

# Development Services Department (DSD)

CANYON COUNTY BOARD OF COUNTY COMMISSIONERS (BOCC)

## BOCC WORKSHOP

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# Topics

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- Concurrent/Combined Applications
  - Perceived process vs. Code
  - DSD process based on Code
- Rezone vs. Conditional Rezones
  - Current code and process
  - Issues/Concerns
  - Questions & next steps

# Concurrent/Combined Applications

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## Perceived:

- If multiple applications are submitted together, the applicant believes they are combined and will be processed together.
  - Example: If a rezone and preliminary plat application are submitted together, the applicant believes they will be processed together.

## Issues:

- Review Time: The review of a rezone takes less time than the platting review.
- Process: If a rezone application does not meet the required findings and cannot be supported, the review of the plat may not be an efficient use of staff's time.
- Hearings: The cases must be considered separately whether submitted concurrently or not. Creates confusion at the hearings.

Application Type	Review Time
Subdivisions	Approx. 2-4 months
Rezones	Approx. 50-60 days

Application Type	# of Cases
Prelim. Subdivisions	Approx. 46
Rezones	Approx. 28
Concurrent	Approx. 23

# of rezones ready for hearing but still needs plat review	Approx. 16
# of rezones that cannot be supported but still needs plat review	Approx. 10

# Concurrent/Combined Applications

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67-6522. COMBINING OF PERMITS — PERMITS TO ASSESSOR. Where practical, the governing board or zoning or planning and zoning commission may combine related permits for the convenience of applicants. State and federal agencies should make every effort to combine or coordinate related permits with the local governing board or commission. In no event shall the governing board by local ordinance enact provisions that abrogate the statutory authority of a public health district, state, and/or federal agency. Appropriate permits as defined by local ordinance shall be forwarded to the county assessor.

# Concurrent/Combined Applications

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## **07-01-11: COMBINING APPLICATIONS:**

Pursuant to Idaho Code section 67-6522, the board or commission may combine related applications for the convenience of applicants. If combined applications are authorized, DSD shall establish forms and procedures to combine related applications for the convenience of applicants. Fees for combined permits shall be established through a board resolution as provided in Article 4 of this chapter.

**07-06-01(3):** Requests for comprehensive plan changes and ordinance amendments may be consolidated for notice and hearing purposes.

**07-17-17(1):** The developer may request that the subdivision application be processed as both a preliminary and final plat, known as a short plat.

# Combined Applications Process

- Adopted Fee Schedule (Res. #22-137): BOCC Resolution request per request.
- Combined Application/Fee Application

## **FEE WAIVER OR REDUCTION REQUEST**

### **CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**

111 North 11<sup>th</sup> Avenue, #310, Caldwell, ID 83605

[zoninginfo@canyoncounty.id.gov](mailto:zoninginfo@canyoncounty.id.gov)

Phone: 208-454-7458

Fax: 208-454-6633



☐ Total Fee Waiver Request   ☐ Reduction of Fees Request   ☒ Combine Multiple Hearing Applications

<b>Name:</b>		<b>Date:</b>
<b>Address:</b>		
<b>Phone:</b>	<b>Email:</b>	
<input checked="" type="checkbox"/> Please indicate the reason for your request:		

☒ Your request applies to what application type?

<input type="checkbox"/> Administrative Decision(s)	<input type="checkbox"/> Public Hearing Case(s)
<input type="checkbox"/> Zoning Compliance	<input type="checkbox"/> Building Permit/Plan Review Fees
<input type="checkbox"/> Total Regular Fee(s) for your request*      \$	
<input type="checkbox"/> Less Amount requested for waiver or reduction*      \$	
<input type="checkbox"/> Amount you request to pay*      \$	
<input type="checkbox"/> Total Fee Recommended by Director/BOCC Approval      \$	

\*Staff can assist with fee amounts

#### CRITERIA FOR REQUEST:

1. Applicant must prove a hardship that would be created by application fees; or
2. Applicant is submitting multiple discretionary applications processed at one-time for the same parcel/project.

#### PROCESS:

1. Submit application type for review with all required submittals, accompanied with this form.
2. DSD Director will review waiver/reduction request, and will forward to the Board of County Commissioners for final review and approval/denial.
3. Applicant will be notified of the fee due. All fees shall be submitted prior to acceptance of the application(s).

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_  
Staff Signature

Director Recommendation: \_\_\_\_\_

Director Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Concurrent/Combined Applications

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## DSD Process

- An applicant can submit multiple applications concurrently, but it does not guarantee the applications will be processed as a combined application.
- To guarantee multiple applications remain combined, it requires Board review and approval via resolution. Without the approved resolution, the processing is at DSD's discretion.
- Existing concurrent applications: The planner will e-mail the applicant letting them know if their cases will be heard together or separately.



# Concurrent/Combined Applications

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- Questions?
- Does the Board support the DSD process?

# Rezone vs. Conditional Rezone

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- Code
  - CCZO Section 07-06-05 (Zoning Map Amendment)
    - Without Development Agreement – No Conditions
  - CCZO Section 07-06-07 (Conditional Rezone)
    - Rezones that can be conditioned to ensure certainty and/or minimize impacts.
    - Conditional rezones are not considered spot zoning and presumptive proof other properties should have the same rezone.
    - Development agreement is only good for two (2) years.
    - Modification is based on necessity.
    - Termination/Expiration requires public hearings to revert the zoning back to the original zone.

