



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, May 16, 2024
6:30 P.M.

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

Commissioners Present : Robert Sturgill, Chairman
Brian Sheets, Commissioner
Patrick Williamson, Commissioner
Harold Nevill, Commissioner
Geoff Mathews, Commissioner

Staff Members Present: Jay Gibbons, Assistant Director of Development Services
Michelle Barron, Principal Planner
Madelyn Vander Veen, Associate Planner
Arbay Mberwa, Associate Planner
Doug Exton, Associate Planner
Amber Lewter, Hearing Specialist

Chairman Sturgill called the meeting to order at 6:30 p.m.

Commissioner Sheets read the testimony guidelines and proceeded to the first business item on the agenda.

Item 1A:

Case No. CU2021-0016 / Ransom– Approve revised FCO’s.

Commissioner Nevill recused himself due to not being present during the hearing.

MOTION: Commissioner Sheets moved to approve & sign the revised Findings of Facts, Conclusions of Law and Order. Motion seconded by Commissioner Williamson. Voice vote, motion carried.

Item 2A:

CU2023-0007 / Firefly Ranch, LLC – The applicant, Firefly Ranch LLC/Rebekah Kinghorn Bent, represented by Chris Bent, is requesting a Conditional Use Permit of approximately 10.14 acres in an Agricultural Zone for a Special Events Center to host weddings, birthdays and other events for a maximum of 250 people. The property is known as parcel R31801 and is addressed as 3614 Amity Ave, Nampa, ID, 83687. The property is located in the SW ¼ of Section 25, Township 3N Range 2W. This property is within the Area of City Impact for Nampa. It is serviced by individual wells and septic with city sewer and water stubbed at the nearby S. Queens Dr. The Special Events Center will be available to clients for 15 days a month. Scheduled hours are to be from 9am with events ending around 11pm and clean up to be finished before midnight. Clients provide their own food, tables, chairs, etc. Events will be serviced by porta-potties that will be brought in from local contractors. The applicant intends to have parking space for 60 vehicles.

Planner Michelle Barron reviewed the Staff report for the record.

Exhibit H was received prior to the materials deadline and was not entered into the staff report. Planner Michelle Barron read the letter from a member of the public into the record.

Commissioner Nevill asked for clarification if the suspension of the previous CUP meant operations were to cease. Planner Michelle Barron explained the suspension was used in the same way as revocation and the reasoning the suspension occurred was because they didn't comply with Nampa Fire Districts condition of sprinklers for using the barn. With the new CUP request, they are not asking to use the barn just the outside area. Commissioner Nevill stated the letters of support suggest events have been held on the property after the suspension and asked if that is the case. Planner Michelle Barron stated there have been no complaints if events have been held. Commissioner Nevill asked if the secondary dwelling on the property has to get a building permit to get into conformance. Planner Michelle Barron confirmed that to be correct.

Commissioner Williamson asked the location of the second parking area. Planner Michelle Barron stated it is across the road in the same area as the first parking area. Commissioner Williamson asked if there is enough parking space. Michelle Barron stated there is enough parking according to the Canyon County Zoning Ordinance but the applicant also has enough land for overflow parking if needed.

Commissioner Mathews asked if the side of the barn is used for pictures. Planner Michelle Barron believes they use the front of the barn for pictures. Commissioner Mathews asked if there are any other animals on the property besides horses. Planner Michelle Barron stated there are horses, mini horses, pigs, cattle, goats, chickens, and a cat. Commissioner Mathews asked if everything is well fenced. Planner Michelle Barron stated that the fencing is well done.

MOTION: Commissioner Williamson moved to accept late exhibit H, seconded by Commissioner Mathews, voice vote, motion carried.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Rebekah Bent (Applicant) – IN FAVOR – 3614 E Amity Ave, Nampa, ID 83687

Ms. Bent stated the first CUP failed due to the indoor portion. She was told from Nampa Fire District and the City of Nampa that they would not approve a sprinkler system without her annexing through the City of Nampa. Annexing through the city would cost \$150,000 to bring the water, cost more in taxes because she would have to change her property to Commercial, she would lose her agricultural exemption and homeowners exemption, and she was told she wouldn't be able to raise farm animals on her property with the annexation. Ms. Bent stated the events she has held on her property were for friends and family only. While holding the events she has worked with her neighbors so they are not affected and they have expressed that they enjoy the improvements that she is making. There is a privacy wall with trees planted to help mitigate noise. The music faces away from where the subdivision is located. Ms. Bent stated her road is road mix that she keeps well maintained and has no issues with mud. She has spent over \$30,000 putting in a 30x60 slab of concrete and an event tent for when it rains. There is a buffer between the tent and the privacy fence to ensure people aren't near the subdivision.

