CALDWELL PLANNING & ZONING COMMISSION
CITY OF CALDWELL, IDAHO
PUBLIC HEARING TO BE HELD August 11, 2020

Subject: Case No. AMD-20-02 in regards to Case No. SUP-18-10 (Temporary Female Holding Facility SUP & VAR)

THE FOLLOWING LAND USE ACTIONS ARE THE PRIMARY FEATURES OF THIS APPLICATION:

- **Amendment to Variance conditions 12.6.**

A request by Paul Navarro and Canyon County Sheriff's Office for a special use permit to construct and operate a temporary jail facility for up to 122 inmates, which was approved by the Planning and Zoning Commission on August 14, 2018.

The applicant requested to remove condition 8.16 and modify condition 8.19 of the special use permit, but forgot to request that the variance, condition 12.6 be removed on June 9, 2020.

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I COURSE OF PROCEEDINGS

1.1 The Caldwell Planning and Zoning Department issued a notice of Public Hearing on application AM-20-01 to be held before the Caldwell Planning & Zoning Commission on August 11, 2020.

Public notice requirements set forth in Idaho Code, Chapter 65, Local Planning Act, were met. On June 21, 2020, notice was published in the Idaho Press. On July 9, 2020, notice was mailed to all political subdivisions providing services to the site. On June 18, 2020, notice was mailed to all property owners within 300 feet of the project site; and, on June 25, 2020 notice was posted on the site.

1.2 Files and exhibits relative to this application are available for review in the Planning and Zoning Department, 621 Cleveland, Caldwell and at applicable public hearings.

II GENERAL FACTS

2.1 APPLICANTS: A majority of Canyon County Commissioners, Canyon County Sheriff's Office, and Canyon County Sheriff Kieran Donahue, 1115 Albany Street, Caldwell, Idaho 83605.

2.2 REQUEST: Remove Variance condition 12.6, which states: The applicant shall use landscaping that conceals and screens to the greatest extent possible the razor wire fencing.

2.3 BACKGROUND: Canyon County requested a special use permit for a temporary holding facility for females. The permit will expire seven (7) years from the date the occupancy permit is issued. A total of 28 portable trailers will be hauled to the site and placed side by side. The facility will contain showers, dormitories, shared sleeping quarters, visitation area, sally-port, outdoor recreational yard, and eating area. The temporary facility will occupy an existing parking lot.

In December 2019, Planning and Zoning Director, Jerome Mapp met with Paul Navarro and representatives from Canyon County Sheriff's Office who asked what was the process to appeal a condition of the Planning and Zoning Commission. They informed Mr. Mapp that they wanted to remove condition 8.16 and modify condition 8.19 of the special use permit, **but forgot to include variance condition 12.6 as follows:**

12.6 The applicant shall use landscaping that conceals and screens to the greatest extent possible the razor wire fencing.

Because of this error the city had to schedule another public hearing.

Canyon County is requesting to strike out a portion of variance condition 12.6 of the Special Use Permit, which states:

12.6 The applicant shall use landscaping that conceals and screens to the greatest extent possible the razor wire fencing.

2.4 COMPREHENSIVE PLAN DESIGNATION: The Caldwell Comprehensive Plan Map designation for the site is Public.

Public – Suitable for government office, schools, churches, community centers, and other institutions of public and semi-public gathering.

2.5 COMPREHENSIVE PLAN COMPONENTS APPLICABLE TO THE REQUEST:

Land Use: The subject property is surrounded by the following:

Direction	Zoning	Comprehensive Plan Map	Use
Site	T-N	Public	Parking Lot
North	T-N	Traditional Neighborhood	Residential
South	T-N	Public	Jail/Courthouse
East	T-N	Public	Work Release Center
West	T-N	Public	Office/Commercial/Parking

2.6 Transportation/Connectivity: The subject property has frontage on Chicago Street, a minor arterial, and 12th Avenue, a local street.

2.7 Public Services, Utilities and Facilities: The engineering department, fire marshal, building department, police department, Caldwell School District, Pioneer Irrigation, and Canyon Highway District #1 were sent a request for comment on April 6, 2020.

No comments were received at the time of the staff report.

2.8 Landscaping: The applicant is required to submit a landscaping plan that meets city code. Due to the temporary nature of the facility, the landscaping may have to be removed to accommodate the removal of the trailers.

2.9 Parking: The applicant proposes to build the facility on an existing parking lot. This parking lot contains approximately 42 parking spaces. To make up for the lost parking, the applicant will encourage employees and visitors to use a fairly new parking lot on the north side of Chicago Street and the east side of 12th Avenue that contains 48 parking spaces.

If the Commission feels more parking should be required, the County owns undeveloped property at the corner of Chicago Street and 14th Avenue. A portion of this property can be used for off-street parking and it is two blocks away from the proposed site.

2.10 Special Use Permit Conditions: The following SUP Conditions were used to determine conditions to this proposal: Per Section 10-03-04(5) of city code, conditions of the following nature may be attached to a special use permit including, but not limited to, the following:

A. **Items that will minimize the adverse impact on other development*;**

B. Controlling the sequence and time of development;

C. Controlling the duration of development;

D. Assuring that development is maintained properly;

E. Designating the exact location and nature of development;

F. Requiring the provision for on site or off site public facilities or services;

G. **Requiring more restrictive standards than those generally required in city code*; and**

H. Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

Important to the Planning and Zoning Commission*.

