



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

In the matter of the application of:

Larson – Case #CU2023-0016

The Canyon County Planning and Zoning Commission considers the following:

Darren and Brenda Larson are requesting a conditional use permit for a special events facility of approximately 2.37 acres in an “A” (Agricultural) zone. The subject property is located at 28352 Rocky Road Parma, ID 83660 also referenced as Parcel R25086015, a portion of the SE quarter of Section 17, T6N, R5W, 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 CU2023-0016.

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)), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures)
- a. Notice of the public hearing was provided pursuant to CCZO §07-05-01, Idaho Code §67-6509 and 67-6512. Agencies were notified on 4-3-24 and 6-4-24, Property Owners were notified on 6-4-24, the site was posted 6-10-24, and publication to the newspaper on 6-11-24.
 - 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 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 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 CU2023-0016 was presented at a public hearing before the Canyon County Planning and Zoning Commission on July 11, 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 decide 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 proposed use, a Special Event Facility is an allowed use in the “A” (Agricultural) zone by Conditional Use Permit (CUP).

- Findings:**
- (1) The subject property, parcel R25086015, containing approximately 2.37 acres is zoned “A” (Agricultural) (Staff Report Exhibit 3).
 - (2) Special Events are defined 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.” (CCZO §07-02-03).
 - (3) CCZO §07-10-27 Land Use Regulations (Matrix) provides for a Special Events facility by conditional use permit in the agricultural zone.
 - (4) A conditional use permit was submitted on July 27, 2023, with additional information submitted in March, April, and May of 2024, including the agency acknowledgement form, operations plan, site plan, email outlining irrigation, portable toilets, parking lots, attendance, fencing, and the types of events they plan on not hosting on the property, and a parking plan with email explanation of parking plan. Both emails in May of 2024 reference the applicant’s alcohol considerations (Staff Report Exhibit 2, 2B, 5, and 5A).

- (5) In accordance with CCZO §07-01-15, the applicant conducted a neighborhood meeting on July 18, 2023 at 7 p.m. having provided notice to property owners within 600 feet of the subject property. The sign-in sheet indicates six people were in attendance. (Staff Report 2C)
- (6) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0016.

2. What is the nature of the request?

Conclusion: Darren and Brenda Larson are requesting a conditional use permit to allow a Special Event Facility use within an “A” (Agricultural) zoning district. The applicant’s operations plan indicates that the proposed use is for a special events facility primarily for weddings and some other types of events (Staff Report Exhibit 2). The applicants indicated in an email on May 13, 2024 that they will not hold concerts, footraces, walks, bazaars, or harvest festivals (Staff Report Exhibit 2B). The applicant’s operations plan states the operational months will be May-September, with only one (1) event scheduled per week on either Friday, Saturday, or Sunday. The guests would be allowed to be on the site from 12:00 p.m. to 10:00 p.m., music and amplified sound would be kept at 90dB or less and be off by 9:30 p.m. The applicants plan to accommodate up to 100 guests on the property per special event. The applicant proposes to utilize the home for consultation meetings and landscaped outdoor areas for the special events facility (Staff Report Exhibit 2 and Exhibit 4). On the applicant’s site plan, they identify proposed structures and buildings on the parcel that will be used to accommodate the special events facility (a covered patio, bridal cottage, and groom’s cottage) (Staff Report Exhibit 4). Due to the nature of the request and for the proposed structures/buildings, the future construction shall comply with Canyon County Building code and obtain all required building permits (Staff report Exhibit 14). Parking is proposed to be on gravel area and pasture directly south of the single-family residence for 30 vehicles (the applicants have indicated the pasture area that will be used for parking will be graveled if this conditional use permit is approved). Ten (10) of the thirty (30) parking spaces are considered to be overflow parking by the applicant (Staff Report Exhibit 2B, Exhibit 5, and Exhibit 5A) There is a landscaped area identified on the site plan that will be used for emergency-only parking (Staff Report Exhibit 4). The operations plan indicates that the applicants will rent two (2) portable bathrooms and a sanitation station at the beginning of summer to use for the duration of the wedding season. They plan to have the portable bathrooms and sanitation station scheduled for cleaning after each event (Staff Report Exhibit 2) The land use worksheet (Staff Report Exhibit 6) indicates that well water and septic will be utilized, but this will only be used by the residences of the home (Staff Report Exhibit 2B). Food would be prepared on site or off site via a caterers’ discretion (Staff Report Exhibit 2). The applicant has stated that no open bar will be allowed. They have considered allowing wine/champagne on the property, but are aware they would need to get sufficient licensing from Idaho State Police to serve alcohol (Staff Report Exhibit 2B, Exhibit 5A).

