



**HEARING DATE:** April 18, 2024

**OWNER:** Caldwell Housing Authority

**APPLICANT/REP:** Mike Dittenber

**PLANNER:** Jay A Gibbons,  
Assistant Director

**CASE NUMBER:** 2020-0017-MOD

**LOCATION:** 22730 Farmway Road, Caldwell  
Parcel R34658



### **PROJECT DESCRIPTION**

- The applicant, Mike Dittenber, representing Caldwell Housing Authority is requesting a modification to an approved Conditional Use Permit (CU2020-0017) to allow a time extension.

### **PROJECT INFORMATION** *(See Attachment #1b for Parcel Information)*

The Caldwell Housing Authority (CHA) has been providing low income housing since 1939 and is the oldest housing provider in the Treasure Valley.

CHA's rental housing is located at Farmway Village, on the SE corner of Farmway Road and State Highway 44, the current request on Parcel R34658, a 37.12 acre property, is subject to conditional use permit CU2004-151 (encompassing Parcel R34658010 & R34658011), which was approved to emplace fifteen (15) four-plex structures. CHA currently has 225 units of multi-family housing. Per conditional use permit CU2020-0017, CHA is allowed to add a 219 space recreational vehicle park connected to municipal services. Per conditions of approval, construction of the RV Park was to commence by March 2024 and be completed by March of 2026.

CHA entered into an agreement with the City of Caldwell to extend municipal water to the property in March 2021. Project delays pushed completion of the service extension project into October 2023. Construction on the RV Park could not commence by March 2024, as originally anticipated and a time extension was requested August 30, 2023. The applicant's letter of intent requests an extension to commence construction in the spring of 2025 with completion of all six (6) phases by 2031.

The applicant has recapped in its letter of intent, the eight (8) conditions set forth in the approval of CU2020-0017 and has provided the method by which each will be addressed. See Attachment 1a.

## **PROJECT OVERVIEW**

### **Comprehensive Plan Consistency: Canyon County 2030 Future Land Use Rural Residential**

#### **Existing Conditions:**

Direction	Existing Conditions	Primary Zone	Other Zones
N	Agricultural	AG	
E	Agricultural	AG	
S	Vacant	M1	
W	Agricultural	AG	

“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:**

- Subject property is adjacent to agricultural land and several rural living residences on three (3) sides. The property to the south is vacant but zoned M1 south of the West Canyon Canal. An M1 commercial subdivision abuts the NE corner of Highway 20-6 and Farmway Road.

#### **Character of the Area:**

- The surrounding area is large agricultural parcels, enabling Farmway Village to be central to its intended purpose to provide farmworker housing. The subject property is contained within the City of Caldwell’s area of city impact

#### **Access and Traffic:**

- Subject property takes access off Highway 44 on the north and Farmway Road on the west.

#### **Facilities:**

- 15 four-plex structures and 225 units of multi-family housing approved by previous Conditional Use permit and will include 219 RV spaces with full hookups per CU2020-0017 as approved in March 2021.

#### **Essential Services:**

- City of Caldwell municipal water & sewer service

## **POTENTIAL IMPACTS**

- City of Caldwell has extended municipal water service to the property with a Municipal Service Agreement and will require annexation to the City once the adjoining property to the south has been annexed. The City anticipates the annexation of the properties to the south will occur in the next four (4) to six (6) months allowing the Caldwell Housing Authority to then follow suit and request annexation. Denying the time extension would force the project to be delayed until it could go through the City of Caldwell entitlement approval processes thus delaying the City in recouping costs involved to extend sewer service to the property.

## **COMMENTS**

- One (1) Agency responded, the City of Caldwell, see attachment 3a.

## **RECOMMENDATION**

- Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed Conditional Use Permit for a Long-Term Mineral Extraction.
- Staff is **recommending approval** of the request as provided in the draft Findings of Fact, Conclusions of Law, and Order found in Attachment 2b.