Chairman Sturgill asked if Ms. Bent has any experience in event planning or running events. Ms. Bent stated she was a director of nursing, and ran her own companies so she has experience running a business. She will not be the wedding planner. Chairman Sturgill asked if Ms. Bent was compensated for the events on her property for family and friends. Ms. Bent stated they gave reimbursement but no compensation. Chairman Sturgill asked for clarification on why the City of Nampa has jurisdiction on approving the sprinkler system. Ms. Bent stated it would be Nampa Fire Department that would be providing services

and they will not approve the sprinkler system because they want her connected to the City of Nampa water.

Commissioner Nevill asked if Ms. Bent has had a chance to review the conditions and if she agrees with all of them. Ms. Bent stated she hasn't received the conditions. Commissioner Nevill asked about the secondary residence. Ms. Bent advised her parents have a 5th wheel on the property they have been living out of and has a building permit for a small dwelling. Commissioner Nevill asked if Nampa Fire District reviewed the access. Ms. Bent stated they reviewed the access and it is accessible and they are able to turn around. Commissioner Nevill asked where the water for firefighting is coming from. Ms. Bent stated there is a hydrant at the subdivision less than 100 feet from her property. Commissioner Nevill asked if the fence prevents access. Ms. Bent stated they have to put the hose over the fence but it is accessible to the fire department. Commissioner Nevill asked if she had plans to ever annex with the City of Nampa. Ms. Bent stated she does not. Commissioner Nevill asked how the property is irrigated. Ms. Bent stated she has flood irrigation as well as two wells, one for the house and an artisan well that has 100 gallons per minute.

Commissioner Mathews asked if Ms. Bent relies on city water for fire services. Ms. Bent stated they are able to put a pump in the ditch so there are other options available.

Chairman Sturgill advised Ms. Bent to review the copy of conditions she received and he would bring her back where rebuttal normally is to go over any questions.

Commissioner Sheets asked if Ms. Bent would like condition 8 to be amended so she can get approval from the county instead of City of Nampa. Ms. Bent stated she would like it to have approval through Canyon County.

Brian Warrick – IN FAVOR – 403 Buckskin Dr, Nampa, ID 83687

Mr. Warrick advised he lives on the northside of the north Nampa lateral and backs up to the property. Mr. Warrick stated he enjoys what improvements Ms. Bent is making on the property, the farm animals, and the events she has done with her family and friends. The past events have not been detrimental to the neighbor's quality of life, she has been easy to reach and she has worked with the neighbors. Mr. Warrick stated he likes that the traffic that is associated with the events is at an off-peak time. Mr. Warrick believes that the use is an asset to the community and fully supports the proposed use.

Commissioner Nevill asked what the parcel is that is colored gray on the map. Mr. Warrick stated it is being developed as office condominiums and currently under construction. Commissioner Nevill asked if the proposed use will fit in with the new construction happening. Mr. Warrick believes it will because the workers in the offices will go home around 5pm and most events will happen on the weekend or evenings.

Rebekah Bent (Applicant) – REBUTTAL – 3614 E Amity Ave, Nampa, ID 83687

Chairman Sturgill confirmed with Ms. Bent that she reviewed the conditions and didn't need more time.

Planner Michelle Barron advised to review condition 12.

Ms. Bent stated she already has a privacy fence with trees planted for noise absorption. Ms. Bent wondered if that is adequate for condition 12. Planner Michelle Barron stated there has been a few events on the property and only letters in support came in, condition 12 is a potential condition. Chairman Sturgill asked in the County's opinion seems the Commissioners are not able to do site visits, if the existing fence is adequate. Planner Michelle Barron stated the fence that currently exist is in the subdivision area and

the event space is up on higher ground. Chairman Sturgill confirmed the proposed condition is for a second fence. Conversation ensued between Commissioners, Ms. Bent, and Planner Michelle Barron regarding condition 12, the requirements and the existing fence. Chairman Sturgill proposed a conversation between Staff and Ms. Bent to work out the details. Commissioner Nevill stated the condition for landscape buffer needs to be more detailed for the condition to be enforceable. Commissioner Mathews expressed his concern on condition 12 not being descriptive enough to mitigate sound.

Ms. Bent asked what the parking shall follow the CCZO-1301 and 1303 mean. Chairman Sturgill advised those are County ordinances. Ms. Bent stated she didn't have the conditions or she would have made notes and looked up the ordinance.