- Findings:**
- (1) The subject property is zoned “A” (Agricultural) (Staff Report Exhibit 3).
 - (2) In accordance with CCZO §07-10-27 Land Use Regulations the applicant may operate a special events facility with an approved CUP in the agricultural zone.
 - (3) A conditional use permit was submitted on July 27, 2023, with additional information submitted in March, April, and May of 2024, including the agency acknowledgement form, operations plan, email outlining alcohol plan, irrigation, portable toilets, parking lots, attendance, fencing, and the types of events they plan on not hosting on the property, and a

parking plan with email explanation of parking plan (Staff Report Exhibit 2, 2B, 5, and 5A).

- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0016.

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

Conclusion: The Planning and Zoning Commission finds that the proposed use and conditional use application for a special events facility is not consistent with the 2030 Canyon County Comprehensive Plan (the Plan) as it would deprive neighbors of quiet enjoyment of their respective properties.

- Findings:**
- (1) The 2030 Canyon County Comprehensive Plan designates the future use of the parcel as “agricultural” (Staff Report Exhibit 3).
 - (2) The proposed use is inconsistent with multiple goals and policies of the 2030 Canyon County Comprehensive Plan including but not limited to:
 - Property Rights Policies and Goals: *Goal No. 1: “Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.” Policy No. 1: “No person shall be deprived of private property without due process of law.” Policy No. 3: “Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures in development approvals.” Goal No. 2: “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.”*
 - Population Component Policy and Goal: *Policy No. 1: “Plan for anticipated population and households that the community can support with adequate services and amenities.” Goal No. 2: “Promote housing, business, and service types needed to meet the demand of the future and existing population.”*
 - Economic Development Goal and Policy: *Goal No. 1: “Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.” Policy No. 2: “Supportive suitable sites for economic growth and expansion compatible with the surrounding area.”*
 - Land Use Policy and Goals: *Policy No. 2: “Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses. Goal No. 3: “Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.” Goal No. 2: “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 in some instances may require conditions of approval to promote compatibility.”*
 - (3) See Findings of Evidence in Criteria 4 through 8 for evidence that supports this criterion.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0016

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: The Commission finds that the proposed Special Events facility being operational between May-September with one event scheduled on Friday, Saturday, or Sunday weekly with hours of operation from 12:30 p.m. to 10:00 p.m., will change the character of the area and be injurious to properties in the immediate vicinity. The Commission acknowledges that the property will remain substantially similar to its current configuration and appearance. The property is 2.37 acres and has residential parcels in the agricultural zone to the north, south, east and west. There are also agricultural parcels that are currently in use to the north, south, and east (Staff Exhibit 7).