III PUBLIC TESTIMONY

3.1 BEFORE THE PLANNING & ZONING COMMISSION, August 11, 2020

Reserved for the Planning and Zoning Commission

IV APPLICABLE LEGAL STANDARDS

4.1 City of Caldwell Zoning Ordinance No. 1451, as amended
4.2 City of Caldwell Comprehensive Plan, as amended
4.3 Idaho Code, Title 67, Chapter 65, Local Planning Act

V COMPREHENSIVE PLAN ANALYSIS FOR VARIANCE AMENDMENT TO VAR-18-02

The Caldwell Planning & Zoning Commission accepts the Comprehensive Plan Components as listed below.

5.1 The request may be found to be consistent with the following Comprehensive Plan Components:

GOALS AND POLICIES – Property Rights

Goal 1: ***Ensure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of the property.***

Policy 1-1: Establish a sound basis for land use and environmental regulations through comprehensive planning and adopted policies and ordinances.

GOALS AND POLICIES – Public Services, Utilities, & Facilities

GOAL 1: ***Ensure that there are adequate public services and infrastructure to meet the needs of the public.***

Policy 1-2: Provide for the orderly expansion of public services to meet the needs of population growth, and ensure that adequate infrastructure is in place to serve new development.

GOALS AND POLICIES – PUBLIC SAFETY

GOAL 1: ***Provide for a safe and secure community.***

Policy 1-5: Install built-in proactive fire protection systems (automatic fire sprinklers with fire alarm systems) when required by building and fire codes.

VI FINDINGS OF FACT FOR AMENDMENT TO AMD-20-02

6.1 The Caldwell Planning & Zoning Commission accepted the facts outlined in the staff report, public testimony and the evidence list. All adopted city ordinances, standards and codes were used in evaluating the application.

VII CONCLUSIONS OF LAW FOR AMENDMENT TO AMD-20-02

7.1 The Caldwell Planning & Zoning Commission had the authority to hear this case and order that it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of Idaho Code and City ordinances.

VIII ORDER OF DECISION

8.1 Based on the Findings of Fact and Conclusions of Law, the Caldwell Planning and Zoning Commission hereby orders that Case Number AMD-20-02 a request by a majority of Canyon County Commissioners, Canyon County Sheriff's Office to remove **VAR-18-02, condition 12.6** is **approved/denied** as follows:

The applicant shall use landscaping that conceals and screens to the greatest extent possible the razor wire fencing.

CITY OF
Caldwell, Idaho

Planning & Zoning

HEARING REVIEW APPLICATION

Type of Review Requested (check all that apply)

- ☐ Annexation/Deannexation
- ☑ Appeal/Amendment
- ☐ Comprehensive Plan Map Change
- ☐ Design Review
- ☐ Ordinance Amendment
- ☐ Rezone
- ☐ Special Use Permit
- ☐ Subdivision- Preliminary Plat
- ☐ Subdivision- Final Plat
- ☐ Subdivision- Short Plat
- ☐ Time Extension
- ☑ Variance
- ☐ Other _____

STAFF USE ONLY:

File number(s): AMD-20-02

Project name: Amend conditions in Variance

Date filed: 6/12 Date complete: _____

Related files: AMD-20-01
SUP-18-10
VAR-18-02

Subject Property Information

Address: 1110 E. Chicago street Parcel Number(s): R05021

Subdivision: Caldwell original Block: 31 Lot: 1-24 Acreage: 1.71 Zoning: TN

Prior Use of the Property: Temporary Female Holding Facility

Proposed Use of the Property: Temporary Femal Holding Facility

Applicant Information:

Applicant Name: Paul Navarro Phone: 208.454.7473

Address: 1115 Albany street City: Caldwell State: ID Zip: 83605

Email: PNAVARRO@canyonco.org Cell: 208.550.9915

Owner Name: Canyon County Phone: 208.454.7473

Address: 1115 Albany st. City: Caldwell State: ID Zip: 83605

Email: PNAVARRO@CANYONCO.ORG Cell: 208.550.9915

Agent Name: (e.g., architect, engineer, developer, representative) _____

Address: _____ City: _____ State: _____ Zip: _____

Email: _____ Cell: _____

Authorization

Print applicant name: Paul Navarro

Applicant Signature: Paul Navarro Date: 6/12/20

CITY OF
Caldwell, Idaho

Planning & Zoning

APPEAL/AMENDMENT

Project Name: Temporary Female Holding Facility	File #: VAR 18-02
Applicant/Agent: Paul Navarro	

Applicant (√)	**Please provide the following REQUIRED documentation:**	Staff (√)
✓	Completed and signed Hearing Review Application	
✓	Narrative fully describing the request, including the following: ➢ Specific item/requirement being appealed ➢ Reasons for the appeal/amendment ➢ Site-specific limitations and/or impediments on the property ➢ Any other pertinent information to the request. Please remember the applicant has the burden of proof to show why their request should be granted	
N/A	Warranty deed for the subject property	
N/A	Signed Property Owner Acknowledgement (if applicable)	
✓	Vicinity map, showing the location of the subject property	
✓	Copy of the Order of Decision, other documents for any prior approvals of the site	
✓	All of the above items shall be submitted in 8 ½ x 11 paper format AND in electronic format (preferably PDF or Word) on either a jump drive or CD. Please be aware the jump drive or CD will become part of the file and will not be returned	
	Fee	

