



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, July 11, 2024
6:30 P.M.

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

Commissioners Present : Robert Sturgill, Chairman
Miguel Villafana, Commissioner
Patrick Williamson, Commissioner
Harold Nevill, Commissioner
Geoff Mathews, Commissioner

Staff Members Present: Jay Gibbons, Assistant Director of Development Services
Carl Anderson, Planning Supervisor
Dan Lister, Principal Planner
Emily Kiester, Associate Planner
Amber Lewter, Hearing Specialist

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

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

Item 1A:

Case No. CU2023-0007 / Firefly Ranch, LLC– Approve revised FCO’s.

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

Item 1B:

Case No. CU2023-0004 / AgEquity– Approve revised FCO’s.

Chairman Sturgill stated he reviewed the FCO’s and one of the reasons they chose denial was due to noise, he noticed in the actions the applicant can do to get approval, noise was not covered. Conversation ensued between Chairman Sturgill, Commissioner Nevill, and Commissioner Mathews in regards to actions the applicant can make for approval.

MOTION: Commissioner Nevill moved to postpone the revised Findings of Facts, Conclusions of Law and Order to July 18, 2024. Motion seconded by Commissioner Mathews. Voice vote, motion carried.

Item 2A:

CU2023-0016 / Larson – The applicants, 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.

Commissioner Nevill made a disclosure that he is familiar with the area because he lived a mile away from the property as a child.

Planner Emily Kiester reviewed the Staff report for the record.

Chairman Sturgill asked what the Ziplly agency is. Planner Emily Kiester advised it is the internet company. Chairman Sturgill asked what the process is if a neighbor sees the facility out of compliance with the CUP. Planner Emily Kiester provided the steps of submitting a code enforcement complaint and what happens once a complaint is filed.

Commissioner Nevill asked what number the proposed replacement condition is. Planner Emily Kiester advised condition 13. Commissioner Nevill asked where the measurements will be taken for the 90 decibels limitation on noise. Planner Emily Kiester stated that would be a question for the applicant. Commissioner Nevill asked if there is a consequence for the property being in an intensive Ag overlay area. Planner Emily Kiester advised the County hasn't adopted a code.

Commissioner Williamson asked for clarification on the wording from Parma Highway District on Criteria 7. Planner Dan Lister explained the Highway District reserves the right to ask for more studies or make modifications. Commissioner Williamson asked if the parking limit includes the wedding workers such as catering staff. Planner Emily Kiester advised the applicant didn't specify and if the Commissioners want to add a condition for more parking they can. Commissioner Williamson asked if Rocky Road is a 50-mph speed limit. Planner Emily Kiester stated she believes so. Commissioner Williamson asked if there is a culvert on the drain pipe. Planner Emily Kiester deferred to the applicant.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Brenda Larson (Applicant) – IN FAVOR – 28352 Rocky Rd, Parma, ID 83660

Ms. Larson stated during the neighborhood meeting there were many people in support so she is surprised there is any opposition. Ms. Larson stated the part of the land they want to do the special events facility is not farmable so it is there attempt to make the land profitable. They tried it out with their son's wedding and everything went well. Ms. Larson stated they do not want to encroach on anyone and is away there is a neighbor who likes to throw family parties so will work with them and anyone else. Ms. Larson would prefer to be alcohol free and have a 100-person cap to keep it small, intimate and affordable.

Commissioner Nevill asked if Ms. Larson agrees with all the conditions of approval. Ms. Larson stated she agrees with them and will also be putting in an easement to her back property. Commissioner Nevill asked where the 90 decibels for noise will be measured. Ms. Larson stated her thoughts were where the DJ is but is open to thoughts. Commissioner Nevill asked Ms. Larson's thoughts on having people in opposition. Ms. Larson stated she personally wants a small wedding venue and not a lot of traffic. Down the road asparagus is getting harvested and additional 20 or so vehicles. Rocky Road has a lot of traffic so doesn't see the event center creating a negative impact to the traffic.

Commissioner Mathews asked about parking. Ms. Larson stated the wedding they had for her son had about 80 people and they had plenty of parking available.

Commissioner Villafana asked how many events would she have max per year. Ms. Larson stated she isn't sure but she doesn't want to pack it every weekend and is open to a condition to put a limit.

Commissioner Williamson asked for a limit to add a condition for maximum events. Ms. Larson stated probably 10. Commissioner Williamson asked if there is a possibility to have people park in the pasture area for overflow. Ms. Larson stated that is where parking was for her son's wedding. Commissioner

Williamson asked if there is a drain pipe. Ms. Larson stated there is. Commissioner Williamson asked the speed limit on Rocky Road. Ms. Larson stated she has never seen a speed limit posted.

