



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

In the matter of the application of:

Hernandez – CU2020-0004-RFE

The Canyon County Planning and Zoning Commission considers the following:

- 1) Case No. CU2020-0004-RFE: The applicants, Juan and Esmeralda Hernandez, represented by Dennis R. Parker, are requesting a time extension of their conditional use permit to allow a special events facility (initially approved by the Planning and Zoning Commission on June 4, 2020). The subject property is located at 8558 Linden Rd, Nampa ID 83687, also referenced as Parcel R34248, a portion of the SW quarter of Section 27, T4N, 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 CU2020-0004-RFE.
 - B. Findings of Fact, Conclusions of Law and Order signed by the Planning and Zoning Commission on June 4, 2020. *See* Exhibit D1 of the CU2020-0004-RFE staff report.
 - C. A request for extension filed by Juan and Esmeralda Hernandez, represented by Dennis R. Parker, was submitted on August 24, 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)), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures), and Canyon County Code §09-01-25 (Area of City Impact Agreement).
 - 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. Canyon County ordinances states that after the three (3) year period has expired, if any person, including staff or member of the commission, files a written notice presenting sufficient evidence, as determined by the director, to establish that the land use or construction of its facility provided for in the conditional use permit, has not commenced or after the five (5) year period that said use has been abandoned, ended, or not completed, the use has expired. 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 (CU2020-0004-RFE) was presented at a public hearing before the Canyon County Planning and Zoning Commission on August 1, 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 (CU2020-0004-RFE) on August 24, 2023 pursuant to Canyon County Code §07-07-25. The application was filed prior to the expiration of the five (5) year period for completion of the project (June 4, 2025) (CU2020-0004-RFE Staff Report Exhibit C1). The request included cause for the request of extension (Exhibits C1, C2, and C3 of the CU2020-0004-RFE staff report).
- (2) The Planning and Zoning Commission reviewed the written findings (Exhibit C1 of the CU2020-0004-RFE staff report), testimony, and evidence presented at the public hearing on the application. The Planning and Zoning Commission finds sufficient cause has been provided to extend the completion period to December 15, 2025.
- (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on May 2 and June 28, 2024. Newspaper notice was published on July 2, 2024. Property owners within 600' were notified by mail on June 28, 2024. The property was posted on July 2, 2024.
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2020-0004-RFE.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case # CU2020-0004-RFE, a **request for time extension** of a conditional use permit for a special events facility on parcel R34248 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. Conditions of approval of case CU2020-0004 (Exhibit C1 of the CU2020-0004-RFE staff report) apply except that the commencement time frame in Condition 8 is extended to December 15, 2025. The improvements for the use must be completed by December 15, 2027.
3. No further extensions shall be considered for this case.

DATED this 1st day of August, 2024.



PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

Brian Sheets, Acting Chairman

State of Idaho)

SS

County of Canyon County)

On this 1st day of August, in the year 2024, before me Amber Lewter, a notary public, personally appeared Brian Sheets, 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: Amber Lewter

My Commission Expires: 10/20/2029