APPEALING A CASE DECISION

CASE #: _____

Case decision being appealed was rendered by:

- ☐ Planning & Zoning Commission
- ☐ Hearing Examiner
- ☐ Historic Preservation Commission
- ☐ Design Review Commission
- ☐ P& Z Director
- ☐ Landscape Design Review Committee

REQUESTING AN AMENDMENT

CASE #: VAR 18-02

Requesting an amendment of:

- ☐ Development Agreement

_____: Item #(s)

- ☑ Condition(s) of Approval from Order of Decision

12.6 : Condition #(s)

STAFF USE ONLY:

Date Application Received: 6/12/20

Received by: LC

Proposed Hearing Date: 7/9/20

Hearing Body: PZ

A1

Canyon County
FACILITIES MANAGEMENT

1115 Albany Street • Caldwell, Idaho 83605
Phone: (208) 454-7473 • Fax: (208) 454-6638

POD 6 Temporary Jail
Variance Amendment Narrative
Case # VAR-18-02
Canyon County wishes to amend VAR-18-02, specifically condition # 12.6.

Condition 12.6 currently reads:

The applicant shall use landscaping that conceals and screens to the greatest extent possible the razor wire fencing.

We believe that screening and concealing the razor wire fencing creates an area of seclusion/concealment in between the jail building and the fence, making the area a security risk for detention center staff. Additionally, the structure itself is appropriate to the campus and we feel that additional screening would detract from its architectural design and overall aesthetic.

Lastly, as the County was recently successful in removing the screening and slat requirements of SUP-18-10, conditions 8.16 and 8.19, this condition becomes redundant and moot and should be removed to coincide with the previously approved amendment to SUP-18-10 granted to Canyon County on June 10th, 2020

Suggested Amendment: Please remove the following language: The applicant shall use landscaping that conceals and screens to the greatest extent possible the razor wire fencing.

Please insert the following language: The applicant shall use landscaping that is mutually agreed upon by the City of Caldwell Planning and Zoning Director and Canyon County in compliance with the City's landscape requirements.

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Google Maps Canyon County Detention Center

ORDER OF DECISION
CALDWELL PLANNING & ZONING COMMISSION
CITY OF CALDWELL, IDAHO
PUBLIC HEARING HELD AUGUST 14, 2018

Subject: Case No. SUP-18-10 (Temporary Female Holding Facility SUP & VAR)

THE FOLLOWING LAND USE ACTIONS ARE THE PRIMARY FEATURES OF THIS APPLICATION:

- **SPECIAL USE PERMIT REQUEST TO BUILD A TEMPORARY FEMALE HOLDING FACILITY.**
- **VARIANCE OF FOUR (4) FEET TO ALLOW 12-FOOT HIGH FENCING AROUND THE FACILITY.**

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I COURSE OF PROCEEDINGS

1.1 The Caldwell Planning and Zoning Department issued a notice of Public Hearing on application SUP-18-10 to be held before the Caldwell Planning & Zoning Commission on August 14, 2018. Public notice requirements set forth in Idaho Code, Chapter 65, Local Planning Act, were met. On July 29, 2018, notice was published in the Idaho Press. On July 20, 2018, notice was mailed to all political subdivisions providing services to the site. On July 27, 2018, notice was mailed to all property owners within 300 feet of the project site; and, on August 1, 2018 notice was posted on the site.

1.2 On August 14, 2018, the Caldwell Planning & Zoning Commission voted to approve the special use permit and variance with conditions.

1.3 Files and exhibits relative to this application are available for review in the Planning and Zoning Department, 621 Cleveland, Caldwell and at applicable public hearings.

II GENERAL FACTS

2.1 APPLICANTS: A majority of Canyon County Commissioners, Canyon County Sheriff's Office, and Canyon County Sheriff Kieran Donahue, 1115 Albany Street, Caldwell, Idaho 83605.

AH

2.2 REQUEST: Primarily due to overcrowding at the existing jail and tent facility, the applicant is seeking approval for a temporary special-use permit to create a temporary holding facility for females adjacent to the Canyon County Jail. The applicant also is requesting a four-foot variance to exceed the maximum fencing height of eight (8) feet.

2.3 BACKGROUND: Canyon County is requesting a special use permit for a temporary holding facility for females. The permit is proposed to expire seven (7) years from the date the occupancy permit is issued. A total of 28 portable trailers will be hauled to the site and placed side by side. The facility will contain showers, dormitories, shared sleeping quarters, visitation area, sally-port, outdoor recreational yard, and eating area. The temporary facility will occupy an existing parking lot. Motorists that park in this parking lot will be directed to park in a fairly new parking lot on the north side of Chicago Street to compensate for the loss of parking. As a condition of the special use permit, the County will be required, at their expense, to install a HAWK pedestrian crosswalk signal at Chicago Street.

2.4 COMPREHENSIVE PLAN DESIGNATION: The Caldwell Comprehensive Plan Map designation for the site is Public.

Public – Suitable for government office, schools, churches, community centers, and other institutions of public and semi-public gathering.

2.5 COMPREHENSIVE PLAN COMPONENTS APPLICABLE TO THE REQUEST:

Land Use: The subject property is surrounded by the following:

Direction	Zoning	Comprehensive Plan Map	Use
Site	T-N	Public	Parking Lot
North	T-N	Traditional Neighborhood	Residential
South	T-N	Public	Jail/Courthouse
East	T-N	Public	Work Release Center
West	T-N	Public	Office/Commercial/Parking

2.6 Transportation/Connectivity: The subject property has frontage on Chicago Street, a minor arterial, and 12th Avenue, a local street.

