

2025-013105

RECORDED

04/18/2025 01:04 PM



00862385202500131050070072

RICK HOGABOAM

CANYON COUNTY RECORDER

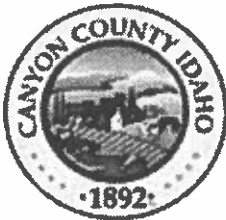
Pgs=7 ZBLAKESLEE

NO FEE

ORDINANCE

CANYON COUNTY COMMISSIONERS

**Canyon County
Recorder's Office
Document
Cover Sheet**



ORDINANCE NO. 25-006
**AN ORDINANCE OF CANYON COUNTY, IDAHO, ADOPTING
CHAPTER 7, ARTICLE 9, AGRICULTURAL PROTECTION AREA ACT;
OF CANYON COUNTY CODE OF ORDINANCES; AND SEVERABILITY
CLAUSES; AND AN EFFECTIVE DATES.**

BE IT ORDAINED by the Canyon County Board of County Commissioners as follows:

SECTION 1. TITLE: This ordinance shall be known and cited as the Canyon County Agricultural Protection Area Act Ordinance.

SECTION 2. STRUCTURE: Titles and subtitles of this ordinance are only used for organization and structure and the language in each paragraph of this ordinance should control with regard to determining the legislative intent and meaning of the Board of County Commissioners.

SECTION 3. PURPOSE: The purpose of this ordinance is to establish and adopt Chapter 7, Article 9, Agricultural Protection Area Act, of the Canyon County Code of Ordinances.

SECTION 4. AUTHORITY: This ordinance Chapter 7, Article 9, Agricultural Protection Area Act, of the Canyon County Code of Ordinances is enacted pursuant to the authority conferred by Idaho Constitution, Article 12, Section 2, and Idaho Code §§, 31-714, 31-801, 31-828, and 67-9701 to 67-9712.

SECTION 5. Chapter 7, Article 9, Section 1 Purpose is hereby adopted as follows:

The purpose of this ordinance is to comply with an Idaho's Agricultural Protection Area Title 67-Chapter 97, Idaho Code, as amended.

SECTION 6. Chapter 7, Article 9, Section 3 Definitions is hereby adopted as follows:

For the purpose of this Article, the following definitions shall:

Administrative officer: means a County employee appointed by the Board of County Commissioners to fulfill the duties of the planning and zoning administrator or other administrative officer pursuant to section 67-9706, Idaho Code.

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.

**ORDINANCE ADOPTING CHAPTER 7,
ARTICLE 9, AGRICULTURAL
PROTECTION AREA ACT**

ORDINANCE NO. 25-006

Agriculture Protection Area 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.

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 7. Chapter 7, Article 9, Section 5 Creation and Designation of APA is hereby adopted as follows:

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) Under one ownership.

Landowners wishing to establish an APA must provide a completed application to the County Development Services Department ("DSD") 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 8. Chapter 7, Article 9, Section 7 Review Process is hereby adopted as follows:

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.

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) Potential of conflict with city annexation, development plans, or agreements,
- c) Proximity to existing public rights of way,
- d) Proximity to planned transportation corridors, improvements, or future public rights of way,
- e) Proximity to existing or planned utility locations,
- f) Proximity to planned airport expansion or development,
- g) Proximity to any planned improvements described in the County Parks Plan,
- h) Compatibility and consistency with existing development patterns, comprehensive plan designations, zoning designations, or planned development with land use entitlements,
- i) Degree of transitional of the land use in the proximity of the proposed APA,
- j) Agricultural production capability of the land within the proposed APA,
- k) Soil classification, water rights and usage, and any effect on provision of essential services to the requested APA land or nearby land, and
- l) Other local impacts relevant to the proposed APA.