## **DECISION OPTIONS**

- Planning and Zoning Commission may **approve** the Conditional Use Permit CU2020-0017-MOD Time Extension with conditions; or
- The Planning and Zoning Commission may **deny** the Conditional Use Permit CU2020-0017-MOD Time Extension and direct staff to make findings of fact to support this decision; or
- The Planning and Zoning Commission may **continue the discussion** and request additional information on specific items

## **EXHIBITS**

Attachment 1: Submitted Application Materials

- a. Letter of Intent
- b. Time Extension Application
- c. CU2020-0017 Approved Site Plan

Attachment 2:

- a. Staff report
- b. Findings of Fact & Conclusion of Law
- c. Minutes

Attachment 3: Agency Comments

- a. City of Caldwell dated March 28, 2024

## **Caldwell Housing Authority CUP Extension - Letter of Intent**

### **Project Background**

Caldwell Housing Authority (CHA) has been providing low-income housing since 1939 and is the oldest housing provider in the Treasure Valley.

The Caldwell Housing Authority (CHA) is located in the rural setting of western Canyon County. Originally built in 1939 by the U.S. Department of Agriculture as the Idaho Migratory Labor Camp, it was one of only a few labor camps built by the federal government to provide housing to farmers displaced by the Great Depression. In 1950, the migratory camp was turned over to the Housing Authority that was created only a few years prior. Now, 84 years later, the migratory camp has transformed from a campsite arrangement that could accommodate 350 people to a modern town with 225 units of housing and several amenities that serves approximately 1,500 people. CHA accepts HUD Section 8 vouchers and works closely with Southwest Idaho Cooperative Housing Authority (SICHA).

Although Caldwell Housing Authority has been providing excellent low-income housing for decades, they would like to expand their services to also include an RV Park. In looking to the future, CHA sees a need and a trend of more people living in RV's rather than permanent housing. This trend is increasing in lower income populations, and the housing authority has been receiving calls on a weekly basis from potential renters requesting RV spaces.

CHA is asking for a Conditional Use Permit (CUP) extension of the CUP number CU 2020-0017 to allow the proposed CHA RV park to continue to move forward with bringing additional low-income housing to Canyon County. CHA's motto is: Strengthening Families and Building a Community by Providing Affordable Housing. With approval of this CUP extension, you will allow them to continue that mission.

### **CUP Time Extension Request**

The CUP that CHA is currently under began in March 2021. Under the current CUP, construction must begin by March 2024 and must conclude by March 2026.

CHA is requesting a time extension on this Conditional Use Permit due to delays out of its control. The existing water system at CHA was determined to be of low quality. In order to provide clean and high-quality water to lower income families, CHA has been waiting on the construction of the City of Caldwell's watermain adjacent to the property. The City of Caldwell expects to be able to supply water to CHA by October 2024.

Because of the water main construction delay, CHA is not anticipated to start construction of the RV Park until spring of 2025. Additionally, this RV Park is six phases with one phase per year slated to be constructed. This extended timeline will reach beyond the March 2026 deadline that CHA's CUP is currently under. CHA is requesting a timeline extension to span until 2031.

CHA is determined to continue to meet the housing needs of lower income families for the next 80 years. We request your approval of this CUP extension to continue that mission.

### **CUP Original Conditions of Approval**

There were eight (8) conditions of approval for this CUP. CHA has been working on meeting these requirements.

The first condition was to comply with the Fire District's plan review and for hydrant and access prior to the issuance of the first building permit. The first phase of the RV park is being designed currently and the Fire District has reviewed and approved the hydrant location, spacing, and site access of this phase. The fire district has also been given an opportunity to review the conceptual layout for the entire site and did not have any comments on the layout or access at this time. As each phase of the construction drawings are completed, CHA will comply with the Fire District's plan review prior to the issuance of building permits.

The second condition was to comply with the requirements of the Notus/Parma Highway District (NPHD) on the approach and the deletion of the existing approach to the west. CHA has the existing approach to the west blocked off from use with a fence and will remove the existing access permanently.

The third condition was to comply with all applicable laws, rules, and regulations. This condition has been met through the initial design of Phase 1 of the RV park and will continue to be followed during the construction process and during the additional phases of the project.

The fourth condition was that CHA may construct an RV Park in substantial conformance with the site layout plan that was provided with the CUP titled Attachment "A". The site plan in Attachment "A" is continuing to be followed through design of Phase 1 and will continue to be followed in substantial conformance for the following phases.