2.7 Public Services, Utilities and Facilities: The engineering department, fire marshal, building department, police department, Caldwell School District, Pioneer Irrigation, and Canyon Highway District #1 were sent a request for comment on July 20, 2018.

No comments were received at the time of the staff report.

2.8 Landscaping: The applicant is required to submit a landscaping plan that meets city code. Due to the temporary nature of the facility, the landscaping may have to be removed to accommodate the removal of the trailers.

2.9 Parking: The applicant proposes to build the facility on an existing parking lot. This parking lot contains approximately 42 parking spaces. To make up for the lost parking, the applicant will encourage employees and visitors to use a fairly new parking lot on the north side of Chicago Street and the east side of 12th Avenue that contains 48 parking spaces.

If the Commission feels more parking should be required, the County owns undeveloped property at the corner of Chicago Street and 14th Avenue. A portion of this property can be used for off-street parking and it is two blocks away from the proposed site.

2.10 Special Use Permit Conditions: Per Section 10-03-04(5) of city code, conditions of the following nature may be attached to a special use permit including, but not limited to, the following:

A. Items that will minimize the adverse impact on other development;

B. Controlling the sequence and time of development;

C. Controlling the duration of development;

D. Assuring that development is maintained properly;

E. Designating the exact location and nature of development;

F. Requiring the provision for on site or off site public facilities or services;

G. Requiring more restrictive standards than those generally required in city code; and

H. Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

III PUBLIC TESTIMONY

3.1 BEFORE THE PLANNING & ZONING COMMISSION, August 14, 2018

Brian Billingsley, 621 Cleveland Blvd., Caldwell, ID 83605, Planning & Zoning Director, presented the staff report. Mr. Billingsley stated that due to overcrowding at the existing jail and tent facility, the applicant is seeking approval for a temporary special-use permit to create a temporary holding facility for females adjacent to the Canyon County jail. The special use permit would be for 122 inmates. The applicant is also requesting a four-foot variance to exceed the maximum fencing height of eight (8) feet. The permit is proposed to expire in seven (7) years from the date the occupancy permit is issued. A total of 28 portable trailers will be hauled to the site and placed side by side. The trailers will contain showers, dormitories, shared sleeping quarters, visitation area, sally port, outdoor recreation yard and eating area. It will occupy an existing parking lot. The applicant submitted landscaping plans today. As a condition of the special use permit, the County will be required, at their expense, to install a HAWK pedestrian crosswalk signal at Chicago Street.

Mr. Billingsley instructed the Planning & Zoning Commissioners that if they feel the request is to be consistent with the Comprehensive Plan then they should adopt the components listed in 5.1. If they feel the request is not good for the neighborhood and they choose to deny the request they should adopt the components listed in 5.2. He also reviewed the conditions with the Commission members. A similar variance was adopted a few years ago.

Mr. Billingsley read a letter from Paul Aldredge (Exhibit PZ-1000).

Mr. Billingsley instructed the Commissioners that this is a land use application. We are not here to decide if this is a good use of taxpayer dollars. You are here to decide whether or not this use would cause any damage, hazard, nuisance, or other detriment to persons or property in the vicinity.

Commissioner Vance asked if trailer parks were allowed in the T-N (Traditional Neighborhood) zone.

Mr. Wagoner stated that it is not an outright allowed use in the traditional neighborhood zone and requires approval through a special use permit.

Commissioner Nelson asked a question regarding Condition 8.13 and how will they enforce that.

Mr. Billingsley stated they will look into any complaints they receive.

Commissioner Hunsicker asked where Canyon Springs High School was located in regards to this site.

Mr. Billingsley stated it is approximately 1.5 blocks away.

Commissioner Doty-Pomoransky asked what the law was regarding felons/sex offenders in regards to the location of a school.

Mr. Billingsley stated the Sheriff could answer that question.

Commissioner Hunsicker asked when the tent facility was approved and if that was a special use permit.

Mr. Billingsley stated that it was approved as a work release center in 2005 and then 6 years later the County asked to amend the special use permit to turn it into a minimum-security jail. They came back a few years later to ask for the Variance for the fence height.

Applicant: Paul Navarro, 1115 Albany Street, Caldwell, Idaho testified he is the Director of Operations and Facilities for Canyon County. They are looking at a 122 bed temporary female inmate housing unit. It is constructed of 28 trailers that are 8 ft wide, 52 ft long. They have been working with a company out of Seymour, Missouri known as Alternative Detention Solutions. They have flown back and inspected an existing facility that is standing in Green County, Missouri and fell in love with it. The interiors are all clad in stainless steel and they will paint the outside of them to match the Dale Haile Detention Center. They also agreed to build a 10 ft fence with razor wire. They are looking to help soften the view with large concrete planters for the landscaping plan. They will hire a licensed architecture firm in Idaho to help put these in and level them. They hope to take possession in April or May of 2019 and occupy in June or July of 2019. It is a 7-year lease and they are still in negotiations with the company. If they are successful in finding a funding vehicle and have the ability to build a new jail on the HWY 20/26 property this SUP will go away. They are actively working on that. They will paint the skirting and plan to have lighting on the outside of the structures to help keep it safe. Interiors are similar to what you would see in a standard jail, lots of stainless steel. They chose this site because the Dale Haile Detention Center is right next to this location. They would use that to have support with staff, laundry facilities, food services, and the ability to connect to the County fiber optic network. They also have to consider court transport and the proximity to the County public defender's office and the County prosecutor's office. The jail is in crisis and we are in critical mode. We have to house inmates out of county and there aren't any bed spaces in other counties. At some point, we will have to start housing inmates out of state. That burden will be tough for attorneys, prosecutors, family members and taxpayers. They are somewhere near spending $600,000, year to date, to house inmates out of our own jail. They are actively working on the solution for the 20/26 property that they do agree is a designated jail site.

