



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

In the matter of the application of:

Firefly Ranch LLC – CU2023-0007

The Canyon County Planning and Zoning Commission considers the following:

1) Conditional Use Permit

Case CU2023-0007, 3614 E Amity Ave. (Parcel Number: R31801), a portion of the SW¼ of Section 25, T3N, 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 CU2023-0007.

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)), Canyon County Code §07-14 (Use Standards), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures), and Canyon County Code §09-11-25 (Area of City Impact Agreement).
 - a. Notice of the public hearing was provided pursuant to CCZO §07-05-01, Idaho Code §67-6509 and 67-6512.
 - b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.
 - c. Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. *See* CCZO §07-07-01.
 - d. 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. *See* Idaho Code §67-6512, CCZO §07-07-17, and 07-07-19.
2. 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, 07-07-01.

3. There are no mandates in the Local Planning Act as to when conditional use permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. Chambers v. Kootenai Cnty. Bd. of Comm'rs, 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).
4. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.
5. 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.
6. 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 application CU2023-0007 was presented at a public hearing before the Canyon County Planning and Zoning Commission on May 16, 2024, with the decision made on June 20, 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 Canyon County Planning and Zoning Commission decides as follows:

CONDITIONAL USE PERMIT HEARING CRITERIA – CCZO §07-07-05

1. Is the proposed use permitted in the zone by conditional use permit?

Conclusion: The property is zoned agricultural; a special events facility is permitted in this zoning with a Conditional Use Permit.

- Findings:**
- (1) Per the land use matrix CCZO 07-10-25 The special events facility is listed as needing a Conditional Use Permit in order to operate in the Agriculture zone.
 - (2) The applicant has submitted the Master Application with a request for a conditional use permit. The letter of intent and site plan indicate that the venue will hold approximately 225 people for weddings, birthdays, showers and corporate events. (Exhibit C, Attachment 1 and 2)
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0007.
 - (4) Evidence includes associated findings and evidence supported within this document.

2. What is the nature of the request?

Conclusion: Per the applicant's letter of intent. The nature of the request is to use their land for an event center to host weddings, birthday parties and company parties. The applicants intend on having the event center available 15 days out of the month. The business hours are to be dictated by the clients but setup is to begin no earlier than 9am, music will stop by 11:00 pm and all cleanup is to be completed by midnight. Clients will need to provide their own food, tables, chairs and any other amenities. The applicant intends to hold events outside on either a grassy open section of the property or on a concrete pad that can have a tent placed over it. Parking for events will be concentrated in a designated area south of the event area and main residence. (Exhibit C, Attachments 1, 2 and 3) Refer to site visit photos of the parking areas. (Exhibit G) Parking areas will follow CCZO 07-13-01.

- Findings:**
- (1) CCZO 07-02-03 defines Special Events as Any temporary event including, but not limited to, weddings, picnics, barbecues, holiday events and parties, dances, concerts, footraces and walks, bazaars, and harvest festivals.
 - (2) A Special Events Facility is an allowed use in an Agricultural zone with an approved Conditional Use Permit per the matrix chart in CCZO 07-10-27.

- (3) CCZO 07-13-01 and 07-13-03 dictate parking spaces required.
- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in CU2023-0007.
- (5) Evidence includes associated findings and evidence supported within this document.

3. Is the proposed use consistent with the comprehensive plan?

Conclusion: The proposed use is generally consistent with following:

Findings

Chapter 1: Property Rights	
G1.01.00	Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.
P1.01.01	No person should be deprived of private property without due process of law.
Chapter 2: Population	
G1.02.00	Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition, and preserve it for future generations without becoming a public nuisance.
G2.02.00	Promote housing, business, and service types needed to meet the demand of the future and existing population.
Chapter 3: Economic Development	
G3.01.00	Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.
G3.05.00	Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.
Chapter 4: Land Use and Community Design	
P4.01.02	Planning, zoning, and land-use decisions should balance the community’s interests and protect private property rights.
P4.03.01	Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.
P4.03.03	Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and some instances may require conditions of approval to promote compatibility.