Ms. Bent asked about condition 16. Chairman Sturgill explained condition 16 is giving the max size allowed for a business sign.

Ms. Bent asked what permits she needs to get from Southwest District Health. Planner Michelle Barron stated if there will be any onsite catering and how many porta-potties are required. Ms. Bent advised if there is catering the food has to be made offsite.

Ms. Bent stated the only concern she has is the condition for Nampa to approve to cut the cement. Planner Michelle Barron stated the authority on Amity Ave is City of Nampa Engineering department. They are going to require a change of use permit and that is why there is a condition for them to approve the sidewalk and road expansion. Assistant Director Jay Gibbons stated it is still a residential property with a conditional use permit so the use is not changing. Chairman Sturgill asked for clarification because the zone for the property is agricultural. Assistant Director Jay Gibbons stated the use for the property is residential even in an ag zone so technically is not a change of use.

Commissioner Mathews stated for condition 21 he would strike the word any other owner and say it is not transferable. Commissioner Mathews stated the zone is agricultural by law but believes the use is changing with the CUP.

Planner Michelle Barron offered to bring the parking ordinance up on the screen. Chairman Sturgill stated if Ms. Bent would like that we can do so but otherwise wants to keep it structured.

Ms. Bent stated she has no further questions on the conditions.

Chairman Sturgill asked if Ms. Bent is planning to hire employees. Ms. Bent stated she has a farm hand that will help with the events and a friend that wants to help. She will not be hiring a full staff. Conversation ensued between the Chairman and Ms. Bent in regards to hiring security for the events.

Commissioner Williamson asked if condition 18 prohibits food trucks. Planner Michelle Barron stated food trucks should have their own license through Southwest District Health.

MOTION: Commissioner Mathews moved to close public testimony on Case CU2023-0007, seconded by Commissioner Sheets, voice vote, motion carried.

DELIBERATION:

Commissioner Mathews stated he is leaning towards denial because it is a change of use and feels messy.

Chairman Sturgill stated he is terrified of the impact to the area with the amplified sound. He may be convinced to put a time limit of a year to the CUP to see how the event center is impacting the area. Chairman Sturgill is concerned with creating a code enforcement problem.

Commissioner Mathews agrees with Chairman Sturgill that if the case gets approved they are creating a code enforcement problem.

Commissioner Nevill stated he isn't convinced they have enough information to craft the conditions that would be required to mitigate impact concerns. He believes there is potential for approval if the conditions were crafted well enough. Commissioner Nevill believes postponing the case would be best to give time to Staff and the applicant to work on conditions together.

Commissioner Sheets stated he believes there is adequate conditions and perhaps more conditions than are necessary. Commissioner Sheets is in favor and would pare back the conditions.

Commissioner Williamson agrees with Commissioner Sheets.

Commissioner Sheets stated condition 8 should be reworded to say "should the condition of approval for either those permits to be annexed into the City should this condition of approval be null and void."

Commissioner Nevill clarified the additional verbiage to the condition is to prevent forced annexation.

Commissioner Mathews stated he believes denying the CUP is the best route.

Planner Michelle Barron asked for Commissioner Sheets request. Commissioner Sheets advised after exhibit E attachment 2 it will say "conditions from the City of Nampa requiring annexation shall render this condition null and void."

Commissioner Sheets stated he believes condition 12 is already being met and condition 12 can be changed to a maintenance condition.

Commissioner Mathews stated he would like to see the event center to be surrounded by noise buffering vegetation such as evergreen trees.

Commissioner Williamson stated during testimony Ms. Bent advised she planted lilac bushes, within a few years' time they will dilute noise.

Commissioner Sheets stated they only got testimony for in favor and events have been held on the property he believes that some of the conditions are not necessary.

Planner Michelle Barron stated condition 11 is different than what the applicant requested, hours of operation in the letter of intent are from 9am-11pm with the amplified sounds any day of the week, in condition 11 it states all amplified sounds must cease at 11pm on Friday and Saturday nights and 9pm on Sunday and weeknights.

Planner Michelle Barron stated she could add a condition for the applicant to come back in one year scheduled through Development Services for a check in to review if any code enforcement violations were reported.

Commissioner Nevill stated he isn't clear which direction the Commission is going with condition 12 for the fence and landscape buffering.

MOTION: Commissioner Nevill moved to postpone Case CU2023-0007 to a date certain of June 20, 2024. Seconded by Commissioner Mathews.

Roll call vote: 2 in favor, 3 opposed, motion failed.

