



CANYON COUNTY HEARING EXAMINER
MINUTES OF REGULAR MEETING HELD
Thursday, April 21, 2022
1:30 P.M.

1ST FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Hearing Examiner Present: Bruce Eggleston

Staff Members Present: Dan Lister, Planning Official
Cassie Lamb, Planner
Bonnie Puleo, Recording Secretary

Hearing Examiner Bruce Eggleston, called the meeting to order at 1:30 p.m. and read the Hearing Examiner testimony guidelines.

Recording Secretary Bonnie Puleo called roll and swore in officials and staff.

Hearing Examiner Eggleston stated Case SD2021-0031/RZ2021-0040/RD2021-0017, Caleb LaClair/Windy Heights Subdivision has been withdrawn.

MOTION: Hearing Examiner Eggleston tabled Case no. RZ2021-0047 / SD2021-0039 CS2, LLC/Alyson Meadows Subdivision to date uncertain. Case will be re-noticed.

MOTION: Hearing Examiner Eggleston tabled Case no. SD2021-0063, Bella Toscana Subdivision to date uncertain. Hearing Examiner Eggleston explained that he worked on the project in the past as a planning consultant and has recused himself. The case will be rescheduled and re-noticed.

- **Case No. CU2022-0003 Tate Elquist:** The applicant, Tate Elquist, is requesting a conditional use permit to allow a Special Events Facility use within an "A" (Agricultural) Zoning District. The special event facility use will include weddings. The subject property is located at 13091 & 13067 Lake Shore Dr., Nampa (Parcel R30067); also referenced as a portion of the Government Lot 1 of Section 11, Township 2N, Range 3W BM; Canyon County, Idaho.

Planner Cassie Lamb, reviewed the Staff report for the record including a late exhibit.

Recording Secretary Bonnie Puleo affirmed the witnesses to testify.

Testimony:

Jennifer Elquist – Applicant (Representative) – IN FAVOR – 13067 Lake Shore Dr Nampa ID 83686

Ms. Elquist stated they were building the barn for her in-laws to live in so when they turned in their plans, it was for residential occupancy and that was their intent. They had problems with the builder and there was a lawsuit, so they decided to make it a barn. They have had rock crawling events on their property in the past. These were held outside with announcers on loudspeakers and DJs and the speakers for those

events were much bigger than the speakers will be inside the barn for the music. They have talked to their neighbors and the property on the right side is the closest to them. That neighbor said he can't hear the music with the speakers they are using and he has no problem with their proposed use. They have spoken to the neighbors up on the hill and they were willing to come testify they have no problem with their plans. She stated they take good care of their property; they keep the weeds under control and have planted over 30 pine trees. They work on their property night and day. If neighbors have a problem with noise level or hours of operation, the Elquists have told the neighbors to let them know and they will turn it down. Ms. Elquist brought a rough draft of a contract their guests would have to sign: on Friday and Saturday nights, they would have use of the barn from 9:00 am until 11:00 pm and the music would have to be turned off by 10 pm. On Sundays through Thursdays, customers would have access to the barn beginning at 9:00 am and the music would have to be off by 9:00 pm. She said the winter months wouldn't be too busy and the barn doors would be closed (when used). In summer, it is light later and the music would be off by 10 pm on Friday and Saturday. She stated they can make adjustments because they don't want to be unfriendly to their neighbors. The track that was used for rock crawling has now been landscaped and after speaking to Upper Deer Flat Fire, they are allowing the Elquists to put in a pond that will be used for fire suppression. They have planted over 30 trees and landscaped the area and there is now a fire pit there. She said they are moving the dirt bike track in the back closer to the Melads' road and it will all be parking. They have marked out over 100 parking spaces for that area and if they need more, they can use the additional dirt track that goes up to the canal. She said with regards to traffic, they will have so much parking on the property, there would be no parking on Lake Shore Drive. They turn in the same driveway customers would use for the facility. They have talked to the Highway District and it is wide enough. They will be putting an apron in and will make it look nice. Ms. Elquist said they haven't had problems with traffic in the past. They have spoken to the Nampa school district if they want to hold proms there; they want to do fund raising events and provide a nice facility to help people. They would probably be doing four events a month, May through October. She described the current approach from the public road to the barn and what it will look like when it is finished. She does not intend on doing signage yet. They have had 500 – 600 people for their rock crawling events in the past (2015 – 2016). Ms. Elquist described the high level of sound for those past events and said now when they have music playing in the barn even with all the doors open, you can barely hear it at their house on the property.

