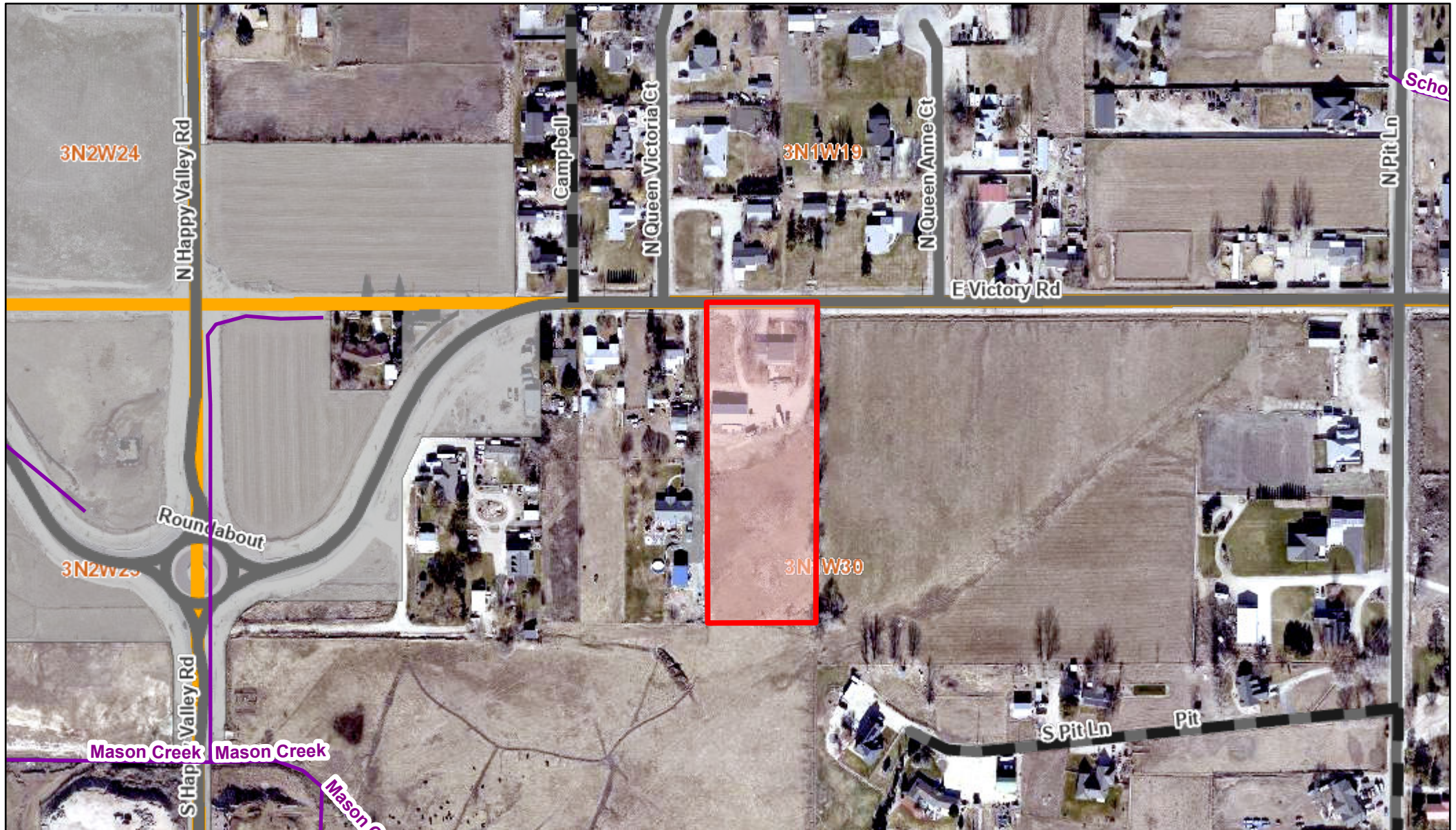
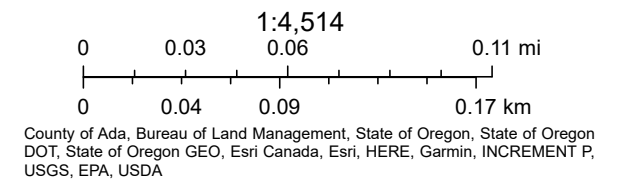


