



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

In the matter of the application of:

CU2025-0017 -White Cloud Communications Inc.

The Canyon County Planning and Zoning Commission considers the following:

CU2025-0017: The applicant, White Cloud Communication Inc., represented by Andrew Kittle, requests a conditional use permit for an unmanned telecommunication facility within a 100' x 100' lease area on parcel R28634. The facility includes a single 190-foot-tall, galvanized tower with a 5-foot lightning rod in the "A" (Agricultural) zone. The subject property 61.91-acres is located at 0 Melba Rd. approx. 0.25 miles south of Melba Rd. and 1.5 miles west of Melba Rd. and Highway 45 intersection, also referenced as Parcel R28634, a portion of the NE quarter of Section 32, T1N, R2W, BM, Canyon County, Idaho.

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 CU2025-0017.
 - 1. All exhibits are located in the case staff report dated January 15, 2026.

Applicable Law

- 1. The following laws and ordinances apply to this decision: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use/Land Division Hearing Procedures), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-07 (Conditional Use Permits), CCCO §07-02-03 (Definitions), CCCO §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures).
 - a. Notice of the public hearing was provided pursuant to CCCO §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* CCCO §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, CCCO §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. CCCO §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. CCCO §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. CCCO 07-05-03(1)(I).

The application, CU2025-0017, was presented at a public hearing before the Canyon County Planning and Zoning Commission on January 15, 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 Standards of Evaluation Analysis

Standards of Evaluation – CCCO §07-07-05: The presiding party shall consider each conditional use permit application by finding adequate evidence to answer the following questions in its FCOs:		
County Ordinance and Review		
Criteria Met?	Code Section	Analysis
Yes	1	Is the proposed use permitted in the zone by a conditional use permit?
Analysis		The proposed use of a telecommunication facility is permitted in the "A" (Agricultural) zone by conditional use permit, pursuant to Canyon County Code of Ordinance (CCCO) §07-10-27. The proposed use consists of a 195-foot galvanized tower with a 5-foot lightning rod. A Telecommunication Facility is defined as a public or private cellphone, broadcast, communication, or wireless internet towers and associated facilities per CCCO §07-02-03. A conditional use permit application was submitted on August 6, 2025 (Exhibit B). <i>See project description analysis contained in Code Section 2 detailing the nature of the request.</i>
Criteria Met?	2	What is the nature of the request?
Yes		
Analysis		The nature of the request consists of a "broadband internet radio communication tower on parcel R28634." • Once the tower is constructed, it will be unmanned and will have annual maintenance; otherwise, the request does not have employees aside from during construction time, which is estimated to take one to four (1-4) months. • The tower will be in use daily for a minimum of twenty (20) years. The tower will be 195-feet tall within a 100' x 100' lease area on a buried slab of concrete (Exhibit B3). • The tower is a lattice pole and will have two (2) dish mounts and carriers with a 5-foot lightning rod. The tower is designed to withstand 40 to 101 miles per hour winds (Exhibit B4). • The lease area will be encompassed by a 7-foot fence to meet building requirements. • There is a 30' wide by 956.84' tall utility easement on the property (Exhibit B6).
Criteria Met?	3	Is the proposed use consistent with the comprehensive plan?