Chris Yamamoto, 818 Suncrest Lane, Caldwell, ID 83605 stated he will cover four topics:
1. Need – They've been releasing inmates. It started with the best of the best but it's become the best of the worst. They are releasing criminals that should not be on our streets. A few days ago out of the 477 beds we have 476 were full. That is an unusual circumstance. Although they have a shortage of beds, the bigger shortage they have is with various classifications i.e. violent offenders, murderers. Very seldom can they utilize every bed in the jail because of those classifications. 44 inmates were out of county, 15 female inmates were in booking with nowhere to go.
2. Facility – ADS (All Detainment Solutions) The only facility they have of its kind is in Green County, Missouri. This company has been doing this type of stainless steel trailers for 20 years for natural disasters (hurricane, fire, and flood). It wasn't much of a stretch for them to put the security part in to make this a workable situation.
3. Economic - Again, these are temporary modular pods that remain on wheels. He was impressed with the facility and the company. We are looking at a 6-9 month delivery time. They are currently over $600,000 for outside housing and the meter is running. An ADS jail may not eliminate all outside housing but it will drastically reduce the need.
4. Urgency – They are releasing criminals onto the streets that shouldn't be on the streets. This creates riots and that is a huge liability. ADS has been working with us, they have extended their price quote to the end of August. At that point, the price goes up 3.5 million. They ask that you approve this special use permit.

Pam White, 1115 Albany, Caldwell, Idaho – testified that our current facilities is not adequate. The county is also under a deadline with our insurer to propose and make progress on some plan to remedy the immediate and long-term situation. This is a temporary solution that will buy us some time but will also show some forward movement to the insurance company. None of us probably believes this solution to be ideal but she believes we are in an emergency and this is sufficient temporary and budget manageable to the immediate need in the timeliest manner. With the exception of one elected official, there are nine of them; all others believe this temporary housing solution will be in the best interest of the public safety of canyon county citizens. This company has been responsive, flexible, professional, and respectful of our needs. These units will provide a uniform appearance. Chicago Street is an industrial area. Most importantly, it's a temporary housing solution.

Commissioner Nelson asked what the concerns were of the one opposed official.

Ms. White stated that it is new and innovative and is not part of their original proposal.

Tom Dale, 723 W Bitteroot, Nampa, Idaho stated that he believes we are in a crisis due to adequate space for our inmates. Our present jail will not work long term. They are working for a long-term solution and still have commitment for a new jail but construction will take 4 years. They need more space now. This solution has been vetted and researched. ADS is the only company that meets the requirements. It will not be an eye sore to the city, and most won't even know it's there. He respectfully requests this body to approved the special use permit.

Daren Ward, 30123 Apple Valley Road, Parma, ID testified that he is the jail commander for the Canyon County jail and he agrees with what has already been said. He would like to make a few points; 1) there was some talk about the zoning for this neighborhood (Traditional Neighborhood) and this the original jail was built in 1948 and Dale Haile was built in 1991. The jail has been there a long time, it is not a change in what is in the neighborhood it is an expansion. He is one of 3 people who went back to see the buildings from ADS and he can tell you that both times he went back to see the structure in Missouri unless someone tells you it is a tractor/trailer unit you would not know it by driving by. Their new design

has the HVAC units on the roof and skirting along the outside to block it from view. He would like to talk about the urgent need. Today he has 45 people housed out of county. He would have more housed out of county if there was any room at other jails. We have them as far away as Valley County, which is in Cascade. The County has a liability transferring them that far and that's not counting their medical costs. Other jails only accept our best inmates; we can't send anyone with a disciplinary problem.

Commissioner Hunsicker asked if he thinks this use causes any damage, nuisance, hazard or other detriment to persons and property in the area. That is the question; it is not about the need or the urgency.

Mr. Ward replied that the jail has been there since 1948 he doesn't know that by adding a little bit more onto the current jail that it changes for any of the surroundings. They are putting in something that will look good and is just expanding the current campus.

