irrigatable soil classifications as determined by Canyon Soil Conservation District or by the USDA Natural Resources Conservation Service. |
| G12.02.00 | Support farmers and enhance local farmland. |