Darren Larson – IN FAVOR – 28352 Rocky Rd, Parma, ID 83660

Mr. Larson stated they believe in being good neighbors and understands the concerns.

Kevin Olinger – IN OPPOSITION – 2170 Hwy 95, Parma, ID 83660

Mr. Olinger stated private property owners have rights to enjoy their personal property, therefore is opposed to this proposal. Mr. Olinger would like to keep the peaceful enjoyment of the rural atmosphere. Mr. Olinger believes the proposed use would bring light pollution, noise, traffic, visitors, drifters, outsiders, and much more. He can hear people talk at a couple thousand yards by how the valley is designed.

Laurie King – IN OPPOSITION – 33361 Island Rd, Parma, ID 83660

Ms. King stated they are discussing Criteria 4, she believes the proposed use will destroy property values, they will lose their peace during the nice weather months, the roads are narrow. Ms. King stated she believes there is ways the neighbors could work with them.

Chairman Sturgill asked what conditions she would have to gain approval. Ms. King stated she miss spoke what she meant is the applicants can still have weddings on a social level without a CUP.

Lynda Rogers – IN OPPOSITION – 28149 Rocky Road, Parma, ID 83660

Ms. Rogers stated they moved to this area for peace, quiet, and to be left alone. Having the proposed event center would be asking the neighbors to give up peace, quiet, privacy and safety. Her and her family have a rigorous schedule and need to sleep and her child needs to study. Ms. Rogers stated the noise will make the neighborhood dogs bark for hours and is concerned that there will be parking on the road. She is also concerned that people will be watching her daughter come home at night, trespassing and stealing. Ms. Rogers doesn't want to see lights all night long.

Commissioner Nevill asked what the speed limit is on Rocky Road. Ms. Rogers stated there is no speed limit so defaults to the County's speed. Commissioner Nevill asked if the traffic is agricultural and residential. Ms. Rogers confirmed that is correct.

Commissioner Williamson asked if Ms. Rogers if she preferred a CUP with conditions over the applicants doing weddings on a social level. Ms. Rogers stated she doesn't like either but believes a CUP is opening the door for more things. Commissioner Williamson asked if there are any conditions that would mitigate concerns. Ms. Rogers stated the noise is an issue and having people she doesn't know in attendance cannot be mitigated.

Brenda Larson (Applicant) – REBUTTAL – 28352 Rocky Rd, Parma, ID 83660

Ms. Larson stated no one will be parking on the road. Ms. Larson stated she hears the concern about the peacefulness of the area and would keep everything at a minimum to be respectful.

Commissioner Mathews asked how they would control who comes to the weddings. Ms. Larson stated it isn't an online application they would do interviews at her place and she would vet them out to make sure they are good people. There is also a designated area with privacy fence and a gate so people wouldn't be all over the place. Commissioner Mathews asked if they would be policing the events. Ms. Larson stated they would.

Commissioner Villafana asked how she will ensure people will stay within the wedding venue. Ms. Larson advised the venue is all fenced and contained.

MOTION: Commissioner Nevill moved to close public testimony on Case CU2023-0016, seconded by Commissioner Williamson, voice vote, motion carried.

DELIBERATION:

Commissioner Nevill stated there is no plan for noise mitigation and they don't have enough data to make a condition. Commissioner Nevill would be in favor of denying or postponing to get more information on noise such as a noise study.

Commissioner Villafana stated he believes it is possible to draft a condition for the noise and would be in favor of adding a condition to put a cap on the number of events they hold for example twice a month during summer months.

Commissioner Williamson believes the County has done conditions for noise decibels in the past and has found the enforceability isn't very good so has changed how the conditions are written such as a shut off time for noise. Commissioner Williamson stated he believes the event can be conditioned.

Commissioner Mathews stated he has an issue with running a commercial venture on a property this small and in the middle of residential housing.

MOTION: Commissioner Nevill moved to deny Case CU2023-0016 with the revised findings for Criteria 3, 4 and 7. Seconded by Commissioner Mathews.

Discussion on the Motion:

Conversation ensued between the Commissioners of what should be revised for the findings on Criteria 3, 4 and 7 and if action can be taken for approval.