The fifth condition was that the RV Park is to use the existing sewer system for wastewater treatment. Wastewater will continue to be treated by the City of Caldwell. Phase 1 is tying into the sewer system of the existing CHA fourplexes which currently flow into the City of Caldwell's sewer main in Farmway Road. Phases 2 through 6 will also flow into the sewer main in Farmway Road but through a new connection to a different manhole.

The sixth condition is that the facility shall not disrupt any irrigation canals, laterals, or ditches. The use and construction of this facility will not disrupt any irrigation infrastructure including the West Canyon Canal bordering this project to the south.

The seventh condition is broken in to five (5) parts.

Part A is that the application requirements shall meet 2017 ACCHD Standards. We will continue to use ACCHD Standards.

Part B requires a Traffic Impact Study (TIS). A TIS was completed in May of 2021.

Part C requires that the TIS is to determine mitigation of the traffic impacts from the proposed RV Park. The upgrades recommended in the TIS will be followed prior to public access of the RV Park.

Part D states that the improvements recommended in the TIS will require a separate engineering plan approval and construction permits from NPHD. This will be followed.

Part E requires Right of Way dedication per ACCHD Section 3030. NPHD requires 100 feet of Right of Way dedication (50-ft half width). The RV Park is outside of the NPHD's right of way bounds and CHA will dedicate the required Right of Way.

The eighth condition is for the applicant to submit a site and addressing plan prior to commencement of each phase to Canyon County Development Services. After speaking with Tony Almeida at Canyon County Development Services, Ardurra was told that the County handles addressing assignments themselves. CHA will

provide a site plan with RV spaces labeled and vehicle direction flow shown to aid Canyon County Development Services with addresses.

### **Proposed RV Park**

Each RV space will contain its own power supply, water service and connection to municipal sewer. RV spaces will be individually numbered, and all spaces will exceed 1,500 square feet. Farmway Village is already fenced with a 6' high chain link fence. That fencing will also be used at the exterior of the RV Park.

Wayfinding signs (similar to the existing ones at Farmway Village) will be used to help residents locate the office, laundry and other features. Dumpster locations are shown in the site plan and trash pick-up will be handled in the same fashion as the existing Farmway Village apartments. Currently, Farmway Village has 32 eight-yard dumpsters on site that are emptied every Thursday morning. Additionally, one 30-yard dumpster is emptied a couple times per month, as needed.

Both the staff and residents take pride in our safe, family-friendly community. The administrative and maintenance staff comprised of 13 full time employees, with 7-10 temporary employees depending on the time of year. Faraway Village anticipates the RV park generating an additional 3 employees. These employees keep Farmway Village looking great year-round. Regular business hours are conducted Monday through Friday 8am — 5pm, with on-call assistance provided 24 hours per day, 7 days per week. On-site utilities will include connection to City of Caldwell sewer and water, a pressurized irrigation system, and a large electrical power grid.

All lighting will be downward facing with the bulb fully shielded to prevent glare and light trespass onto neighboring properties, including the lighting of any signs. A common centralized area will be utilized for mail delivery.

Access locations to campus will remain as existing, with one main access off both Faraway and State Highway 44. All internal roadways will meet Fire District standards.



## TIME EXTENSION - CONDITIONAL USE PERMIT PUBLIC HEARING - APPLICATION

<b>PROPERTY OWNER</b>	OWNER NAME: Caldwell Housing Authority		CU 2020-0017
	MAILING ADDRESS: 22730 Farmway Rd. Caldwell, ID 83607		
	PHONE: [REDACTED]	EMAIL: [REDACTED]	
<p>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.</p> <p>Signature: <u><i>[Signature]</i></u> Date: <u>8/30/23</u></p>			

<b>APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER</b>	APPLICANT NAME: Mike Dittenber		
	COMPANY NAME: Caldwell Housing Authority		
	MAILING ADDRESS: 22730 Farmway Rd. Caldwell, ID 83607		
	PHONE: [REDACTED]	EMAIL: [REDACTED]	