# Rezone vs. Conditional Rezone

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- Process
  - CCZO Section 07-06-05 (Zoning Amendment)
    - Required criteria must be made.
    - Two hearings: A recommendation hearing and a final hearing.
    - Ordinance is signed upon FCO approval
  - CCZO Section 07-06-07 (Conditional Rezone & Development Agreement)
    - Draft conditions are submitted by the applicant.
    - Required criteria must be made.
    - Two hearings: A recommendation hearing and a final hearing.
    - The development agreement must be signed at the time as the FCOs for approval are signed.
    - Ordinance is signed upon FCO approval.

**REZONE OPTION:**

When considering a zoning map amendment (rezone) of a property, a conditional rezone is recommended when considering conceptual site plan and/or addressing potential impacts through mitigation strategies and measures such as restricting uses, limiting the area to be rezoned to retain agricultural uses, and agricultural preservation methods such as buffers and disclosures. Without a conditional rezone, no conditions can be considered as part of the rezone application.

**The applicant/owner and DSD Planner must sign (below) if the conditional rezone option was discussed and the applicant/owner declined the option.**

Applicant/Owner: \_\_\_\_\_ Date \_\_\_\_\_

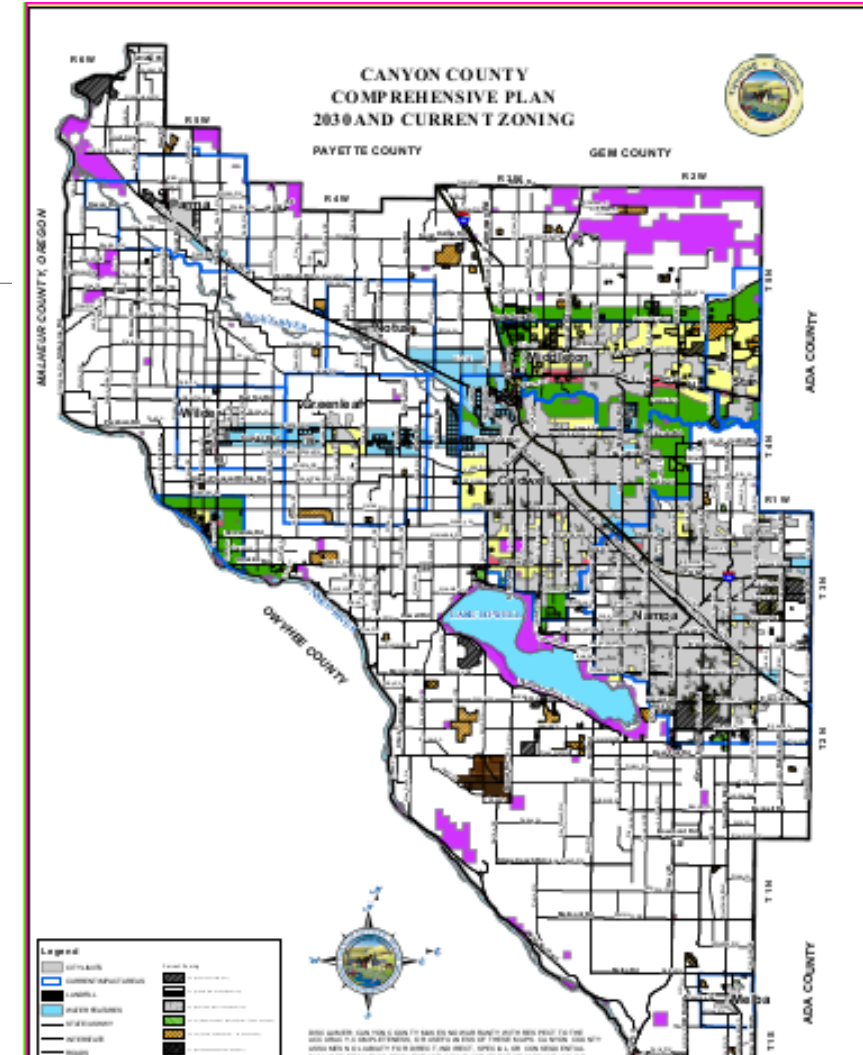
DSD Planner: \_\_\_\_\_ Date \_\_\_\_\_

# Rezone vs. Conditional Rezone

## Issues/Concerns

- Comp Plan inconsistency/Spot Zoning
  - Allows zoning outside of future land use designations;
  - Creates comprehensive planning issues
- Sets precedence
  - Applicants have used existing “CR” cases as presumptive an adjacent property should be zoned the same.

**Spot zoning** refers to a change in zoning of a particular parcel or parcels that is out of character with the surrounding area and the comprehensive plan and is done for the benefit of the particular landowner rather than for the benefit of the community as a whole. Idaho, like most states, has recognized that **spot zoning** may be illegal and may be set aside.



# Comp Plan vs. Zoning Code

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- Plans set the vision, goals, and policy guidance
- Zoning code contains objective standards to be evaluated and applied to the facts consistent with the Comp Plan.

# Rezone vs. Conditional Rezone

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## Issues/Concerns - Process

- Terminations and “CR” timeframe
  - The two year timeframe has not been adequately monitored
  - Pre-2010: No timeframe; Termination based on non-compliance or not completed in a reasonable amount of time.
- Modification – Necessity
  - Necessity subjective; no consistency

# Rezone vs. Conditional Rezone

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## Issues/Concerns - Process

- Zoning map amendment – mitigation measures
  - Criterion D, G & H – Measure to mitigate impact.
- Ordinances for “CR” are not to be signed until after conditions are met via “order of intent to rezone”.
  - Ordinances have been signed prior to condition compliance.



# Rezone vs. Conditional Rezone

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- Questions?
- Next workshop: Code revision outline.