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

Item 2B:

SD2022-0056 / Alpine View Estates— The applicants, Shawn, and Rae Lynn Kelley, request approval regarding Alpine View Estates Subdivision, a three-lot subdivision served by a private road lot. The request includes a waiver of subdivision improvements such as sidewalks, gutters, street lighting, and landscaping. The 4.12-acre parcel, R38194010A, is zoned to a "CR-R-1" (Conditional Rezone – Single Family Residential; one-acre average minimum lot size). The subject property is located at 24720 Harvey Road, Caldwell; also referenced as a portion of the NW ¼ of Section 35, T5N, R3W, BM, Canyon County, Idaho.

Planner Dan Lister reviewed the Staff report for the record.

Commissioner Williamson asked if some of the conditions from Black Canyon Water District have been resolved. Planner Dan Lister stated the water rights are in process, the easement has been taken care of and Black Canyon Water District just needs to see it again before the final plat signature. Commissioner Williamson asked if one of the options with the Highway District is a Vacation of right of way. Planner Dan Lister advised that is another option that is available.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Shawn Kelley (Applicant) – IN FAVOR – 24720 Harvey Rd, Caldwell, ID 83607

Mr. Kelley advised the irrigation stays on the property.

Commissioner Williamson asked about the well across the ditch. Mr. Kelley advised they were going to need to get special permission to dig across the ditch but they found water rights on the property.

Commissioner Nevill asked if Mr. Kelley agrees with all the conditions of approval. Mr. Kelley advised that he does.

MOTION: Commissioner Nevill moved to close public testimony on Case SD2022-0056, seconded by Commissioner Villafana, voice vote, motion carried.

MOTION: Commissioner Nevill moved to recommend approval to the Board of County Commissioners for Case SD2022-0056 based on the Findings of Fact and Conclusions of Law and conditions of approval. Seconded by Commissioner Mathews.

Roll call vote: 5 in favor, 0 opposed, motion passed.

Item 2C:

SD2022-0053 / Basin View Subdivision #2– Daniel Caldwell (owner) requests approval of a short plat for Basin View Subdivision #2. The result divides Block 1, Lot 1 of Basin View Subdivision into two lots. The request includes a waiver of subdivision improvements. The property is zoned “R-R” (Rural Residential, two-acre average minimum lot size). The subject property is 217 S. McDermott Road, Nampa (Parcel R30606100), also referenced as a portion of the SE¼ of Section 29, T3N, R1W, BM, Canyon County, Idaho.

Planner Dan Lister reviewed the Staff report for the record.

Commissioner Nevill asked about the statement from the Highway District. Planner Dan Lister advised that Nampa Highway District is fine with the road being a shared private driveway but they do not want it to become a private road that serves more than two houses.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Daniel Caldwell (Applicant) – IN FAVOR – 217 S McDermott, Nampa, ID 83687

Mr. Caldwell stated the land split began with his daughters and sons house and all he wants to do is split the remaining 2 acres of the 5 acres he has left so that he can retire.

Commissioner Nevill asked why he didn't do a 4-lot split when he began. Mr. Caldwell stated he was still working at the time and wanted to expedite the process for his children, he didn't think far enough ahead. Commissioner Nevill asked what will happen to the retirement plan if the application is denied. Mr. Caldwell stated he will continue to work part time until he can't work anymore.

Melanie Caldwell – IN FAVOR – 217 S McDermott, Nampa, ID 83687

Ms. Caldwell stated the real reason they need to do the split is her husband is getting to old to be farming the land.

MOTION: Commissioner Nevill moved to close public testimony on Case SD2022-0053, seconded by Commissioner Mathews, voice vote, motion carried.

MOTION: Commissioner Mathews moved to recommend approval to the Board of County Commissioners for Case SD2022-0053 based on the Findings of Fact and Conclusions of Law and conditions of approval. Seconded by Commissioner Villafana.

Roll call vote: 5 in favor, 0 opposed, motion passed.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Assistant Director of Development Services Jay Gibbons asked for feedback on Planner Emily Kiester's presentation. The Commissioners provided positive feedback.

Commissioner Nevill asked if Staff is reviewing the Intensive Ag Overlay. Assistant Director of Development Services Jay Gibbons stated that is one of many things they are reviewing and looking to improve.

Chairman Sturgill asked the status of the updated Bylaws. Assistant Director of Development Services Jay Gibbons stated he is expecting to have them finished by the August 1, 2024 hearing.

ADJOURNMENT:

MOTION: Commissioner Villafana moved to adjourn, seconded by Commissioner Nevill. Voice vote, motion carried. Hearing adjourned at 9:27 PM.

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

Approved this 15th day of August, 2024



Robert Sturgill, Chairman

ATTEST


Amber Lewter – Hearing Specialist