Canyon County, ID Web Map



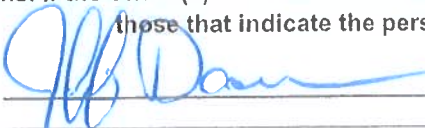
1/29/2026, 9:59:10 AM

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| Multiple Parcel Search_Query result | CC_PrivateRoads | Sections |
| Hydro_NHDFlowline | County Boundary | Imagery_2025_3in |
| CanyonCountyRoads | Current Impact Area | Red: Band_1 |
| Roads | City Limits | Green: Band_2 |





APPEAL OF DECISION APPLICATION

PROPERTY OWNER	OWNER NAME: Whcp LLC	
	MAILING ADDRESS: 44 S 1050 W Brigham City UT 84302	
	PHONE:	EMAIL:
I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If the owner(s) is a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.		
Signature: 		Date: 1/28/2026

APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER	OWNER NAME: Bighorn Traffic Services	
	COMPANY NAME:	
	MAILING ADDRESS: 2015 Delta Dr, Nampa, ID 83687	
	PHONE: 208-954-7285	EMAIL: Connor@aglidaho.com (Representative)

SITE INFO	STREET ADDRESS: 5023 E Victory Rd Nampa ID 83687
	PARCEL NUMBER: R30673010
	PARCEL SIZE: 3.42 Acres

CASE NUMBER OF REQUESTED APPEAL:	CU2025-0002
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FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER: CU2025-0002-APL	DATE RECEIVED: Jan. 28, 2026
RECEIVED BY: Arbay M	APPLICATION FEE: \$1,100
CK MO CC CASH	



APPEAL OF DECISION CHECKLIST

GENERAL APPEAL PROCEDURE CCZO - Section 07-05-05 or 07-05-07

THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS APPLICATION TO BE DEEMED COMPLETE (PLEASE CHECK OFF THE ITEMS REQUIRED):

Description	Applicant	Staff
Master Application completed and signed	X	✓
Letter of Intent/Statement of Reason	X	✓
Fee: Per adopted fee schedule	X	
Fees are non-refundable		

*DISCLAIMER: The subject property shall be in compliance with the public nuisance ordinance, the building code and the zoning code before the Director can accept the application.

January 22nd, 2026

Jay Gibbons

Planning & Zoning Director

Canyon County Planning

111 N. 11th Ave Caldwell, ID 83605

Re: Bighorn Traffic Services CUP Planning & Zoning Appeal

Dear Mr. Gibbons

I. Introduction

On behalf of Bighorn Traffic Services, LLC, AG Land & Development respectfully submits this Letter of Appeal for Conditional Use Permit Application CU2025-0002 pursuant to Canyon County Code section 07-07-23(2)(A). On December 18, 2025, the Canyon County Planning and Zoning Commission conducted a public hearing and denied the applicant's request for a conditional use permit to allow a contractor shop and staging area at 5023 East Victory Road, Nampa, Idaho (Parcel No. R30673010).

The Commission's decision is memorialized in the Findings of Fact, Conclusions of Law, and Order signed on January 15, 2026. As set forth below, the Commission's denial rests on findings that are not supported by substantial and competent evidence in the record as a whole and reflect a misapplication of the applicable conditional use criteria. County staff, reviewing agencies, and the application materials all support approval of the request with reasonable conditions of approval. This appeal seeks review and reversal of the Commission's denial based on the record developed before the Planning and Zoning Commission.

II. Canyon County Conditional Use Hearing Criteria

Canyon County Code section 07-07-05 sets forth the criteria governing the review of conditional use permit applications. In evaluating a request, the decision-making body must consider whether adequate evidence supports the following determinations:

1. Whether the proposed use is permitted in the zone by conditional use permit;
2. The nature of the request;
3. Whether the proposed use is consistent with the comprehensive plan;
4. Whether the proposed use will be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area;

5. Whether adequate water, sewer, irrigation, drainage, stormwater drainage facilities, and utility systems will be provided to accommodate the use;
6. Whether legal access to the subject property exists or will exist at the time of development;
7. Whether the proposed use will result in undue interference with existing or future traffic patterns; and
8. Whether 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, and whether such services will be negatively impacted or require additional public funding to meet the needs created by the proposed use.

In its Findings of Fact, Conclusions of Law, and Order, the Planning and Zoning Commission determined that Application CU2025-0002 failed to satisfy subsections (4) and (7) of section 07-07-05, concluding that the proposed use would be injurious to surrounding properties and would result in undue interference with existing or future traffic patterns. The Commission found that all remaining criteria were satisfied.

