



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

In the matter of the application of:

**City of Nampa Area of City Impact Boundary
Expansion – OR2023-0002**

The Canyon County Board of County Commissioners
heard the following:

1. The City of Nampa is requesting to expand their impact area boundary in accordance with Idaho Code §67-6526 and Canyon County Code §09-11-27. The expansion area is approximately 2,600 acres located north and east of Lake Lowell that includes:
 - a. Area approximately 1,996 acres: The east boundary is Nampa's current impact area boundary line, Midway Road through Parcel R33124010 (approx. 3 miles); the west boundary is a portion of Indiana Road (approx. 0.5 miles) and a portion of Lake Avenue (approx. 1.5 miles); the northern boundary is adjacent to Caldwell's impact area, a portion of Lonestar Road (approx. 1 mile) and a portion of Orchard Road (approx. 1 mile) and includes a 20-acre area on the northwest corner of Orchard Avenue and Midway Road; and the southern boundary including portions of Roosevelt Avenue including development in and around Lake View Subdivision, approximately 40 acres (approx. 1.5 miles), Iowa Avenue (approx. 1.3 miles) and a portion of Greenhurst Road (approx. 0.25 miles);
 - b. Parcels R29303266 and R29303265A, approximately 4 acres, located along Greenhurst Road already annexed into the City of Nampa; and
 - c. Area approximately 600 acres (see below): The east boundary is a portion of Midland Boulevard (approx. 1 mile); the west boundary is a portion of Middleton Road (approx. 0.5 miles); the northern boundary is Nampa's current impact boundary, a portion of Greenhurst Road (approx. 1 mile); and the southern boundary is mostly adjacent to Lake Lowell (approx. 1.2 miles) and area approximately 5,000 feet from West Locust Lane (approx. 0.75 miles).

Summary of the Record

The record is comprised of the following:

- A. The record includes all testimony, the staff report, exhibits, and documents in Case File OR2023-0002.
 1. Attachments and exhibits include:
 - Attachment A: Request by City of Nampa – March 1, 2023:
 - Exhibit 1: E-mail;
 - Exhibit 2: Letter dated February 27, 2023;
 - Exhibit 3: Nampa City Council Approval dated February 6, 2023;
 - Exhibit 4: Nampa Future Land Use Map dated February 22, 2023; and
 - Exhibit 5: Impact Area Update Map dated March 2, 2023.
 - Attachment B: Board of County Commissioners (BOCC) Workshop – April 24, 2023:
 - Exhibit 1: BOCC Agenda;
 - Exhibit 2: Commissioners Minutes; and
 - Exhibit 3: Nampa’s PowerPoint Presentation
 - Attachment C: Idaho Code Section 67-6526
 - Attachment D: Canyon County Code, Chapter 9, Article 11: Nampa Area of City Impact (Plans and Ordinance/Map) Ordinance.
 - Attachment E: Letter of Intent:
 - Exhibit 1: Letter of Intent dated June 22, 2023;
 - Exhibit 2: Impact Area Update Map dated March 2, 2023
 - Exhibit 3: Nampa City Council Approval dated February 6, 2023;
 - Exhibit 4: Neighborhood Notification, September 1, 2021;
 - Exhibit 5: Area of City Impact Informational;
 - Exhibit 6: Area of City Impact FAQs;
 - Exhibit 7: Area of City Impact Expansion Timeline.
 - Attachment F: PowerPoint Presentation for the July 6, 2023 Hearing
 - Attachment G: County Maps:
 - Exhibit 1: 2020 Future Land Use Map;
 - Exhibit 2: Existing Subdivision Map;
 - Exhibit 3: Existing Residential Zones Map;
 - Exhibit 4: Existing Conditional Use Permit Map; and
 - Exhibit 5: 2030 Future Land Use Map.
 - Attachment H: Emails - Nampa’s Involvement with the 2030 Comprehensive Plan Review
 - Attachment I: ITD E-mail dated May 26, 2023.
 - Attachment J: Canyon Soils Conservation District

Applicable Law

The following laws and ordinances apply to this decision:

1. Idaho Code §67-6526 (Attachment C); and
2. Canyon County Code Chapter 9, Article 11 (Attachment D).
3. CCZO Section 07-02-03 defines an Area of City Impact as follows:

“As defined by Idaho Code section 67-6526 and requires that cities and counties adopt a map identifying an Area of City Impact within the unincorporated area of the County. The Area of City Impact shall be defined considering the trade area of the city, geographic factors and areas that can be reasonably expected to be annexed to the city in the future. The enabling legislation provides three (3) options of planning and regulating development within the Area of City Impact including exclusive use of the city plan and ordinances, exclusive uses of the County plan and ordinances, or application of any mutually agreed upon plan and ordinances.”