Nathan Melad – IN OPPOSITION – 12747 Lake Shore Dr Nampa ID 83686

Mr. Melad has lived on his property for approximately 45 years and has an active farming business growing trees to the east of this property. He stated this is an agricultural area. He doesn't have to agree with what they are doing and he doesn't, but it is going to affect his life and what he is doing and that is what he cares about. He has been there a long time and wants to keep doing what he is doing. He stated he doesn't know how it is going to affect his life just as the Elquists don't know how it will affect their lives. The area has been deemed a residential area in the future and he doesn't think this is very conducive to the County's plan. He has gone along with the rock crawling events in the past to be neighborly and has heard the noise. Because he is to the east of them, the air movement brings the noise his way. His concerns are the music, the noise, garbage, the shared road access. He has let the Elquists use his lane off Lake Shore to park in the pastures before for their past rock crawling events but will not be fine with their using the lane going forward. It is on the corner where he pulls in and just because they have parking available doesn't mean that the amount of traffic slowing down on Lake Shore isn't going to be a problem for him and won't pose safety concerns. He showed the lane he is concerned about on a map and discussed how the traffic would back up if they had events. If he is harvesting trees, getting his trucks in and out would be a problem. He stated it would be Nampa Highway District's responsibility to make it safe. He was also concerned about spraying weeds and using chemicals on a Friday afternoon; he felt that might be an issue for the people on the Elquist property. He also wondered whether the noise would be a problem for the future residential neighborhoods. He is not going anywhere; he will probably be farming that property for

another 20 years. He thinks the Elquists have their facility in the wrong spot.

Jennifer Elquist – Applicant (Representative) – REBUTTAL – 13067 Lake Shore Dr Nampa ID 83686

Ms. Elquist described some of the family activities they have now on their property which she feels are much louder than any music in the barn would be. With regards to traffic, they would not be using Mr. Melad's road at all. The traffic on Lake Shore with all the subdivisions past them is loud and there are lines of cars during certain times of the day. Ms. Elquist said from Nate (Melad's) road, there is a curve, and people slow down. They have had events in the past and they haven't had any problems. She doesn't think people coming over a few hours to prepare for a wedding will back up (traffic) and she feels the parking they have now will be adequate. They live right by Nate and have never smelled his spray. They take care of their property; they have lived out there since 2008 – 2009 and aren't going anywhere either. She stated they are not going to rent this facility out every day of the week. They want to help the community and provide a great place to hold weddings, events and graduation parties. She also reiterated that she wants to be friendly and kosher with their neighbors so they will do whatever is requested to use their facility. There is no lighting at the driveway but it is in their plans because at night, the driveway is hard to see.

MOTION: Hearing Examiner Eggleston closed public testimony on Case CU2022-0003.

DELIBERATION:

Hearing Examiner is of two minds when it comes to this kind of use; it is an allowed use in an agricultural zone. By having a diversity of uses in the area that don't interfere with each other, it strengthens the community and provides other amenities. He also said having these different types of uses in an agricultural area can actually prolong its agricultural use instead of the land turning to something else, like subdivisions. The Hearing Examiner stated it could cause problems or it could strengthen the community especially if it is a place where people can gather. He concurs with Staff's findings and Conclusions of Law and said this use is viable in this location. He also agreed with the Conditions of Approval.

MOTION: Hearing Examiner Eggleston approved Case CU2022-0003 including the Findings of Facts, Conclusions of Law and conditions of approval.

APPROVAL OF MINUTES:

MOTION: Hearing Examiner Eggleston approved the minutes from March 17, 2022.

ADJOURNMENT:

HEARING EXAMINER Bruce Eggleston adjourned the meeting at 2:17 pm.

An audio recording is on file in the Development Services Departments' office.

Approved this 18th day of May, 2022.


Bruce Eggleston, Hearing Examiner

ATTEST



Bonnie Puleo, Recording Secretary