MOTION: Commissioner Sheets moved to approve Case CU2023-0007 based on the Findings of Fact and Conclusions of Law and conditions of approval with amendments to condition 8 and condition 12. Seconded by Commissioner Williamson.

Discussion on the Motion:

Commissioner Nevill asked if the motion includes the amendment to condition 21. Commissioner Sheets stated it doesn't.

Roll call vote: 2 in favor, 3 opposed, motion failed.

MOTION: Commissioner Nevill moved to postpone Case CU2023-0007 to a date certain of June 20, 2024. With no second the motion failed.

DELIBERATION:

Commissioner Williamson began to make a motion for approval with a new condition 22 for a one-year timeframe on the CUP.

Conversation ensued with Planner Michelle Barron and Commissioners in regards to what the case would look like with a timeframe of a year for the CUP and a check in being required.

Assistant Director Jay Gibbons stated the County doesn't have an application for something like that. But if it was a condition then he could see noticing going out to the neighbors to get their input.

Commissioner Mathews is concerned the first year will go well and then after the year and check in it will go badly.

Commissioner Williamson, Commissioner Nevill, and Commissioner Mathews began wordsmithing for a new condition 22.

Commissioner Sheets asked if the applicant has to reapply after a year if there will be fees associated with it. He would not be in favor if that is the case.

Commissioner Williamson stated he isn't comfortable with the applicant having to pay for the check in.

Planner Michelle Barron stated if there is a time limit on the CUP there would have to be a new application and pay the fees associated with one.

Commissioner Williamson withdrew his motion.

Commissioner Nevill stated they need to give time to Staff and the applicant to work together to craft conditions to mitigate the Commissioners concerns.

MOTION: Commissioner Nevill moved to postpone Case CU2023-0007 to a date certain of June 20, 2024. Seconded by Commissioner Williamson.

Discussion on the Motion:

Commissioner Sheets stated the Planning and Zoning Commission has the ability to go through the conditions and mitigate their own concerns without postponing and giving the responsibility to Staff and the applicant.

Commissioner Williamson agrees with Commissioner Sheets but believes they are in a stale mate so postponing the case might help with the stale mate.

Roll call vote: 3 in favor, 2 opposed, motion passed.

ACTION ITEM – APPROVAL OF MINUTES

MOTION: Commissioner Nevill moved to approve April 18, 2024 minutes. Seconded by Commissioner Williamson. Voice vote, motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Assistant Director Jay Gibbons introduced the new Associate Planner Doug Exton.

Chairman Sturgill stated he had a conversation with Commissioner Holton in regards to the concerns with FCO's and explained what the Planning and Zoning are doing to be more thorough. Commissioner Holton appreciates what Planning and Zoning is doing.

Chairman Sturgill stated he stopped by an open house with the Fire Department in Star and he learned that a person that is being asphyxiated will die in four minutes without emergency services. Chairman Sturgill requested when sending out notifications for rezones and plats to emergency services to ask for expected response time and what the target response time is. Commissioner Sheets agrees that information is an important metrics to have to help determine impact to an area.

Commissioner Nevill asked if an area is not covered under a fire department that information is included in the staff report. Assistant Director Jay Gibbons advised that is something that Staff has been looking into. There are currently 181 parcels in the County not in a fire district and is a topic for conversation. Commissioner Williamson stated he is happy to hear that is on the radar because is a concern for him.

Commissioner Nevill asked where the Planning and Zoning Bylaws are at. Assistant Director Jay Gibbons advised they are still under revision.

Hearing Specialist Amber Lewter stated the hearing on July 4, 2024 is cancelled due to it being a holiday and asked if the Commissioners would want a makeup hearing. Discussion ensued with the Commissioners and Amber Lewter in regards to having a makeup hearing on July 11, 2024.

ADJOURNMENT:

MOTION: Commissioner Mathews moved to adjourn, seconded by Commissioner Nevill. Voice vote, motion carried. Hearing adjourned at 8:50 PM.

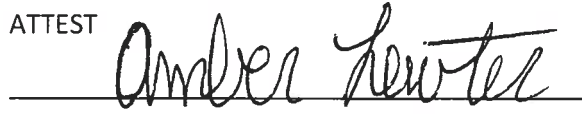
An audio recording is on file in the Development Services Departments' office.

Approved this 6th day of June, 2024

A handwritten signature in blue ink, appearing to read "Robert Sturgill", written over a horizontal line.

Robert Sturgill, Chairman

ATTEST

A handwritten signature in black ink, appearing to read "Amber Lewter", written over a horizontal line.

Amber Lewter – Hearing Specialist