Accordingly, this appeal is narrowly focused on the Commission's determinations under Canyon County Code section 07-07-05(4) and (7). The applicant agrees that the record contains adequate evidence supporting compliance with the remaining criteria and challenges only those findings that formed the basis for denial of the application.

III. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area? CCCO §07-07-05(4)

The Commission's conclusion that the proposed contractor shop and staging area will be injurious to surrounding properties or will negatively change the essential character of the area is not supported by substantial and competent evidence in the record and is contrary to the County's staff findings. When the record is viewed in its entirety, it demonstrates that the proposed use is compatible with the surrounding land uses and that any potential impacts can be adequately mitigated through conditions of approval.

CCCO §07-07-05(4) requires a showing that a proposed conditional use will result in a reasonably likely, material injury to nearby properties or a demonstrable negative change to the essential character of the area. The criterion does not authorize denial based on generalized concern, speculative impacts, or the mere possibility that a use may create some level of activity or change. Conditional use review exists to allow certain uses when they can operate compatibly through site-specific conditions, particularly in areas where land uses are transitional or evolving.

Here, County staff conducted a detailed compatibility analysis and expressly concluded that the proposed use would not be injurious to other properties in the immediate vicinity and would not negatively change the essential character of the area, provided the proposed conditions of approval are imposed. Staff identified the surrounding land uses as a mix of rural residential and agricultural parcels, with City of Nampa limits to the south and west, including industrial zoning within the City's jurisdiction. Staff further recognized the proximity of the Nampa Municipal

Airport and the area's location at the County–City interface, factors that inform the area's transitional character.

Staff's analysis acknowledged the same public comments cited by the Commission, including concerns related to traffic, noise, safety, and character, yet reached the opposite conclusion. Importantly, staff evaluated those concerns in light of the application materials and proposed conditions, finding that the use is not anticipated to exclude or diminish the use of public or private services and that potential impacts related to noise, dust, emissions, lighting, and activity could be mitigated through enforceable conditions of approval. Staff specifically cited the applicant's proposal for a minimum six-foot sight-obscuring fence along the east, south, and west property boundaries as a key compatibility measure.

The Commission's characterization of the area as exclusively agricultural and residential further overlooks evidence in the record demonstrating that similar and more intensive uses already exist in the immediate vicinity. Public testimony and the surrounding land-use context reflect that a comparable contractor-oriented operation has been established across Happy Valley Road within the City of Nampa. Although located within City limits, that project is functionally and visually proximate to the subject property and involves a more industrial character and intensity than the use proposed here. The Commission's findings do not acknowledge this existing development pattern or explain why the proposed use, which is smaller in scale and subject to County conditions of approval, would be incompatible while a more intensive use down the roadway is not.

The record also reflects that other business and contractor-type operations are occurring in the surrounding area, some of which appear to operate within agricultural or rural residential contexts. While the procedural history of those operations is not determinative, their existence is relevant to evaluating the area's actual character as experienced on the ground. The essential character of an area is informed not only by zoning designations, but by existing uses, infrastructure, and functional realities. The Commission's analysis does not reconcile these existing operations with its conclusion that the proposed contractor shop and staging area would uniquely alter or injure the surrounding area.

When viewed together, these facts further support the conclusion reached by County staff that the area is transitional in nature and capable of accommodating the proposed use with appropriate conditions. Ignoring existing nearby commercial and contractor-related activity, particularly where such activity is equal to or more intensive than the proposal before the County, results in an incomplete and internally inconsistent application of CCCO § 07-07-05(4).

Additionally, the Commission's findings do not identify any new or different evidence that undermines staff's conclusions. Instead, the Commission adopts generalized assertions that the area is "primarily residential" and that the use "may" disrupt neighborhood character, without explaining why staff's mitigation-based analysis is incorrect or insufficient. The findings do not articulate what specific aspect of the area's essential character would be materially altered, nor do they explain why the proposed conditions would fail to preserve compatibility. A decision that disregards staff's reasoned analysis without identifying contrary evidence does not satisfy the substantial evidence standard.

The Commission's reliance on speculative potential impacts further underscores the deficiency in its analysis. References to possible noise, dust, lighting, or activity are framed in conditional terms and are not supported by evidence demonstrating that such impacts will be excessive or harmful. Nearly every conditional use entails some level of impact; the Code requires a showing of injury, not the mere existence of change. The record, including staff's findings, supports the conclusion that any impacts associated with the proposed use can be controlled through conditions, rather than serving as a basis for denial.