The proposed use may not be consistent without mitigation:

- (1) The 2030 Comprehensive Plan Future Land Use Map designates the area as Residential with a portion designated as Commercial. (Exhibit D, Attachment 5) If rezoned to a Residential zone in alignment with the future land use map, the proposed special event facility would not be a permitted use. If the property was rezoned to Commercial, a special event facility would be an allowed use.
- (2) Chapter 7: Public Services, Facilities and Utilities in the Comprehensive Plan does speak to encouraging properties that are adjacent to the cities and are in the Area of City Impact to be annexed. It speaks more specifically of annexing properties to tie into municipal services. The proposed Special Events Facility does not propose to change the facilities and the property has two wells and a septic system that services the home and the out buildings.
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0007.
- (4) Evidence includes associated findings and evidence supported within this document.

4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?

Conclusion: Special Events Facilities carry with them potential impacts such as noise and traffic. In this case, there has only been letters of support stating that they do not have a concern for this facility. Requiring a sight and noise mitigating fence and landscape buffer between the event area and the residential neighborhood to the west of the event space would help mitigate these impacts.

- Findings:**
- (1) The City of Nampa Engineering Department has jurisdiction on the access and road improvements. Amity Road is a principle arterial on the Canyon County Functional Classification Map. The owner is responsible for improvements to access points.
 - (2) Two letters from neighbors were submitted in support of the Special Events Facility. (Exhibit F, Attachments 1 and 2)
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on April 5, 2024. Newspaper notice was published on April 2, 2024. Property owners within 600' were notified by mail on April 5, 2024. The property was posted on April 11, 2024.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0007.
 - (5) Evidence includes associated findings and evidence supported within this document.

5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?

Conclusion: Adequate water, sewer, irrigation, and drainage facilities as well as utility systems are already in existence. The special events facility does not propose any changes to these systems.

- Findings:**
- (1) The letter of intent and the site plan shows that the special events facility will be entirely outside with porta potties being brought in by local contractors. (Exhibit C, Attachment 1 and 2)
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on April 5, 2024. Newspaper notice was published on April 2, 2024. Property owners within 600' were notified by mail on April 5, 2024. The property was posted on April 11, 2024.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0007.
 - (4) Evidence includes associated findings and evidence supported within this document.

6. Does legal access to the subject property for the development exist or will it exist at the time of development?

Conclusion: Legal access is available to the parcel via Amity Avenue. The City of Nampa Engineering will require improvements to the access.

- Findings:**
- (1) The City of Nampa Engineering states that the change of use on the property which warrants improving the access. (Exhibit E, Attachment 2)
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on April 5, 2024. Newspaper notice was published on April 2, 2024. Property owners within 600' were notified by mail on April 5, 2024. The property was posted on April 11, 2024.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0007.

(4) Evidence includes associated findings and evidence supported within this document.

7. Will there be undue interference with existing or future traffic patterns?

Conclusion: Evidence has not been provided that indicates interference with existing or future traffic patterns. However, traffic on Amity Avenue will increase when events are held.

- Findings:**
- (1) The City of Nampa Engineering will require improvements to the access for the change of use to Commercial. (Exhibit E, Attachment 2)
 - (2) The access off of Amity Avenue is along a widened section of the road with turn lanes adjacent to this access. (Exhibit G)
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on April 5, 2024. Newspaper notice was published on April 2, 2024. Property owners within 600' were notified by mail on April 5, 2024. The property was posted on April 11, 2024.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0007.
 - (5) Evidence includes associated findings and evidence supported within this document.

8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?

Conclusion: Essential services will be provided and this application will not negatively impact existing services or require additional public funding.

- Findings:**
- (1) Canyon County Ambulance District, Nampa School District, Nampa Fire District and Canyon County Sheriff were noticed of the proposed use and did not submit comments.
 - (2) Nampa Meridian Irrigation made note of the North Nampa Lateral that runs along the North of this property. (Exhibit E, Attachment 4)
 - (3) Nampa Fire District did make comment when the applicant requested a signature on the agency acknowledgement page while completing the application process. (Exhibit C, Attachment 4)
 - (4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on April 5, 2024. Newspaper notice was published on April 2, 2024. Property owners within 600' were notified by mail on April 5, 2024. The property was posted on April 11, 2024.
 - (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0007.
 - (6) Evidence includes associated findings and evidence supported within this document.