- Findings:**
- (1) The property is located in an “A” (Agricultural) zone (Staff Report Exhibit 3). The character of the area is predominantly agricultural and residential in the agricultural zone (average lot size is 4.08 acres) (Staff Report Exhibit 7).
 - (2) There are five platted subdivisions in this area that were platted between the years 1909-1916. These platted lots have been reconfigured over the years. R25086015 is part of the Orchard Tract of the Idaho Land Company which was platted in 1909. The area currently does not have any subdivisions in platting. (Staff Report Exhibit 7).
 - (3) The special events facility has the potential to change the character of the area as no similar uses exist in the area and allowing the proposed use of a special events facility would invite more similar uses in the area. (Staff Report Exhibit 8).
 - (4) The special events facility will increase noise levels in the immediate vicinity due to the small size of the property and no way of noise buffering due to the close proximity to residences. The applicants have identified that their guest’s contract will state that music must be kept at 90dB or less and be off by 9:30 p.m. and with all guests off the premises by 10:00 p.m. (Staff Report Exhibit 2 and Exhibit 2B). Additionally, per the applicant’s operations plan and letter of intent, they state they have built fences (including a privacy fence) and have planted additional trees to aid in privacy and sound reduction (See Staff Exhibit 2 and Exhibit 2A).
 - (5) The special events facility has the potential to increase lighting levels in the immediate vicinity.
 - (6) The special events facility has the potential to increase dust levels in the immediate vicinity. According to the applicant’s operations plan they have a gravel driveway and plan on putting a bed of pit run, topped with road mix where the parking lot will be located (Staff Report Exhibits 2 and 2B).
 - (7) The special events facility also has the potential to change the character of the area and be injurious to nearby properties in regards to traffic patterns. See Criteria #7 and Findings #1-#4 for conclusions on traffic.
 - (8) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0016.

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

Conclusion: The Commission finds and concludes that adequate facilities and systems for the use will be provided.

- Findings:**
- (1) Southwest District Health stated that the existing septic system will not be accommodating with the increase in wastewater flows of up to one-hundred (100) guests. However, they stated the increase in wastewater flows can only be accommodated through the use of portable sanitation units that must be serviced by a licensed pumper in Idaho (Staff Report Exhibit 10 and 10A). The applicant's operations plan for the special event facility proposes using two (2) portable bathrooms and sanitation station to serve the facility. The property owners plan to rent these at the beginning of summer for the duration of the wedding season and have them scheduled for cleaning after each event (Staff Report Exhibit 2). The property owners have an individual septic tank, but this will not be used the guests (Staff Report Exhibit 2B and 6).
 - (2) Stormwater is be contained in existing borrow ditches (Staff Report Exhibit 6)
 - (3) The applicant has not proposed additional wells to service the site.
 - (4) According to the applicant's land use worksheet, there is a drain ditch located on the applicant's property that is one (1) foot deep when irrigating the pasture and the applicants' use gravity irrigation to irrigate their property (Staff Report Exhibit 6). Farmers Cooperative Ditch Company informed the applicant the lateral located on the applicant's property is an extension in which the Ditch Company has no authority to grant a crossing agreement in that area (no crossing agreement is needed). The Farmers Co-operative Ditch Company is only responsible for the main canal and their suggestion is to speak with water users downstream to make sure the property owners put in a sufficient size of pipe as to not hinder from getting the quantity of water that they are allotted (if they decide to place a drainage pipe) (Staff Report Exhibits 11 and 11A).
 - (5) Utility agencies including Idaho Power, Intermountain Gas, CenturyLink, and Ziply were sent agency request for comment on 4-3-24 and 6-4-24. Comments specific to the requested use were not submitted by these notified agencies. Adequate services currently exist.
 - (6) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0016.

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

Conclusion: Notus-Parma Highway District (NPHD) indicated that legal access currently exists for the subject property located on the north side of Rocky Road and the existing residential access approach will need to be replaced with a commercial approach due the intended use per ACCHD standards (Staff Report Exhibit 9).

- Findings:**
- (1) The property has frontage on Rocky Road (Staff Report Exhibit 15). There will be one access point for the facility as shown on the site plan. The access point will be located on the existing driveway (Staff Report Exhibit 4).
 - (2) Notus-Parma Highway District reviewed the application proposal and provided comment with conditions. They state that legal access currently exists and the existing residential access approach will need to be replaced with a commercial approach that meet the requirements for the intended use per ACCHD standards. (Staff Report Exhibit 9).
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0016.