The Commission's analysis is also internally inconsistent insofar as it relies on Idaho Code section 67-6519 to suggest annexation into the City of Nampa as an alternative means of approval. As reflected in the record, the City of Nampa has designated areas surrounding the airport for industrial land uses. Industrial zoning would allow uses substantially more intensive than the contractor shop and staging area proposed here, often with fewer discretionary conditions available to address site-specific impacts. By denying a modest, conditionable use under County jurisdiction while pointing toward annexation into a more permissive industrial land-use framework, the Commission's reasoning undermines its stated concerns regarding injury and character.

If the proposed use were truly incompatible with the surrounding area, steering the property toward industrial zoning would exacerbate, not alleviate, the cited impacts. Conditional use review under Canyon County Code is intended to provide a measured and controlled approach to transitional land uses, allowing compatibility to be achieved through enforceable conditions. The Commission's reliance on annexation as an implied solution highlights the reasonableness of approving the use under County authority rather than denying it.

To the extent the Commission's character analysis incorporates traffic-related concerns, those issues are addressed separately under CCCO §07-07-05(7). As discussed in Section IV of this appeal, the traffic evidence does not support a finding of undue interference and does not supply an independent basis for concluding that the proposed use will injure surrounding properties or alter the area's character.

In sum, the record reflects that County staff carefully evaluated the proposed use, acknowledged public concerns, and determined that the project satisfies CCCO §07-07-05(4) with appropriate conditions of approval. The Commission's contrary conclusion rests on speculation, generalized opposition, and an incomplete application of the Code, while failing to reconcile or rebut staff's findings. Accordingly, the Board should reverse the Commission's determination under CCCO §07-07-05(4) and conclude that the proposed contractor shop and staging area will not be injurious to nearby properties and will not negatively change the essential character of the area when approved with reasonable conditions.

IV. Will there be undue interference with existing or future traffic patterns? CCCO §07-07-05(7)

The Commission's determination that the proposed use will result in undue interference with existing or future traffic patterns is not supported by competent evidence in the record and reflects a misapplication of the governing standard. When evaluated against objective traffic

data, agency review, and the scale of the proposed use, the evidence demonstrates that the anticipated traffic generation is modest, within the functional capacity of East Victory Road, and does not rise to the level of “undue” interference contemplated by Canyon County Code.

CCCO §07-07-05(7) requires more than the mere existence of traffic impacts. Nearly every land use generates vehicle trips. The applicable inquiry is whether the proposed use will create traffic impacts that are excessive, unsafe, or materially disruptive to existing or planned traffic patterns, based on credible evidence. A denial under this criterion must rest on demonstrated traffic conflicts or capacity deficiencies, not generalized concern, anecdotal testimony, or speculative assumptions untethered from technical review.

Here, the Commission’s findings acknowledge that the applicant anticipates approximately twenty to thirty average daily trips, inclusive of employee arrivals and departures and occasional loading or unloading activities. Even accepting the upper end of that estimate, this level of traffic generation is objectively low, particularly for a property accessed from a roadway classified as a minor arterial under the Canyon County Comprehensive Plan Functional Classification Map. Minor arterials are expressly intended to accommodate a higher volume and mix of traffic than local residential streets, including traffic associated with employment and service-oriented uses.

The record further reflects that the Idaho Transportation Department reviewed the proposal and expressly determined that the project does not meet the threshold requiring a Traffic Impact Study. That determination is significant. ITD is the agency charged with evaluating transportation safety and capacity on impacted roadways, and its conclusion that the proposal does not warrant further study strongly undercuts any assertion that the projected traffic volumes pose a material or undue interference with traffic operations. The Commission’s decision does not explain why ITD’s professional assessment should be discounted or overridden, nor does it identify any contrary technical evidence in the record.

Instead, the Commission relies primarily on oral public testimony expressing concern that twenty to thirty daily trips, combined with topography near the Happy Valley Road and Victory Road roundabout, could create safety issues due to a perceived blind corner. While public testimony may inform the Commission’s understanding of local conditions, it cannot substitute for evidence demonstrating that the proposed use will create an unsafe condition or an undue interference with traffic. The findings do not cite accident data, sight-distance measurements, engineering analysis, or any agency determination concluding that the site access is deficient or that the additional trips would materially degrade traffic safety or flow.