Yes																								
Analysis	The proposed use is consistent with the 2030 Comprehensive Plan. The subject property is zoned “A” (Agricultural) with a future land use designation of “A” (Agricultural). <u>Chapter 1: Property Rights</u> G1.01.00 Protect the integrity of individual property rights while safeguarding public health, safety, and welfare. The property owner has the right to enjoy the property without creating a nuisance. <i>See proposed condition of approval No. 1.</i> <u>Chapter 2: Population</u> G2.01.00 Incorporate population growth trends & projections when making land-use decisions. P2.01.01 Plan for the anticipated population and households that the community can support with adequate services and amenities. The proposed use of a telecommunication facility is to provide rural broadband coverage to the area. According to the applicant, the facility “will help in facilitating agriculture operations in the area with no long term impacts.” Per the TAZ household and job map (Exhibit C9.9) the area is not anticipated to see growth however; the existing population may receive improved broad band coverage. <u>Chapter 4: Land Use and Community Design</u> P4.03.03 Recognize that each land use application is unique and that agricultural and nonagricultural uses may be compatible and co-exist in the same area and, in some instances, may require conditions of approval to promote compatibility. A telecommunication facility is permitted in the agricultural zone by conditional use permit (CCCO §07-10-27). The proposed use is compatible with the surrounding land uses with the proposed conditions of approval. <i>See compatibility analysis contained in code section 4 detailing the character of the area.</i> <u>Chapter 7: Public Services, Facilities, and Utilities</u> G7.01.00 Endeavor to continue providing reliable public services, public safety facilities, & public utilities that support existing developed areas and future growth. The proposed use of a telecommunication facility “will provide positive infrastructure for public safety, Agri-Business, remote educational services, Nampa Highway District No. 1 communication” and more (Exhibit B3). <i>See all case analyses within this report for supporting evidence. See the Recommendation and Decision Options section of this report (Page 6) for recommended conditions of approval.</i>																							
	Criteria Met?	4	Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?																					
	Yes																							
	Analysis	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. Adjacent Existing Conditions: <table><tr><th>Direction</th><th>Existing Use</th><th>Primary Zone</th><th>Other Zone</th></tr><tr><td>N</td><td>Agricultural</td><td>“A”</td><td>Intensive Agricultural Overlay</td></tr><tr><td>E</td><td>Agricultural</td><td>“A”</td><td>Intensive Agricultural Overlay</td></tr><tr><td>S</td><td>Agricultural</td><td>“A”</td><td>Intensive Agricultural Overlay and Historic Preservation</td></tr><tr><td>W</td><td>Agricultural</td><td>“A”</td><td>Intensive Agricultural Overlay</td></tr></table>			Direction	Existing Use	Primary Zone	Other Zone	N	Agricultural	“A”	Intensive Agricultural Overlay	E	Agricultural	“A”	Intensive Agricultural Overlay	S	Agricultural	“A”	Intensive Agricultural Overlay and Historic Preservation	W	Agricultural	“A”	Intensive Agricultural Overlay
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"A" (Agricultural), "R-R" (Rural Residential), "R-1" (Single-Family Residential), "C-1" (Neighborhood Commercial), "C-2" (Service Commercial), "M-1" (Light Industrial), "CR" (Conditional Rezone)

Surrounding Land Use Cases: There are no active land use cases in the vicinity (**Exhibit C9.4**).

Character of the Area:

- The area is comprised of large agricultural parcels that are used for agricultural practices. *See Exhibit D for site photos.* Although the surrounding area is primarily agricultural, the use is not anticipated to directly or indirectly interfere with or conflict with the surrounding land uses.
- The scenic byway route and the historic preservation overlay area are approximately 1.5 miles from the subject parcel to the south (**Exhibit C4**). Canyon County Parks, Cultural & Natural Resources was notified of the request on December 11, 2025, and did not provide comments.
- The nearest cell towers are approximately over two (2) miles north of the subject parcel (**Exhibit C5-7**). The proposed use will fill a service gap in the area for rural broadband. According to the letter of intent, "the tower and equipment installed will facilitate in high speed broadband service to the surrounding Canyon and Owyhee County agricultural technology use and rural residential." *See Exhibit B3 for details regarding the proposed use.*
- There is a private airstrip located approximately one and a half (1.5) miles north of the subject parcel (**Exhibit C8**).
- The proposed use does not exclude or diminish one another's use of public and private services. Conditions of approval have been proposed to ensure compatibility and to mitigate concerns that may arise. *See proposed conditions of approval No. 1-8.*
- The tower will be lit and will not have any noise generating machine. Height restriction in the "A" (Agricultural) zone is 100' tall. "If a structure supersedes the height allowance, the height shall be approved by the Federal Aviation Administration," per CCCO §07-10-21 Note 1. *See proposed condition of approval No. 1b & 5 to address the height.* Idaho Transportation Department's (ITD) Division of Aeronautics provided comments on November 12, 2025, stating the nearest public airport is Murphy Airport, approximately 10.17 nautical miles (14 miles) south of the subject parcel in Owyhee County. Due to agricultural practices in the vicinity, there is aerial spraying/crop dusting occurring; therefore, the tower needs to be lit according to the ITD Division of Aeronautics. *See proposed condition of approval No. 5.*

The proposed conditions of approval minimize impacts to adjacent properties by ensuring the use complies with all industry standards and federal regulations, and that the fencing and the lease area remain in good repair and weed-free. *See the Recommendation and Decision Options section of this report (Page 6) for recommended conditions of approval.*

Criteria Met?

Yes

5

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

Analysis

The telecommunication facility does not require irrigation, water, or sanitary services (**Exhibit B2**). Water is not anticipated to be negatively impacted by the proposed use. Southwest District Health was notified of the application on October 27, 2025, and provided comments on October 27, 2025, stating the proposed use does not require a nutrient pathogen study, and the applicants are not requesting a subsurface sewage disposal system (**Exhibit E2**).

The parcel is not within an Irrigation District. The Kondo Lateral runs on the east and south boundary of parcel R28634.

As a proposed condition of approval, stormwater drainage shall be kept on site. *See proposed condition of approval No. 7 on Page 6.*

Utilities will be provided via a 30' utility easement along the west boundary of the parcel. The subject property will have "underground electrical services from Idaho Power from pole placements" (**Exhibit B3 & B6**). Per Idaho Power, there are overhead distribution lines on the property, and the applicant shall "coordinate with Idaho Power's distribution design team on the installation of the proposed cell tower to ensure there is no issue with clearance" (**Exhibit E8**).