<b>SITE INFO</b>	STREET ADDRESS: 22730 Farmway Rd. Caldwell, ID 83607		
	PARCEL NUMBER: R34658000 / 8011 / 8010		
	PARCEL SIZE: 37.1 Acres		09, 4N - 3W
	REQUESTED USE: RV Park		
	FLOOD ZONE (YES/NO) : NO		ZONING DISTRICT: AG

**FOR DSD STAFF COMPLETION ONLY:**

CASE NUMBER	CU2020-0017-MOD	DATE RECEIVED:	9-6-2023
RECEIVED BY:	<i>M. Barron</i>	APPLICATION FEE:	600 <sup>00</sup> CK MO <input checked="" type="checkbox"/> CASH



## TIME EXTENSION - CONDITIONAL USE PERMIT PUBLIC HEARING - APPLICATION

### **CONDITIONAL USE PERMIT REQUEST FOR EXTENSION - CCZO §07-07-25**

An applicant may request extension of the time period provided by this section by filing an application for extension with DSD. Such application must be filed prior to the date of expiration of the three (3) year period for commencement of the land use or prior to the expiration of the five (5) year period for completion of the project.

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	X	✓
Evidence supporting the need for the time extension	X	✓
Address all conditions from approval of CUP and whether or not they have been met	X	✓
Proof of application/communication with (varies per application):		
Southwest District Health	X	✓
Irrigation District	X	✓
Fire District	X	✓
Highway District/ Idaho Transportation Dept.	X	✓
Area of City Impact	X	✓
<b>Fee: \$600.00</b>	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.





## AGENCY ACKNOWLEDGMENT

Date: 8/14/2023  
Applicant: Caldwell Housing Authority  
Parcel Number: R3465800000  
Site Address: 22730 Farmway Rd, Caldwell, ID 83607

### **SIGNATURES DO NOT INDICATE APPROVAL OR COMPLETION OF OFFICIAL REVIEW.**

The purpose of this form is to facilitate communication between applicants and agencies so that relevant requirements, application processes, and other feedback can be provided to applicants early in the planning process. Record of communication with an agency regarding the project can be submitted instead of a signature. After the application is submitted, impacted agencies will be sent a hearing notification by DSD staff and will have the opportunity to submit comments.

#### **Southwest District Health:**

Applicant submitted/met for informal review.

Date: 08/17/2023 Signed: \_\_\_\_\_

*Anthony Lee*

Authorized Southwest District Health Representative  
(This signature does not guarantee project or permit approval)

#### **Fire District:**

District: SWDH

Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Authorized Fire District Representative  
(This signature does not guarantee project or permit approval)

#### **Highway District:**

District: \_\_\_\_\_

Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Authorized Highway District Representative  
(This signature does not guarantee project or permit approval)

#### **Irrigation District:**

District: \_\_\_\_\_

Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Authorized Irrigation Representative  
(This signature does not guarantee project or permit approval)

#### **Area of City Impact**

City: \_\_\_\_\_

Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Authorized AOCI Representative  
(This signature does not guarantee project or permit approval)



## AGENCY ACKNOWLEDGMENT

Date: 8/14/2023  
Applicant: Caldwell Housing Authority  
Parcel Number: R3465800000  
Site Address: 22730 Farmway Rd, Caldwell, ID 83607

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Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Authorized Southwest District Health Representative  
(This signature does not guarantee project or permit approval)

**Fire District:**

District: Caldwell

Applicant submitted/met for informal review.

Date: 8/14/23 Signed: [Signature]  
Authorized Fire District Representative  
(This signature does not guarantee project or permit approval)

**Highway District:**

District: \_\_\_\_\_

Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Authorized Highway District Representative  
(This signature does not guarantee project or permit approval)

**Irrigation District:**

District: \_\_\_\_\_

Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Authorized Irrigation Representative  
(This signature does not guarantee project or permit approval)

**Area of City Impact**

City: \_\_\_\_\_

Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Authorized AOCI Representative  
(This signature does not guarantee project or permit approval)



## AGENCY ACKNOWLEDGMENT

Date: 8/14/2023  
Applicant: Caldwell Housing Authority  
Parcel Number: R3465800000  
Site Address: 22730 Farmway Rd, Caldwell, ID 83607

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Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Authorized Southwest District Health Representative  
(This signature does not guarantee project or permit approval)

#### **Fire District:**

District: \_\_\_\_\_

Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Authorized Fire District Representative  
(This signature does not guarantee project or permit approval)

#### **Highway District:**

District: \_\_\_\_\_

Applicant ~~submitted~~ met for informal review.

