



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: _____