Sheriff Donahue, 1115 Albany, Caldwell, Idaho testified that there is a crisis; this is a land use issue. We can't overlook the importance of how we protect the citizens of our community and the people who come here to do business, who come here for recreation. He appreciates the economic development we have seen here. They have made great strides, however, we have one massive hurdle to overcome – how do we protect the public. The Board of Commissioners are statutorily held and responsible for providing the facility for the Sheriff of any county in the State of Idaho to operate. The Sheriff is statutorily held to operate whatever facility is provided to him or her. We do a great job, these people work tremendously. They have capacity for 477 people, they are well beyond that capacity on any given day. They've talked about the cost of holding these out of state. They have a constitutional right to appear in court. There will come a time when we do not make that court date and the county will be sued because of it. On any given day we have 700-750 inmates who are not in jail and are on the streets because the judiciary put them on a program we call "pre-trial release." Canyon County has pioneered pre-trial release in the State of Idaho, they are the model for the state. Pre-trial release includes alternative sentencing, sheriff's inmate labor detail, electronic monitoring, and own recognizance. The court decides who is the least dangerous to put out on the street. 300-350 of those do not meet our risk analysis to be on the street. Criminals don't know any boundaries, they are roaming the streets. This is a land use issue that poses a bigger threat than expanding this secure facility. We are in crisis. He can assure you that no one wants to shut down the Dale Halle Center and the tent more than him - he hates that thing. It does not serve the needs of our inmates. He can't wait to build a jail on 20/26. There are funding issues and they are looking at doing a bond – will it pass? The people of Canyon County deserve the right to make that decision for themselves. In the meantime, he is tasked with providing safety to the public. He implores you to pass this tonight. Regarding sex offenders and the location of the jail. By statute, a sex offender cannot have residence within 1,000 feet of a school. But a jail is not their residence so it is excluded from that statutory requirement.

Zach Wagoner, 25585 Bogey Drive, Caldwell, Idaho stated that a goal of planning and land use matters is to provide for a safe and secure community. That requires teamwork and cooperation. Working together with proper resources. Community law enforcement personnel are bravely and anxiously engaged in the effort of preserving the quality of life we enjoy in Caldwell. It is the responsibility of community leadership to assure adequate resources are provided to ensure the safety and security of our community. A basic critical component is adequate inmate housing. Currently, the Canyon County jail is inadequate and insufficient to housing inmates. It is consistently overcrowded. An additional 122 beds next to the current jail will be of tremendous benefit to the residents of this community. He was in Missouri to visit the facility and he spoke face-to-face with deputies that are responsible for the operation of the Green County facility. They raved about the facility. They have deputies that would rather work in that facility than in the regular jail. The facility is secure and comfortable and meets the

needs for Green County. It is located in the mid-town area of Springfield, Missouri. In close proximity to the facility is the midtown Carnegie Branch Library, Drury University and Central High School. He is convinced this is the right approach at this time to meet our critical, urgent and immediate needs to protect the quality of life in Caldwell and Canyon County to preserve a safe and secure community.

Rand Hooban, 1121 Willow Street, Caldwell, Idaho (neutral) stated he is here to discuss closing off 12th Street, like Canyon Springs does, and then he thought it would be good to have sky bridge across from there. That would solve the problem and it's not a temporary solution. Caldwell is a fun town. For the people who don't want another 200 bed jail in Caldwell. It's the county seat, if you don't want to live in a town with a jail then move to Nampa. He has lived in Caldwell all his life. It seems such obvious common sense to build a sky bridge over 12th Street.

Gladys Chase, 2708 Goldenrod Lane, Caldwell, Idaho (opposition) testified that she has heard and appreciated all the presentations but she is opposed to any type of approval. Because it would be just like looking at this fabulous building, it is made with gold and it looks really nice but the base of the building is crumbling. She comes from a procurement background and all of a sudden by sitting here she noticed we have tons of people that are procumbent experts. We are painting a picture and there is a need, we do have serious issue with the overcrowding of the jail. But, the process that has been taken up to now to achieve compliance in the procurement field has been really a negative one, an inappropriate one, and that is based on the fact that all of a sudden we are going to bound the county and the taxpayers by our actions. She is asking you to really look at the details involved in the presentations, how we started and how we're getting there. There are companies out there that are willing to sit and discuss the options to the jailhouse overcrowding. She doesn't know who is driving this train. There are a lot of conductors. In the last Commissioners meeting she offered her services, free of charge. She volunteers her services to the team involved in achieving the procurement process to the resolution to the jail overcrowding. What is the procurement process that has not been disclosed to the public. She's a taxpayer, she wants to know how her money is being used. Her objection is how we get from point A to point B and do it adequately where the County is not placed on a liability. We hear urgency, well, common sense will tell you if the overcrowding at the jail is very urgent and we're going with a contractor who is going to deliver a project 8 months from now, is that treating it urgent? She doesn't think so. They should be in place, in Caldwell in 3 months because we have a situation that needs attention. The fine details have not been explored. She has a procurement background, 44 years with the Department of Defense with unlimited authority. Compliance of the process is a must. If they do not do things properly there is going to be a liability. The research has not been adequately done and she is opposed and she is requesting that this be put on hold. She is opposed to the approval today.

Sam Laugheed, 1115 Albany, Caldwell, Idaho (Re-buttal) testified that he has is the Chief Deputy Prosecuting Attorney and he has had the position for 10 years. He spoke with Ms. Chase and appreciates her offer of assistance. For the record, the sole source of procurement for this matter is being administered pursuant to Idaho Code 672808 and it is the PA's job not to take positions on these matters but to ensure the lawfulness of them. In this case, on behalf of PA's office, he has reviewed 672808 and he has advised the Commissioner's and the Sheriff on the procurement process that has happened thus far. He can tell you that it does comply with the State of Idaho's requirements. In terms of due process, the County has afforded more to the public than is actually required by that statute. He has been assigned the task to negotiate the legal details of the contract and Idaho has a non-appropriation constitutional clause, Article 8, Section 3 that makes sure that public entities don't obligate funds beyond what is available in a fiscal year. This allows us to terminate the contract without financial penalty at the end of any year. This contract will have that non-appropriation clause that is required by Idaho Law. He believes we have established there is an urgent need. The infrastructure that currently exists is not sufficient to the need that the County has. By approving this application, it would be in compliance with