Date: 8-22-23 Signed: [Signature]  
Authorized Highway District Representative  
(This signature does not guarantee project or permit approval)

#### **Irrigation District:**

District: Notus - Parma Highway District

Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Authorized Irrigation Representative  
(This signature does not guarantee project or permit approval)

#### **Area of City Impact**

City: \_\_\_\_\_

Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Authorized AOCI Representative  
(This signature does not guarantee project or permit approval)



## AGENCY ACKNOWLEDGMENT

Date: 8/14/2023  
Applicant: Caldwell Housing Authority  
Parcel Number: R3465800000  
Site Address: 22730 Farmway Rd, Caldwell, ID 83607

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#### **Southwest District Health:**

Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Authorized Southwest District Health Representative  
(This signature does not guarantee project or permit approval)

#### **Fire District:**

Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Authorized Fire District Representative  
(This signature does not guarantee project or permit approval)

#### **Highway District:**

Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Authorized Highway District Representative  
(This signature does not guarantee project or permit approval)

#### **Irrigation District:**

Applicant submitted/met for informal review.

Date: August 30, 2023 Signed: \_\_\_\_\_  
District: **Black Canyon Irrigation District**  
*Ronald E. Poyoff* **District Engineer**  
Authorized Irrigation Representative  
(This signature does not guarantee project or permit approval)

#### **Area of City Impact**

Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
City: \_\_\_\_\_  
Authorized AOCI Representative  
(This signature does not guarantee project or permit approval)



## AGENCY ACKNOWLEDGMENT

Date: 8/14/2023  
Applicant: Caldwell Housing Authority  
Parcel Number: R3465800000  
Site Address: 22730 Farmway Rd, Caldwell, ID 83607

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#### **Southwest District Health:**

Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Authorized Southwest District Health Representative  
(This signature does not guarantee project or permit approval)

#### **Fire District:**

District: \_\_\_\_\_

Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Authorized Fire District Representative  
(This signature does not guarantee project or permit approval)

#### **Highway District:**

District: \_\_\_\_\_

Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Authorized Highway District Representative  
(This signature does not guarantee project or permit approval)

#### **Irrigation District:**

District: \_\_\_\_\_

Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Authorized Irrigation Representative  
(This signature does not guarantee project or permit approval)

#### **Area of City Impact**

City: Caldwell

Applicant submitted/met for informal review.

Date: 8-15-23 Signed: \_\_\_\_\_

Authorized AOCI Representative  
(This signature does not guarantee project or permit approval)

**Canyon County Development Services**

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

**Building Division Email:** buildinginfo@canyoncounty.i **Planning Division Email:** zoninginfo@canyoncounty.id

**Receipt Number:** 80427

**Date:** 9/6/2023

**Date Created:** 9/6/2023

**Receipt Type:** Normal Receipt

**Status:** Active

**Customer's Name:** Caldwell Housing Authority

**Comments:** CU2020-0017-MOD

**CHARGES**

<u>Item Being Paid For:</u>	<u>Application Number:</u>	<u>Amount Paid:</u>	<u>Prevs Pymnts:</u>	<u>Unpaid Amnt:</u>
Planning - Conditional Use Modification	CU2020-0017-MOD	\$600.00	\$0.00	\$0.00

