



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

In the matter of the application of:

CU2024-0018 – Idaho Dept. of Fish and Game

The Canyon County Planning and Zoning Commission considers the following:

- 1) Conditional Use Permit: The property owner, Idaho Dept. of Fish and Game requests a conditional use permit to allow reconstruction of existing fish hatchery facility infrastructure to improve hydraulic conveyance through the facility and construct roof structures over the raceways to promote and protect fish health on Parcel R29144 addressed as 3806 S. Powerline Rd, Nampa ID 83686

Summary of the Record

1. The record is comprised of the following:

A. The record includes all testimony, the staff report, exhibits, and documents in Case File 2024-0018.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-07 (Conditional Use Permits), Canyon County Code §07-02-03 (Definitions), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Canyon County Code §07-14 (Use Standards), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures), and Canyon County Code §03-05-09.
 - a. Notice of the public hearing was provided pursuant to CCZO §07-05-01, Idaho Code §67-6509 and 67-6512.
 - b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.
 - c. Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. *See* CCZO §07-07-01.
 - d. Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development; (6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. *See* Idaho Code §67-6512, CCZO §07-07-17, and 07-07-19.
2. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-07-01.

3. There are no mandates in the Local Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. Chambers v. Kootenai Cnty. Bd. of Comm'rs, 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).
4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCZO §07-05-03.
5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.
6. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application CU2024-0018 was presented at a public hearing before the Canyon County Planning and Zoning Commission on April 3, 2025. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Canyon County Planning and Zoning Commission decide as follows:

CONDITIONAL USE PERMIT HEARING CRITERIA – CCZO §07-07-05

1. Is the proposed use permitted in the zone by conditional use permit?

Conclusion: 07-07-05(1) - Is the proposed use permitted in the zone by conditional use permit;

Findings: *The proposed use is permitted in the zone by conditional use permit, pursuant to County Ordinance 7-10-27, Land Use Matrix -Public Uses and Quasi-public Uses is a conditional use within the R-R zone. The proposed use consists of a fish rearing facility owned & operated by the State of Idaho benefiting local residents and recreational opportunities state-wide.*

Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0018.

Evidence includes associated findings and evidence supported within this document.

2. What is the nature of the request?

Conclusion: 07-07-05(2) - What is the nature of the request;

Findings: The nature of the request consists of a conditional use permit on Parcel R29144 to reconstruct an existing State fish hatchery facility's infrastructure to improve hydraulic conveyance through the facility and construct roof structures over the raceways to promote and protect fish health. This request for a public use in compliance with County Ordinance 7-10-27 and as defined as aquaculture in 7-02-03.

Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0018.

Evidence includes associated findings and evidence supported within this document.

3. Is the proposed use consistent with the comprehensive plan?

Conclusion: 07-07-05(3) – Is consistent with the 2030 Comprehensive plan

Findings: The proposed use is consistent with the Comprehensive plan. The use is a public facility operating for the benefit of local/county/state-wide recreation and supports local businesses, the workforce and preservation of open space. It fully supports the goals and policies of chapter 5, Natural Resources by protecting and enhancing groundwater, wetlands and wildlife habitat.

(1) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0018.

(2) Evidence includes associated findings and evidence supported within this document.

4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?

Conclusion: 07-07-05(4) – Will not be injurious

Findings: The proposed use will not be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area. The use has been existing since 1975 so is actually the fabric of the immediate vicinity. Most of the residential development nearby has occurred subsequent to the hatchery's existence. The character of the area is natural open space and the use provides support to this open space. Surrounding land uses consist of a mix of open space, undeveloped land, a commercial business and rural residential homesites. The subject property is within a half mile of Nampa's city limits and future development is creeping in. The character of the area is rural. Though there is residential development in the vicinity, the State's land holdings in the area guarantee open space and recreational opportunities to and through the Wilson Pond area with its native habitat, wildlife, walking/biking pathways and fishing.

Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0018.

Evidence includes associated findings and evidence supported within this document.

5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?

Conclusion: 07-07-05(5) - Adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use;

Findings: The project will have adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems to accommodate the proposed use based on the analysis contained herein. The subject property contains fish rearing facilities and an administration building open to the public for tours and interaction with staff. Adequate facilities exist and will remain servicing the existing facilities.

(1) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0018.

(2) Evidence includes associated findings and evidence supported within this document.

6. Does legal access to the subject property for the development exist or will it exist at the time of development?

Conclusion: 07-07-05(6) - Legal access to the subject property exists;

Findings: The subject property does have legal access for the development via Locust Lane and Powerline Roads, both arterials. Nampa Highway District #1 has worked with the property owner to waive the 70 foot setback and reduce it as evidenced in the record.

Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0018.

Evidence includes associated findings and evidence supported within this document.

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

Conclusion: 07-07-05(7) – There will not be interference with existing or future traffic

Findings: There will not be undue interference with the existing and/or future traffic patterns. As evidenced by the highway district future roadway widening can be accommodated and access points are allowed.

Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0018.

Evidence includes associated findings and evidence supported within this document.

8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?

Conclusion: 07-07-05(8) – Essential services will be provided

Findings: Essential services will be provided to accommodate the use including, but not limited to school facilities, police and fire protection, emergency medical services, irrigation facilities. The services will not be negatively impacted by such use, and/or require additional public funding in order to meet the needs created by the requested use.

(1) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0018.

(2) Evidence includes associated findings and evidence supported within this document.

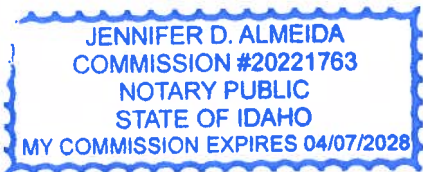
Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case # CU2024-0018, a conditional use permit of subject to the following conditions as enumerated:

Conditions of Approval

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. Building permits shall be secured for the construction of the overhead roof structures covering the fish raceways.
3. The applicant shall submit a copy of the agreement with the City of Nampa or other corroborating evidence regarding the installation of a screening fence on the south property boundary upon the widening of E. Locust Lane.

DATED this 17 day of April, 2025.



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 17th day of April, in the year 2025, before me Jennifer D. Almeida, 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: Jennifer D. Almeida

My Commission Expires: 4/7/28