Importantly, the Commission’s reasoning again relies on conditional and speculative language. The findings state that the traffic “will result in interference” based on oral testimony, yet provide no explanation of how a modest number of daily trips during largely predictable peak hours translates into undue interference on a minor arterial roadway. The Commission does not distinguish between ordinary traffic impacts and impacts that are undue, nor does it articulate a standard by which twenty to thirty daily trips become disqualifying. Without such analysis, the conclusion amounts to little more than a restatement of generalized concern.

The Commission also fails to account for the applicant's operational characteristics that limit traffic impacts. The record reflects that peak activity is anticipated during typical morning hours, rather than dispersed throughout the day or night. Employees report to the site, load equipment, and depart for off-site work, a pattern that reduces repeated trips and minimizes continuous traffic generation. There is no evidence that employee vehicles or equipment will queue onto East Victory Road, obstruct sight lines, or interfere with through traffic.

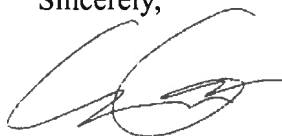
Finally, as with the compatibility criterion, the Commission did not meaningfully consider the availability of reasonable conditions to address traffic-related concerns. If the Commission believed that sight distance, turning movements, or access management warranted attention, it had the authority to impose conditions related to access design, signage, or operational timing. The absence of any analysis explaining why such measures would be insufficient further underscores that the denial under CCCO §07-07-05(7) rests on conjecture rather than evidence.

In summary, the record demonstrates that the proposed use will generate a limited number of daily vehicle trips on a roadway designed to accommodate such traffic, has been reviewed by the Idaho Transportation Department without triggering the need for further study, and lacks any documented safety or capacity deficiency attributable to the project. The Commission's conclusion that this level of traffic constitutes undue interference is therefore unsupported by substantial and competent evidence. The Board should reverse the P&Z finding under CCCO §07-07-05(7) and determine that the proposed use satisfies the traffic criterion, subject to any reasonable conditions deemed appropriate.

V. Conclusion

For the reasons set forth above, the Planning and Zoning Commission's denial of Conditional Use Permit Application CU2025-0002 is not supported by substantial and competent evidence and reflects a misapplication of the applicable Canyon County Code criteria. The record demonstrates that the proposed contractor shop and staging area satisfies CCCO §07-07-05(4) and (7), as confirmed by County staff's detailed analysis, agency review, and the applicant's commitment to enforceable mitigation measures. Rather than evaluating whether identified concerns could be addressed through reasonable conditions of approval, the Commission relied on speculative impacts and generalized opposition, while disregarding the transitional land-use context and staff's findings. The Commission's reasoning is further undermined by its suggestion that annexation into a more intensive industrial land-use framework would be preferable, despite the availability of conditional controls under County jurisdiction. Accordingly, the Board of County Commissioners should reverse the Commission's denial and approve the requested conditional use permit subject to appropriate and reasonable conditions of approval.

Sincerely,

A handwritten signature in black ink, appearing to be a stylized 'G' or 'S' followed by a flourish.

Connor Gray

AG Land & Development, LLC

Canyon County Development Services

111 N. 11th Ave. Room 310, Caldwell, ID 83605
(208) 454-7458

Building Divsn Email: buildinginfo@canyoncounty.id.gov **Planning Divsn Email:** zoninginfo@canyoncounty.id.gov

Receipt Number: 87421

Date: 1/28/2026

Date Created: 1/28/2026

Receipt Type: Normal Receipt

Status: Active

Customer's Name: Jeff Dancer

Comments:

Site Address: 5023 E VICTORY RD, Nampa ID 83687 / Parcel Number: 30673010 0

CHARGES

<u>Item Being Paid For:</u>	<u>Application Number:</u>	<u>Amount Paid:</u>	<u>Prevs Pymnts:</u>	<u>Unpaid Amnt:</u>
Planning - Notification - Public Hearing Level Cases (1 Hearing)	CU2025-0002-APL	\$350.00	\$0.00	\$0.00
Planning - Appeal to the Board of County Commissioners	CU2025-0002-APL	\$750.00	\$0.00	\$0.00

Sub Total: \$1,100.00

Sales Tax: \$0.00

Total Charges: \$1,100.00

PAYMENTS

<u>Type of Payment:</u>	<u>Check/Ref Number:</u>	<u>Amount:</u>
Credit Card	190781654	\$1,100.00

Total Payments: \$1,100.00

ADJUSTMENTS

Receipt Balance: \$0.00