the Comp Plan because it would allow us to provide that necessary infrastructure. The residents know of the difficulties we have had in our jail in the tent. Having stainless steel trailers that have this capacity to hold people in a manner that satisfies Idaho Jail Standards would help ensure that the community is safe and secure. He would respectfully disagree that the proposal would be inconsistent with those goals and policies outlined in 5.2. All the testimony you have heard does go to the urgency and the need. From his perspective on behalf of his clients, the County Commissioners and the Sheriff's office, and the Clerk's office, he thinks that this Commission has in front of it, unrebutted testimony that the application, as submitted, does serve the purposes and polities of the comp plan. The process has been lawful. The main message from the last request that the City Council denied was to come back unified.

IV APPLICABLE LEGAL STANDARDS

4.1 City of Caldwell Zoning Ordinance No. 1451, as amended
4.2 City of Caldwell Comprehensive Plan, as amended
4.3 Idaho Code, Title 67, Chapter 65, Local Planning Act

V COMPREHENSIVE PLAN ANALYSIS FOR SPECIAL USE PERMIT

The Caldwell Planning & Zoning Commission accepts the Comprehensive Plan Components as listed below.

5.1 The request may be found to be consistent with the following Comprehensive Plan Components:

GOALS AND POLICIES – Property Rights

Goal 1: ***Ensure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of the property.***

Policy 1-1: Establish a sound basis for land use and environmental regulations through comprehensive planning and adopted policies and ordinances.

GOALS AND POLICIES – Public Services, Utilities, & Facilities

GOAL 1: ***Ensure that there are adequate public services and infrastructure to meet the needs of the public.***

Policy 1-2: Provide for the orderly expansion of public services to meet the needs of population growth, and ensure that adequate infrastructure is in place to serve new development.

GOALS AND POLICIES – PUBLIC SAFETY

GOAL 1: ***Provide for a safe and secure community.***

Policy 1-5: Install built-in proactive fire protection systems (automatic fire sprinklers with fire alarm systems) when required by building and fire codes.

VI FINDINGS OF FACT FOR SPECIAL USE PERMIT

6.1 The Caldwell Planning & Zoning Commission accepted the facts outlined in the staff report, public testimony and the evidence list. All adopted city ordinances, standards and codes were used in evaluating the application.

VII CONCLUSIONS OF LAW FOR SPECIAL USE PERMIT

7.1 The Caldwell Planning & Zoning Commission had the authority to hear this case and order that it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of Idaho Code and City ordinances.

VIII ORDER OF DECISION FOR SPECIAL USE PERMIT

8.1 Based on the Findings of Fact and Conclusions of Law, the Caldwell Planning & Zoning Commission hereby orders that Case No. SUP-18-10, a request by Canyon County for a special use permit for a temporary female holding facility located at the intersection of Chicago Street and 12th Avenue in Caldwell, Idaho, is hereby **approved** with the following conditions of approval:

8.2 All requirements of Caldwell City Code and any other officially adopted codes, manuals and/or resolutions in place at the date of submittal of any applications for the property shall be adhered to.

8.3 Approval is conditioned upon obtaining an occupancy permit from the Caldwell Building Department and Fire Department. The applicant shall comply with the International Building Code and all fire codes.

8.4 Throughout the term of the special use permit, the applicant shall follow all federal, state, and city laws, rules, regulations, and special use permit conditions or the special use permit may be revoked at the discretion of the Planning & Zoning Director.

8.5 The special use permit is temporary. The facility can be used for a period not to exceed seven years. The special use permit shall expire on the seventh anniversary of the issuance of the occupancy permit for said facility. Said special use permit will automatically expire when a Certificate of Occupancy is issued on a new jail facility prior to the expiration date of this special use permit.

8.6 The applicant is required to comply with the following exterior design elements:

i. Skirting panels shall be installed around the exterior of the temporary holding facility. They shall be reddish/orange in color matching the trim color on the jail.
ii. The trailers shall be tan in color matching the primary color on the jail.
iii. All HVAC equipment on the roof shall be screened. Said screening shall be reddish/orange in color matching the trim color on the jail.

8.7 Canyon County shall pay for the installation of an "H.A.W.K." beacon signal at the intersection of 12th Avenue and Chicago Street. The County shall work with the Caldwell Engineering Department in the development of this pedestrian crosswalk. Said crosswalk and signal shall be completed no later than 90 days after the issuance of the occupancy permit.

8.8 The occupancy of said temporary facility shall not exceed 122 inmates.

8.9 The temporary facility shall be restricted to female inmates only.

8.10 The applicant shall submit a landscaping plan to the Planning & Zoning Department that complies with City Code. Required landscaping shall be installed prior to the issuance of a final Certificate of Occupancy.

8.11 Lighting shall be installed on the outside perimeter of the facility to the greatest extent possible. All exterior lighting fixtures on the perimeter of the temporary facility, on the facility itself, in parking areas, and over driveways shall utilize cutoff shields or other appropriate measures to conceal the light source from adjoining uses and rights-of-way.