Within sixty (60) days of receiving a recommendation from APA commission to support or reject an application, the planning and zoning administrator or other administrative officer appointed by the board of county commissioners shall approve or deny the application to include land in an agricultural protection area in a written decision. The administrative officer's written decision shall specify, at minimum: (a) The ordinance and standards used in evaluating the application; (b) The agricultural protection area commission's recommendation; (c) A reasoned explanation for the decision reached by the administrator or other administrative officer, if appointed; and (d) If applicable, the actions, if any, that the applicant could take to obtain approval.

If the administrative officer, fails to issue a written decision within sixty (60) days of receiving a recommendation from the agricultural protection area commission, the recommendation of the agricultural protection area commission shall become the decision of the administrative officer.

An aggrieved applicant may appeal the decision to the Board of County Commissioners within thirty (30) days of receiving the administrative officer's written decision or of the APA commission's recommendation become final because the administrative officer did not issue a timely written decision. The Board of County Commissioners shall review the appeal in the time and manner prescribed in section 67-9706, Idaho Code and hold the public hearing as required. Within sixty (60) days of the closing of the public hearing, the board of county commissioners shall issue a final decision approving or denying the application. The board of county commissioners' final decision shall be subject to judicial review.

Upon the final approval of an application, the Clerk of the Board of County Commissioners shall:

- a) Record a date of creation or dissolution 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) Notify relevant public officials and agencies of the designation.

SECTION 9. Chapter 7, Article 9, Section 9 Expansion or Modification of an APA is hereby adopted as follows:

An expansion or modification 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 10. Chapter 7, Article 9, Section 11 Termination of an APA is hereby adopted as follows:

A landowner wishing to terminate an APA must request in writing a meeting with the Board of County Commissioners. The meeting request shall include a proof of undue hardship. The Board of County Commissioners shall acknowledge receipt of the petition for removal in writing. 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 11. Chapter 7, Article 9, Section 13 Enrollment Duration is hereby adopted as follows:

Per Idaho State code, lands designated as an APA will remain so designated for a period of twenty (20) years. A landowner wishing to end an approved APA designation must notify the Board of County commissioners in writing of their desire not to renew the land's APA designation before their land designation expires. Removal will occur upon the expiration of the current twenty (20)

year designation period or ten (10) years from the written request for removal, whichever is sooner. Failure of the landowner to request removal, will result in the APA designation automatically renewing for another twenty (20) years. The clerk of the board of county commissioners shall record the renewal of an agricultural protection area pursuant to Idaho Code Section 67-9707.

As a courtesy, Canyon County DSD may send written notice approximately fifteen (15) months prior to the deadline for automatic renewal as a reminder of the date. Failure of DSD to send notice or a landowner's claim of not receiving notice from DSD will not be a defense to the automatic renewal under Idaho Code 67-9708.

SECTION 12. Chapter 7, Article 9, Section 15 Fees is hereby adopted as follows:

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 not exceed the cost of covering administrative expenses, 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 updating the agricultural protection area map 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 13. Chapter 7, Article 9, Section 17 Prohibitions is hereby adopted as follows:

Unless otherwise approved by the Board of County Commissioners, the following land uses are prohibited within an APA unless such uses are also contributing to agricultural production:

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



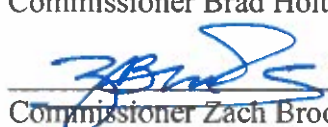
SECTION 14. SEVERABILITY Should any action or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the article as a whole or a part thereof other than the part declared to be unconstitutional or invalid.

SECTION 15. EFFECTIVE DATE: This ordinance shall be and is hereby declared to be in full force and effect upon its passage, approval and publication as provided by law in one issue of the Idaho Press-Tribune and as provided for in Idaho Code §§ 31-715 and 31-715A.

DATED this 18th day of April, 2025.

CANYON COUNTY BOARD OF COMMISSIONERS

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

	Yes	No	Did Not Vote
 Commissioner Leslie Van Beek	<input checked="" 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: RICK HOGABOAM, CLERK

By: J Ross
Deputy Clerk