**Sub Total:** \$600.00

**Sales Tax:** \$0.00

**Total Charges:** \$600.00

**PAYMENTS**

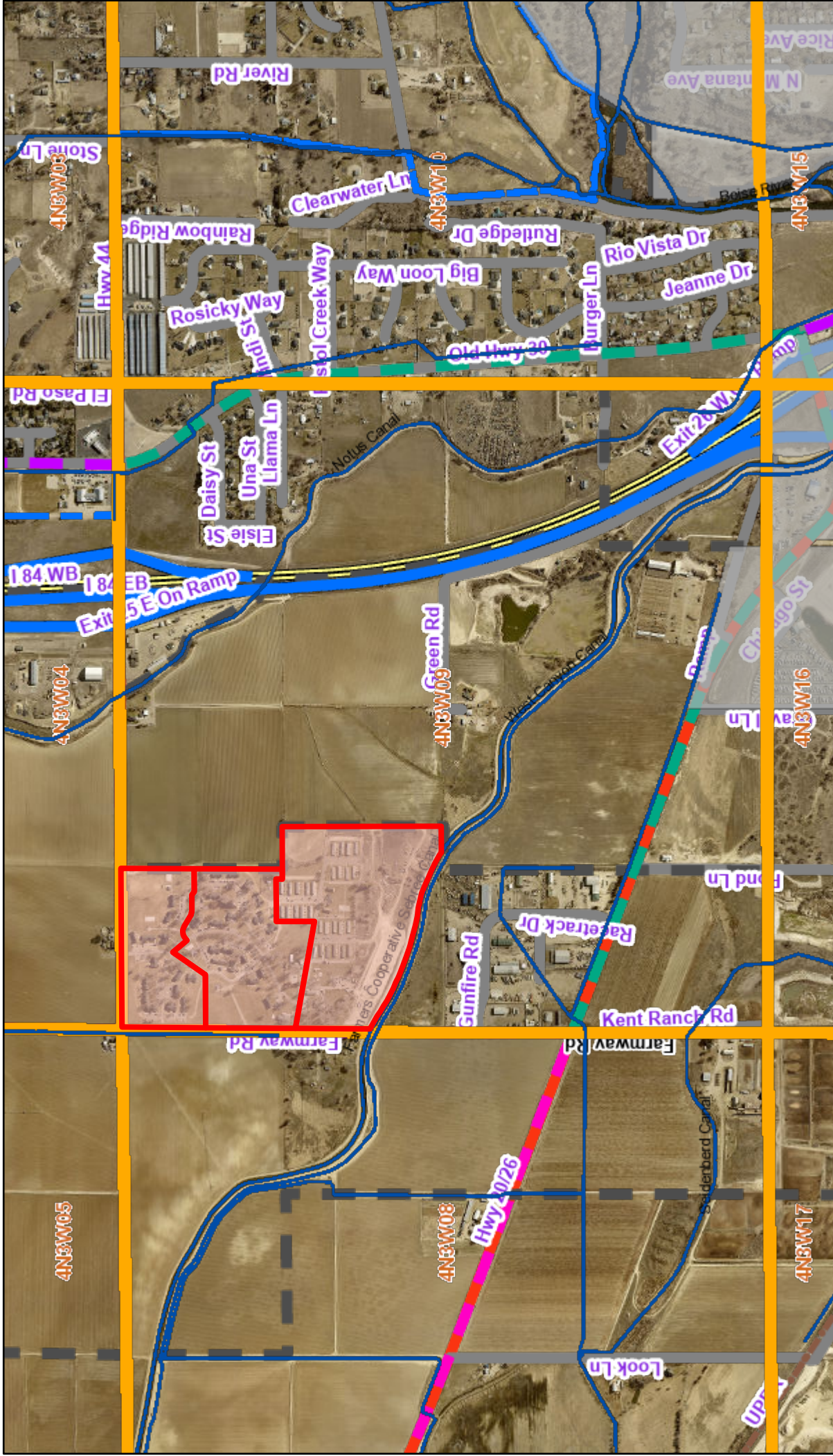
<u>Type of Payment:</u>	<u>Check/Ref Number:</u>	<u>Amount:</u>
Credit Card	142156861	\$600.00

**Total Payments:** \$600.00

**ADJUSTMENTS**

**Receipt Balance:** \$0.00

# Canyon County, ID Web Map



9/6/2023, 10:45:16 AM

- ▭ Multiple Parcel Search\_Query result
- ▭ City Limits
- ▭ Hydro\_NHDFlowline
- ▭ County Boundary
- ▭ Current Impact Area
- ▭ CanyonCounty/Roads
- ▭ Interstate
- ▭ Hwy
- ▭ Roads
- ▭ Rail-Trail
- ▭ CC\_PrivateRoads
- ▭ ITDFunctionalClassification
- ▭ Interstate

