



HEARING EXAMINER
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

McIntyre Pastures/Brent Orton – CU2024-0010

The Canyon County Examiner considers the following:

- 1) A conditional use permit to host special events for farm education courses, agritourism and farm to fork events. Additionally, the applicant is requesting a food processing facility for egg packaging operations and a similar use to a conditional use permit, a retail nursery to allow for the farm store and sale of McIntyre products. The subject property (parcel R30154) is located at 17995 Lewis Ln, Caldwell, ID 83607, also known as a portion of Government Lot 1 of Section 18, T.2N, R.3W, BM, Canyon County, Idaho. (CU2024-0010).

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 CU2024-0010.

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), and Canyon County Code 09-03.
 - 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 Hearing Examiner 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 §07-03-07.
 - 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 hearing examiner appointed by the board shall perform such duties as assigned by the board pursuant to Idaho Code section 67-6520. *See* CCZO §07-03-07.
- (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 CU2024-0010, was presented at a public hearing before the Canyon County Hearing Examiner on July 7, 2025. 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 Hearing Examiner 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 proposed uses are permitted in the “A” (Agricultural) zone by conditional use permit.

Findings:

- (1) The proposed uses are permitted in the “A” (Agricultural) zone by conditional use permit, pursuant to the Canyon County Code of Ordinance (CCCO §07-10-27).
- (2) CCCO §07-12-03 defines a special events facility 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 (Canyon County Code of Ordinance (CCCO) §07-12-03).” CCCO §07-12-03 defines a food processing as “a facility where food, in its raw product form, is prepared for market (CCCO §07-12-03).” The McIntyre's have an egg packaging operation on the subject property. CCCO §07-12-03 defines a similar use as “a use that has characteristics generally like those of a listed or defined use.” The applicant is proposing to use retail nursery as a similar use to operate a farm store on the subject property where McIntyre products are proposed to be sold. CCCO §07-12-03 defines retail nursery as “the selling of products and plants at retail and/or wholesale (CCCO §07-02-03).” CCCO §07-12-03 defines nursery as “a place where plants are grown for sale or transplanting and where seventy five percent (75%) of the products offered for sale are grown on the premises.”
- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0010.
- (4) Evidence includes associated findings and evidence supported within this document.

2. What is the nature of the request?

Conclusion: The request consists of a special events facility for farm education events, farm to fork dinners, tours of the farms and packaging operations, on site sales and agritourism events on parcel R30154. A food processing facility for the egg packaging facility and request of a similar use to a conditional use of a retail nursery for the sale of McIntyre products on the subject property.

Findings:

- (1) The conditional use permit application for a complete application was submitted on March 25, 2024 (**Exhibit A**).
- (2) **Special Event Facility:** The applicants are requesting up to 10 monthly events, eight (8) Farm to Fork Dinners annually, and no more than 250 attendees. 90% of events are to be held outdoors while 10% of events are to be held indoors due to weather (**Exhibit A9.4**). Hours of operations for the farm store are between 8 a.m. and 6 p.m. Monday through Saturday. There are occasional extended hours no later than 10 p.m. on nights with events to facilitate the proposed uses of agritourism classes and special events typically 1-4 times a month attracting approximately 50 attendees per event (**Exhibit A4**).

The applicants are proposing a total of approximately 94 parking spaces to accommodate the special events (**Exhibit A14**).
- (3) **Food Processing Facility:** Egg packaging operations, where eggs are washed and packed for sale such as home deliveries and in store.
- (4) **Retail Nursery:** The applicant is requesting to use an 893 square foot farm store for the direct sale of eggs, pork, beef, chicken, duck, turkey and more to the public via home deliveries, several pickup locations throughout the treasure valley and the store located on site. Additionally, the applicants are proposing to sell neighboring farm's goods and resell of products (**Exhibit A17**).
- (5) There are two (2) full time employees for the farm store on site. Approximately more than 6 of the McIntyre family members aids with the general operations of the farm while 6 to 7 family members aid with the special events (**Exhibit A9.4**).
- (6) Employee parking is located behind the store and processing facility. There are six (6) parking spaces for employees (**Exhibit A3 & Exhibit C**).
- (7) There are four (4) deliveries per week ranging from home deliveries with approximately 30-55 deliveries on Thursdays and to 5 pick-up locations on Thursdays and Saturdays. Approximately 90% of the deliveries are McIntyre products. There are two (2) shipments coming in per month for meat and egg products. There are three (3) McIntyre Pastures trucks equipped with a refrigeration unit stored to the southwest of the store, with three (3) loading spaces.
- (8) There is an existing 3'x5' road sign on site. The applicant proposes to add a 4'x20' sign located above the storefront gable (**Exhibit A6 & A16**).
- (9) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0010.
- (10) 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 consistent with the 2030 Comprehensive Plan.

Findings:

- (1) The parcel is zoned “A” (Agricultural) and the 2030 Comprehensive Plan designates the parcel as “A” (Agricultural) with an intensive agricultural overlay. The following goals, actions and policies align with the proposed use but are not limited to:

Property Rights Goals and Policies:

- Goal No. 1.1: “Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.”
- Policy No. 1.1.1: “No person shall be deprived of private property without due process of law.”
- Policy No. 1.1.3: “Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures in development approvals.”
- Goal No. 1.2: “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.”