The request, OR2023-0002, was presented at a public hearing before the Canyon County Board of County Commissioners on September 7, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, the Board decides as follows:

AREA OF CITY IMPACT CRITERIA

- 1. In accordance with Idaho Code section 67-6526(d), the City of Nampa or the Board of Canyon County Commissioners may request, in writing, the renegotiation of any provision of this article at any time. Within thirty (30) days of receipt of such written request by either party, an initial meeting between the two (2) jurisdictions should occur (Canyon County Code §09-11-27(1)).**

Conclusion: The City of Nampa requested an area of city impact expansion on March 1, 2023. On April 24, 2023, after a joint meeting between the County and the City of Nampa, the County agreed to begin the hearing process for the requested expansion.

Findings: (1) On March 1, 2023, Canyon County received a written request from the City of Nampa to amend their existing area of city impact boundary in accordance with Idaho Code §67-6526 and Canyon County Code §09-11-27 (Attachment A).

- (2) Pursuant to Idaho Code §67-6526(d), an initial meeting was held between the Board of County Commissioners and the City of Nampa on April 24, 2023. The meeting concluded with the Board directing the Development Services Department to begin the hearing process for the requested amendment (Attachment B).

- 2. In defining an area of city impact, the following factors shall be considered: (1) trade area; (2) geographic factors; and (3) areas that can reasonably be expected to be annexed to the city in the future (Idaho Code §67-6526(b)).**

Conclusion: Information defining a trade area, geographic factors, and the ability to annex the requested area to the city in the future was provided.

Findings: (1) Trade Area: The proposed expansion area provides important access routes to Nampa amenities, services, and job centers 2-6 miles away (12th Avenue/Caldwell Boulevard). The area includes a city park (Midway Park) and two properties owned by the Nampa School District for future school expansion. Therefore, residential and commercial development opportunities should be near these amenities and services (Attachment E & F).

- (2) Geographic Factors: Lake Lowell ultimately creates a natural boundary for the proposed expansion. The largest area is between Midway Road and Indiana Avenue which is limited to the west and south by Lake Lowell/Deer Flat Wildlife Refuge and north by Caldwell's impact area (Attachment E & F).

- (3) Annexation in the Future: Development and annexation are moving in the direction of expansion. City limits border the expansion in several locations where development exists, is currently being constructed, or is in the permitting process (Attachment E & F).

Prior to the adoption of the 2030 Comprehensive Plan, the future use of the area had been residential (Attachment G – Exhibit 1). Due to the residential designation, the area contains existing residential rezones and subdivision development (Attachment G - Exhibits 2-4). The following are examples of properties that require the area of city impact expansion:

- a. Parcel R32989/R32989010 (40 acres, northwest corner of Lonestar Road and Midway Road): The rezone and subdivision were denied due to a lack of city services and the need for density to be located adjacent to Nampa School District properties and city park. The developer agreed to a city service extension but requires the property to be located within Nampa's impact area (Essex Holdings – RZ2020-0023).
- b. Parcels R33017/R33019010 (62 acres, Northwest corner of Lake Lowell Road and Midway Road): The applicant withdrew the application for rezone and subdivision due to the Nampa impact boundary expansion taking too long (MRCT LLC – CR2022-0001/SD2022-0006).

- c. Parcels R29292010/R29293/R29294 (200 acres, between Midland Boulevard and Lake Lowell): The Kido family has been working with the City of Nampa regarding a master plan that would include potentially a park with a large pond, lake access, winery/associated commercial retail, dwellings/townhouses and college extension (possibly CWI). The property currently was approved for a special events facility in 2020 (CU2018-0023).
- (4) The 2030 Comprehensive Plan designated the area as “agricultural” (Attachment G – Exhibit 5). County staff worked with the City of Nampa regarding the change of designation from “residential” to “agricultural” to better protect the area until growth in the area could be planned (Attachment H). Approval will allow the City of Nampa to begin the development of a specific plan for the 1,996-acre area between Midway Road and Indiana Avenue, and to continue to work with the County regarding aligning definitions and plans via an area of city impact agreement (Attachment F & K).
- (5) Political subdivision and newspaper notices were completed on May 26, 2023, and July 28, 2023. Nampa and Caldwell JEPA notices were completed on May 26, 2023
- (6) The request is required to be in general conformance with the Canyon County Comprehensive plan (CCZO Section 09-11-17). The 2030 Canyon County Comprehensive Plan is the appropriate planning document for this review because of the timing of when the application was filed. The Board finds request aligns with the following goals, policies, and objectives of the 2030 Canyon County Comprehensive Plan:

- Land Use and Community Design Component:

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| G4.04.00 | Concentrate future higher density residential growth in appropriate areas in and around existing communities while preserving and enhancing the County's agricultural and rural character. |
| P4.04.01 | Support development in locations where services, utilities, and amenities are or can be provided. |
| P4.04.02 | Align planning efforts in areas of city impact. |
| A4.04.02a | Evaluate and update area of impact agreements with the cities as the state statute requires. Expand or reduce areas of city impact according to each city's trade area, geographic factors, water and sewer service areas, and areas that can reasonably be expected to be annexed to the city in the future. Idaho Code § 67-6526(b). |
| A4.04.02b | Coordinate County and city planning through collaborative planning processes, mutual agreements, and updated impact area agreements. |
| P4.04.04 | Where city services are available, encourage land adjacent to city limits to annex instead of developing inconsistently within the County. |

- Public Services, Facilities, and Utilities Component:

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| G7.01.00 | Endeavor to continue providing reliable public services, public safety facilities, & public utilities that support existing developed areas and future growth. |
| P7.01.01 | Encourage the extension of sewer infrastructure and wastewater treatment in areas of city impact. |
| P7.01.02 | Encourage annexations within city impact areas where municipal services can be provided. |

- Housing Component:

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| P11.02.01 | Encourage subdivisions to locate where adequate services and infrastructure exists or can be provided. |
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- Agriculture Component:

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| P12.01.02 | Encourage non-agricultural related development to the cities, areas of city impact, and other clearly defined and planned development areas. |
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- (7) On July 6, 2023, the Planning and Zoning Commission recommended the Board approve the request and included the following actions are part of the approval (Attachment K):
- a. Signing a resolution to amend the 2030 Canyon County Comprehensive Plan to amend the impact boundary on all maps; and

- b. Signing an Ordinance amending Canyon County Code Section 09-11-11(1):
*The Nampa area of city impact is hereby established as described in ordinance _____
(number to be provided by Board), a map entitled "Nampa Area of City Impact", which is
officially made a part hereof by reference. The Nampa area of city impact being established
and the map being specifically adopted by the city of Nampa municipal ordinance _____
(number to be provided by Nampa).*

3. Amendments to this article shall be processed using the notice and hearing requirements of Idaho Code section 67-6509 (Canyon County Code §09-11-27(3)).

Conclusion: Notice of the public hearing was provided in accordance with Idaho Code §67-6509.

Findings: (1) Political subdivision and newspaper notices were completed on May 26, 2023, and July 28, 2023. Nampa and Caldwell's JEPA notices were completed on May 26, 2023.

- a. An e-mail was received from ITD (Idaho Transportation Dept.) that states the department has no comments or concerns (Attachment I).
- b. Canyon Soils Conservation District states that the 2,000 acres north of Lake Lowell consist of 28% best-suited soils (Class 2) and 66% moderately suited soils (Attachment J).
 1. The letter states the request as annexation. The request is not annexation, but the city's ability to plan for future development, amenities, and infrastructure in an area reasonably expected to be annexed in the future.
- c. No comments were received from the public.

Order

Pursuant to Canyon County Code Section 09-11-27(1), the hearings to enact the amendment must be heard by the Planning and Zoning Commission with ultimate approval resting with the Board of County Commissioners. On July 6, 2023, after considering the staff's analysis and all public testimony, the Planning and Zoning Commission recommended the Board approve the request.


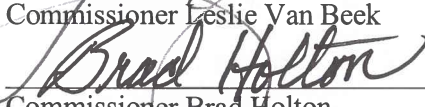
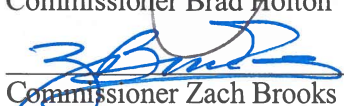
Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **approve** Case #OR2023-0002, Nampa city impact area expansion of approximately 2,600 acres north of Lake Lowell. The decision includes the following Board actions:

1. The Board requests that the City of Nampa and Canyon County continue negotiation of impact area ordinance provisions that will 1) minimize light-industrial development in the agricultural zoned impact areas and 2) resolve conflicts between definitions of agriculture in City and County ordinances.
2. Signing a resolution to amend the 2030 Canyon County Comprehensive Plan to amend the impact boundary on all maps; and
3. Signing an Ordinance amending Canyon County Code Section 09-11-11(1):
 - a. The Nampa area of city impact is hereby established as described in ordinance _____ (number to be provided by Board), a map entitled "Nampa Area of City Impact", which map is officially made a part hereof by reference. The Nampa area of city impact being established and the map being specifically adopted by the city of Nampa municipal ordinance _____ (number to be provided by Nampa).

DATED this 19th day of December, 2023.

CANYON COUNTY BOARD OF COMMISSIONERS

☒ Motion Carried Unanimously
☐ Motion Carried/Split Vote Below
☐ Motion Defeated/Split Vote Below

| | Yes | No | Did Not Vote |
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|  Commissioner Leslie Van Beek | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  Commissioner Brad Holton | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  Commissioner Zach Brooks | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Attest: Chris Yamamoto, Clerk

By: J Ross
Deputy

Date: 12.19.23