Criteria Met?	6	Does legal access to the subject property for the development exist, or will it exist at the time of development?
Yes		
Analysis	The subject property does have legal access for the development and will exist at the time of the development. The subject property has legal access via an easement through parcels R28640 and R28646; however, the terrain will make it difficult to get concrete mixer trucks and construction equipment to the property via the legal access. There is a 20-foot easement through parcel R28633 approx. 1.5 miles west of Melba Rd and Highway 45 intersection on the west boundary to get to the subject property the applicant proposes to use. Nampa Highway District No. 1 provided comments on October 27, 2025, stating there is no objection to the request. According to the property owner, Nampa Highway District No. 1, the Simplot property references an ingress egress easement, but it’s not specifically from the time it was owned by the Kondo brothers. Additionally, stating “there has always been access from Melba Road and from highway 45 to the parcels through that access, but no metes and bounds description” (Exhibit E1). Staff reached out to the Canyon County Prosecuting Attorney on November 20, 2025, to determine if the property has legal access through the Simplot property (R28633). The Prosecuting Attorney provided comments on December 12, 2025, stating the subject parcel does have legal access via an express easement. Due to the easement not being a residential driveway/access, the County does not regulate express easements (Exhibit C10).	
Criteria Met?	7	Will there be undue interference with existing or future traffic patterns?
Yes		
Analysis	There will not be undue interference with the existing and/or future traffic patterns. The proposed use of a telecommunication facility may impact the traffic patterns while in construction for approximately one to four (1-4) months, accounting for an average of four to eight (4-8) Average Daily Trips (ADT). When the concrete slab is poured during the construction phase, it will generate a maximum of twenty (20) ADT. Once the tower is constructed, traffic to the site will be minimal, with annual maintenance only occurring, generating two (2) or less trips for service and maintenance. Nampa Highway District does not have an objection to the proposed use (Exhibit E1). Idaho Transportation Department provided comments on October 29, 2025, stating the proposed use does not meet the threshold for a traffic impact study nor does it pose any safety concerns (Exhibit E3).	
Criteria Met?	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?
Yes		
Analysis	Essential services will be provided to accommodate the use, including, but not limited to, school facilities, police and fire protection, emergency medical services, and 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. School Facilities: School facilities are not anticipated to be negatively impacted by the proposed use. The Melba School District No. 136 was notified of the request on October 27, 2025, and December 11, 2025; no comments were received. Police and Fire protection: Canyon County Sheriff and Emergency Management were notified of the request on October 27, 2025, and December 11; no comments were received. The property is not located within a fire district. Police protection is not anticipated to be negatively impacted by the proposed use. Emergency Medical Services: Canyon County Paramedics and EMT were notified of the request on October 27, 2025, and December 11, 2025; no comments were received. Canyon County paramedics and EMT services are not anticipated to be negatively impacted by the proposed use. Irrigation Facilities: The subject parcel is not located within an irrigation district.	

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case # CU2025-0017, a conditional use permit of a telecommunication facility 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.
 - a. The facility shall meet all applicable Federal Communications Commission (FCC) requirements and standards regarding Radio Frequency Emissions.
 - b. Prior to commencement of use, evidence of Federal Aviation Administration (FAA) approval shall be submitted to DSD. The facility shall be maintained in compliance with applicable FAA requirements and standards.
2. This conditional use permit must follow land use time limitation as stated in CCCO §07-07-23: "When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date."
 - a. Commencement shall be 30 days after the date of the signed FCOs.
3. A building permit is required for the construction of the facility/proposed structures. The tower shall not exceed 190' tall lattice tower (195' with lightning rod) unless amended through conditional use permit modification approval.
4. The lease area shall be enclosed by 7-foot fencing with a minimum enclosed area dimension of 40' x 40' (**Exhibit B3**). Fencing shall be demonstrated in the building plans submitted as part of the building permit submittal.
5. All lighting shall be in compliance with FAA lighting regulations (**Exhibit E4**).
6. The lease area and the fencing shall be maintained and kept in good repair (**Exhibit B6**). The lease area and surrounding fence line shall be kept weed-free and/or maintained with weeds being 6" in height or less.
7. The applicant shall not impede, disrupt, or otherwise disturb the existing irrigation easements on and adjacent to the subject property.
8. A non-operational or abandoned tower or antenna structure shall be removed within six (6) months of abandonment.
9. The telecommunication facility shall be limited to parcel R28634. This permit is not transferable to any other property.

DATED this 15 day of January, 2026.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO


Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 15 day of January, in the year 2026, before me CAITLIN ROSS, 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: Caitlin Ross

My Commission Expires: 5/7/2031