1:18,056  
0 0.1 0.2 0.35 0.4 mi  
0 0.17 0.35 0.7 km

Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA | COMPASS | Nampa GIS | City of Nampa |







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

In the matter of the application of:

**Caldwell Housing Authority, CU2020-0017-MOD**

The Canyon County Planning and Zoning Commission considers the following:

- 1) CUP Time Extension legal description  
CU2020-0017-MOD, 22730 Farmway Road, Caldwell, on parcel number R34658000/8011/8010. The parcel is further known as NW TX 19406 IN NW SECTION 9, T4N, R3W, B.M. 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 CU2020-0017-MOD
  - B. Findings of Fact, Conclusions of Law and Order signed by the Planning and Zoning Commission on April 18, 2024. See Attachment 2a of the staff report.
  - C. A request for extension filed by Mike Dittenber, Caldwell Housing Authority was submitted on August 30, 2023 pursuant to Canyon County Code §07-07-25

**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 §07-07-23 (Land Use Time Limitations).
  - a. Notice of the public hearing was provided per CCZO §07-05-01.
  - b. An applicant may request an extension of the time period by filing an application for an extension with DSD. Such application must be filed prior to the date of expiration of the three (3) year period for commencement of the land use or prior to the expiration of the five (5) year period for completion of the project. The matter shall be heard at a public hearing before the presiding party who made the final decision. See CCZO §07-07-25
2. The commission has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act (“LLUPA”) and can establish its own ordinances regarding land use. *See* I.C. §67-6504, §67-6512.
3. 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.
4. 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. Idaho Code § 67-6512.

5. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCZO §07-05-03.
6. 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. 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 request for extension CU2020-0017-MOD was presented at a public hearing before the Canyon County Planning and Zoning Commission on April 18, 2024. 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 Planning and Zoning Commission decides as follows:**

#### **FINDINGS OF FACT & CONCLUSION OF LAW**

- (1) The applicant filed a request for extension CU2020-0017-MOD on August 30, 2023 pursuant to Canyon County Code §07-07-25. The application was filed prior to the date of expiration of the three (3) year period for commencement of the land use or prior to the expiration of the five (5) year period for completion of the project (Attachment 1b). The request included cause for the request of extension (Attachment 1a).
- (2) The Planning and Zoning Commission reviewed the written findings (Attachment 2b), testimony (Attachment 2c), and evidence presented at the public hearing on the application. The Planning and Zoning Commission finds sufficient cause has been provided to extend the commencement period to spring 2025 and the completion period to 2031.
- (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies & JEPA were noticed on March 5, 2024. Newspaper notice was published on March 9, 2024. Property owners within 600' were notified by mail on March 5, 2024. Property was posted on March 13, 2024.
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2020-0017-MOD.

#### **Order**

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission or Hearing Examiner **approves/denies** CU2020-0017-MOD, **a request for time extension** to commence spring 2025 and completion in 2031 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. All conditions set forth in the approval of CU2020-0017 and CU2004-151.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**PLANNING AND ZONING COMMISSION  
CANYON COUNTY, IDAHO**

\_\_\_\_\_  
Robert Sturgill, Chairman

State of Idaho )

SS

County of Canyon County )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2023, before me \_\_\_\_\_, a notary public, personally appeared \_\_\_\_\_, 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: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

## Jay Gibbons

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**From:** Joe Dodson <jdodson@cityofcaldwell.org>  
**Sent:** Thursday, March 28, 2024 2:09 PM  
**To:** Jay Gibbons  
**Cc:** Robin Collins; Morgan Bessaw  
**Subject:** [External] CU2020-0017-MOD

Good afternoon,

The City of Caldwell has reviewed the documents sent over for the existing CU for the Caldwell Housing Authority. Upon review, we do not have any objection to the request for a CU Mod to allow a time extension for the existing conditional use permit.

Thank you,



**Planning and Zoning**

**Joseph (Joe) Dodson, AICP**

Planner III

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