Canyon County Code §09-11-25 (Area of City Impact Agreement) – NAMPA AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The property is located within the Nampa Area of City Impact. The city designates the area as “medium density residential” and “commercial”.

- Findings:**
- (1) Pursuant to Canyon County Code Section 09-11-25 of the Nampa Area of City Impact Agreement, a notice was provided to the City of Nampa on July 18, 2023. The City of Nampa provided the following comments, as summarized:

- (2) The property is completely enclaved being surrounded by City of Nampa annexed property on all sides. The City requests that the applicant annexes into the City. If annexed into the City, it could be zoned BC (Community Business) with a Development Agreement. The event venue land use would require an approved Conditional Use Permit as well. (Exhibit E, Attachments 1 and 2)
- (3) Affected agencies were noticed on April 5, 2024. Newspaper notice was published on April 2, 2024. Property owners within 600' were notified by mail on April 5, 2024. The property was posted on April 11, 2024.
- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0007.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case # CU2023-0007, a conditional use permit of a Special Events Facility 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. The hours of operation shall be 9:00 a.m. to 11:00 p.m. (with an hour for clean up until 12:00 a.m.) for Friday and Saturday and 9:00 a.m. to 9:00 p.m. on Sunday and weeknights, no more than 15 days per month, May 1 – October 31, as proposed in the applicant's letter of intent (Exhibit C, Attachment 1).
3. No more than 225 guests shall be at the Special Events Facility at a time.
4. The proposed development shall be in general conformance with the applicant's site plan and Letter of Intent (Exhibit C, Attachments 1 and 2).
5. Rental Agreements shall be in place with each event holder that limits them to the same conditions of approval as this conditional use permit.
6. The property owner shall be made available at all times during events to enforce the rental agreements and the conditions of approval.
7. Any building permits for buildings on the parcel that have not been obtained as per the Development Services Building Department letter (Exhibit E, Attachment 3) shall be obtained.
8. Applicant must meet the conditions for the City of Nampa Engineering regarding the access to Amity Avenue unless waived by the City of Nampa. (Exhibit E, Attachment 2) If annexation is required with the City of Nampa Engineering recommendation, it shall not invalidate the Conditional Use Permit use.
9. Before the commencement of use, all parking spaces shall meet all applicable off-street parking requirements (CCZO 07-13-01 and 07-13-03). Evidence of consistency shall be submitted to Canyon County DSD.
10. No parking signs shall be placed along the access road so as not to impede ingress/egress of emergency services.
11. All amplified sound shall be directed away from adjacent residences. All amplified sounds must cease at 11 p.m. on Friday and Saturday nights and 9:00 p.m. on Sunday and week nights.

12. A landscape buffer with noise absorbing trees and shrubs of a size to efficiently buffer sound (minimum 4 ft tall) shall be constructed prior to commencement of events. Provide Development Services Department proof of installation of landscaping.
13. All exterior lighting shall be directed away from adjacent residential properties and be contained on the parcel with downward facing lighting and shielding where necessary.
14. The applicant shall not impede, disrupt, or otherwise disturb the existing irrigation structures on and adjacent to the subject property.
15. The applicant shall obtain administrative approval for signs that exceed 32 square feet or if it is illuminated as required in the CCZO §07-10-13.
16. Applicant must meet with Southwest District Health and Idaho Department of Environmental Quality to obtain all appropriate permits before the commencement of use. Evidence of permit approval shall be submitted to Canyon County DSD. The number of portable restrooms and maintenance shall be as recommended by Southwest District Health.
17. Food preparation is prohibited on-site unless approved by Southwest District Health and the Idaho Department of Environmental Quality.
18. Alcoholic Beverage Licensing: Any alcoholic beverages (inclusive of beer and wine) for special events at the facility shall be provided and distributed in strict compliance with Local, State and Federal requirements for sales and distribution.
19. This conditional use permit must follow land use time limitation as stated in CCZO 07-07-23: "When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date.
20. This Conditional Use Permit is not transferable to any other owner. A new application will need to be made if they wish to continue the Special Event Facility.

DATED this 11 day of July, 2024.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO


Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 11 day of July, in the year 2024, before me Amber Lewter, a notary public, personally appeared Robert Sturgill, 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