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

Conclusion: The Commission finds that the application as proposed will impact traffic and conditions will not sufficiently mitigate the traffic impact to surrounding property owners. The Commission acknowledges that the local highway district reviewed the application and provided comment that if any future undue interference occurs with future traffic patterns on Rocky Road created by this request, Notus-Parma Highway District reserves the right to provide amended comments/conditions of approval when additional information becomes available (Staff Report Exhibit 9). Additionally, the Idaho Transportation department was provided notice of the request and indicated that they have no comments or concerns to make at this time.

- Findings:**
- (1) NPHD reviewed the application proposal and provided comment that if any future undue interference occurs with future traffic patterns on Rocky Road created by this request, the highway district reserves the right to provide amended comments/conditions of approval when additional information becomes available (Staff Report Exhibit 9).
 - (2) Idaho Transportation Department (ITD) stated that they have no comments or concerns to make at this time (Staff Report Exhibit 12).
 - (3) Per CCZO §07-13-03(6), for floor space used by the public or by members in a social hall, dance hall, nightclub, pool hall, restaurant, or other similar enterprise or establishment, a number of parking spaces equal to 20 percent of the capacity in persons is required. In this case since there is not a gross floor area, the maximum guest numbers (100) is being used as the capacity in persons, which would be 20 persons. Additionally, per §07-13-03, a greater number of spaces may be required in any case where a conditional use permit is involved and further provided these regulations are subject to the Americans with disabilities act and state law.
 - (4) The applicant has the potential to affect existing traffic patterns based on the number of vehicles trips by the special events proposed to occur on site. The applicants have a parking circulation plan showing 30 parking spaces, 10 of which the property owner considers overflow parking (Staff Report Exhibit 5 and 5A). Parma Rural Fire District provided an email indicating they the property is not in the ideal location for a venue due to the parking situation. However, the fire district has no problem with the project as long as they keep a 20-foot-wide emergency access available at all times (Staff Report Exhibit 13).
 - (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0016.

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: The Commission finds and concludes that essential services will be provided and this application will not negatively impact existing services or require additional public funding.

- Findings:**
- (1) The proposed special event facility is not anticipated to impact schools, police, or the fire district as there is not expected to be a significant increased need for additional police, fire or ambulance response to the facility.
 - (2) The Canyon County Sheriff, Canyon County Paramedics/EMT, and Parma School District were notified of the request on 4-3-24 and 6-4-24. Canyon County's Emergency Management Coordinator was notified on 6-4-24. Canyon County Sheriff, Canyon County Paramedics/EMT, Canyon County's Emergency Management Coordinator, and Parma School District did not respond to the notifications.
 - (3) Parma Rural Fire District provided an email indicating they the property is not in the ideal location for a venue due to the parking situation. However, the fire district has no problem with the project as long as they keep a 20-foot-wide emergency access available at all times. The Fire District did not expand on their comment (Staff Report Exhibit 13 and Exhibit 13A)..
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0016.

Order

Based upon the Findings of Fact, Conclusions of Law, and Order contained herein, the Planning and Zoning Commission **DENIES** Case #CU2023-0016, a conditional use permit for a Special Event facility in the "A" (Agricultural) zone on Parcel R25086015 located on 28352 Rocky Road Parma, ID 83660:

The Commission finds that there are no ways to condition the impacts to the character of the area, noise, and traffic and being inconsistent with the 2030 Comprehensive Plan due to the effects on property owner's rights.

DATED this 1st day of August, 2024.



**PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO**

Brian Sheets
Brian Sheets, Acting Chairman

State of Idaho)

SS

County of Canyon County)

On this 1st day of August, in the year 2024, before me Amber Lewter, a notary public, personally appeared Brian Sheets, 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