8.12 Lighting must be provided for all pedestrian walkways and where stairs, curbs, ramps and crosswalks occur.

8.13 Jail employees are prohibited from parking vehicles on residential streets north of Chicago Street.

8.14 Trash receptacles, recreational areas and prisoner transport locations shall not be located in the public right-of-way and shall be screened from the view of any residential neighborhood to the greatest extent possible.

8.15 Approval is conditioned upon obtaining a fencing height variance from the Planning & Zoning Commission. Any such variance shall expire when the special use permit expires or whenever the special use permit is revoked. Said fencing shall be completely removed by the applicant within 30 days of said special use expiring or being revoked.

8.16 The applicant shall insert slats in the exterior chain link fencing. The slats shall be non-reflective and neutral in color (tan, grey, silver, etc.).

8.17 The applicant shall submit an emergency evacuation plan to the Caldwell Fire Marshal addressing ingress and egress and will comply with his judgements.

8.18 The applicant shall reasonably respond to any lapses in security and upgrade insecure areas as quickly as possible.

8.19 The applicant shall work with the Planning & Zoning Department to develop a mutually agreed upon siding alternative that makes the trailers look more like a building and shall develop a landscaping plan that conceals and screens to the greatest extent possible the razor wire fencing.

IX COMPREHENSIVE PLAN ANALYSIS FOR VARIANCE

The Caldwell Planning & Zoning Commission accepts the Comprehensive Plan Components as listed below.

9.1 The proposed project is consistent with the following Comprehensive Plan Components:

GOALS AND POLICIES – Property Rights

Goal 1: Ensure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of the property.

Policy 1-1: Establish a sound basis for land use and environmental regulations through comprehensive planning and adopted policies and ordinances.

GOALS AND POLICIES – Public Safety

Goal 2: Provide for adequate public safety facilities and services.

Policy 2-1: Maintain and improve existing level of services and response times.

GOALS AND POLICIES – Land Use

Goal 1: Establish land-use management policies that protect property rights and the environment, maintain a high quality of life, provide adequate land for all types of development, and adequately buffer non-compatible uses.

Policy 1-1: Guide the growth and development of land uses in such a way that the health, safety, and general welfare of residents will be protected.

X FINDINGS OF FACT FOR VARIANCE

10.1 The Caldwell Planning & Zoning Commission accepted the facts outlined in the staff report, public testimony and the evidence list. All adopted city ordinances, standards and codes were used in evaluating the application. The proposed use is conditionally permitted by the terms of the ordinance and is subject to conditions of approval.

10.2 Findings on the Variance Criteria (Section 10-03-05(4)A.1-5):

This variance request has to do with the construction of a 12-foot tall security fence. The following five criteria, as set forth in Section 10-03-05(4)A.1-5 of Zoning Ordinance No. 1451 (as amended) all need to be found TRUE by the Planning & Zoning Commission in order to approve the variance request.

1. There has been a showing of undue hardship because of characteristics of the site which are size, location, configuration or dimensions of the site; or topographic or other physical site conditions which render the site unique from adjoining properties. True: The Commission finds that the location of the temporary holding facility and the recreation yard adjacent to a residential area warrants additional fence height to prevent escapes by inmates.

2. Granting of the variance does not constitute a right or special privilege by the applicant. True: The Commission considers this to be true.

3. Granting of the variance is not in conflict with the public interest. True: The Commission considers this to be true and that it will benefit the public interest.

4. Granting of the variance will not be injurious to the property or improvements of adjacent property owners or interfere with the enjoyment of such property or improvements thereon. True: The Commission considers this to be true.

5. Granting of the variance will not be materially detrimental to the public health, safety or welfare. True: The Commission considers this to be true and that it will be beneficial to public safety.

XI CONCLUSIONS OF LAW FOR VARIANCE

11.1 The Caldwell Planning & Zoning Commission had the authority to hear this case and order that it be approved or denied. The public notice requirements were met and the hearing was conducted within the guidelines of applicable Idaho Code and City ordinances.

XII ORDER OF DECISION FOR VARIANCE

12.1 Based on the Findings of Fact and Conclusions of Law, the Caldwell Planning & Zoning Commission hereby orders that Case Number VAR-18-02, a request by Canyon County to vary the maximum fencing height by up to four feet to allow the installation of a twelve (12) foot tall fence surrounding the proposed temporary female holding facility located at the intersection of Chicago Street and 12th Avenue in Caldwell, Idaho, is hereby **approved** with the following conditions of approval:

12.2 Comply with the all applicable city codes, ordinances, policies, and standards.

12.3 All applicable permits from the Building Department shall be obtained prior to construction and subsequent required inspections shall take place.

12.4 The allowable fence height shall not exceed 12 feet. Razor wire may be attached to the top of the fence, but shall not extend beyond the 12 foot height limitation.

12.5 Approval is conditioned upon obtaining a special use permit for a temporary female holding facility.

12.6 The applicant shall use landscaping that conceals and screens to the greatest extent possible the razor wire fencing.

Case Numbers SUP-18-10 and VAR-18-02 was heard by the Caldwell Planning & Zoning Commission at a public hearing held August 14, 2018.

The Findings of Fact, Conclusions of Law, and Order of Decision for both cases were administratively approved and signed by the Caldwell Planning & Zoning Commission Chairperson on the date noted below.

Ed Doty-Pomoransky, Chairperson

ATTEST:

08-24-2018
Date

Brian Billingsley, AICP
Planning & Zoning Director