Economic Development Goals and Policies:

- Goal No. 3.1: “Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.”
- Policy No. 3.1.2: “Support suitable sites for economic growth and expansion compatible with the surrounding area.”
- Goal No. 3.3: “Develop and work with organizations on improving tourism in the County.”
- Policy No. 3.3.3: “Identify opportunities for visitor services and attractions through agritourism to enhance and support the County’s agricultural heritage.”
- Goal No. 3.4: “Increase agricultural-based and supportive businesses.”
- Policy No. 3.4.1: “Build Canyon County as the premier location for agricultural-based businesses of all sizes.”

Land Use & Community Design Goals and Policies:

- Policy No. 4.1.1: “Maintain a balance between residential growth and agriculture that protects the rural character.”
- Policy No. 4.1.2: “Planning, zoning, and land-use decisions should balance the community’s interests and protect private property rights.”
- Policy No. 4.2.1: “Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.”
- Goal No 4.3: “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. 4.5: “Support a diversity of agricultural uses to sustain the agricultural and agriculturally related economy.”

Recreation Goals and Policies:

- Goal No. 9.2: “Expand outdoor recreation offerings and access in Canyon County.”

Agricultural Goals and Policies:

- Policy No. 12.1.1: “Preserve and maintain agriculturally designated lands for agricultural use.”

(2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0010.

(3) 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: The proposed uses are not anticipated to be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area.

Findings:

Adjacent Existing Parcels:			
Direction	Existing Use	Primary Zone	Other Zone
N	Residential	A	
S	Residential	A	RR
E	Agricultural	A	
W	Agricultural	A	
"A" (Agricultural), "R-R" (Rural Residential), "R-1" (Single-Family Residential), "C-1" (Neighborhood Commercial), "C-2" (Service Commercial), "M-1" (Light Industrial), "CR" (Conditional Rezone)			

(1) **Surrounding Land Use Cases:** There are no recent land use cases in the surrounding vicinity. One (1) mile to the east of the property there is a subdivision application in process requesting to create 238 buildable lots and 21 common lots across approximately 240-acres (**Exhibit B4**). To the south there was a comprehensive plan map amendment application to change the future land use designation from "A" (Agricultural) to "RR" (Rural Residential) on a 2.96-acre parcel which was later withdrawn (**Exhibit B5**).

(2) **Character of the Area:** The parcel is zoned "A" (Agricultural) as is the surrounding area. The surrounding parcels are primarily used for agriculture while others are zoned agricultural with homesites. The average parcel size in the area is 29.8acres. According to the applicant, the location is ideal for agritourism as the primary use of the vicinity is agricultural. "The parcel is located west of lizard butte and north of the snake river in a historically agricultural area (**Exhibit A2**)." The use is not anticipated to exclude or diminish others use of public or private services. The interactions between neighboring parcels are minimal and not anticipated to be negative. The general character of the area does not appear to be injurious to other properties in the immediate vicinity. The parcel has been in agricultural production for decades and with the addition of the store front in 2021, there has not been known complaints or concerns raised by the neighbors (**Exhibit A2**). The farm store was not permitted by Development Services. In the Agricultural zone a roadside stand is allowed. A roadside stand is defined as "The site used for the sale of agricultural products where the majority of the products are produced by the landowner (CCCO §07-02-03)." The farm store exceeds the roadside stand criteria (CCCO 07-04-23) of 400 square feet, therefore the applicant is requesting for a similar use such as a retail nursery to allow for the farm store and bring the farm store into compliance with County Code (**Exhibit A17**). Additionally, the applicant requests a food processing facility, see the proposed conditions of approval to mitigate negative changes to the character of the area. The special events facility may increase the sound levels in the immediate vicinity due to the store, the freezer fans, and outdoor events that are proposed to be held on site. As the proposed condition states, all amplified sounds shall be directed away from adjacent residences. There shall be no amplified sound of any kind after 9:00 p.m. on Monday, Tuesday, Wednesday, and

Thursday nights, or after 10:00 p.m. on Friday and Saturday nights. The hours of operation for the special events facility shall be between 8 a.m. and 10 p.m. Monday through Saturday. No events shall occur on Sunday. A dust mitigation plan was submitted by the applicants on May 23, 2025 (**Exhibit A10**). As proposed, the customer and employee parking will consist of areas that are paved, graveled, and on a pasture, so dust should not significantly increase dust levels in the vicinity.

- (3) **Compatibility:** The proposed use is not anticipated to directly or indirectly interfere with or negatively impact the surrounding land uses. The surrounding uses are agricultural with residences. The proposed use is similar to the surrounding land uses therefore, limiting the potential negative impacts. The use is not anticipated to exclude or diminish others use of public or private services. There are adequate services for the proposed use as detailed in section 07-0705(5). The interactions between neighboring parcels are minimal and not anticipated to be negative. During the site visit a member of the McIntyre family stated the parcel to the north is used for the egg collecting event and is used occasionally for a tractor and sunflower photo spot. If the applicant wishes to modify the conditional use permit the applicant may submit a conditional use permit application to amend the current conditional use permit to include the parcel to the north.
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0010.
- (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: The project will have adequate water, sewer, irrigation, drainage, and stormwater drainage facilities, and utility systems to accommodate the proposed use based on the analysis contained herein.

Findings:

- (1) **Water:** Water will be provided via an individual well. The proposed use is anticipated to have adequate water (**Exhibit A5**). Fully filtered well water is only available to the McIntyre family and employees. Bottled water will be available for purchase to guests during events (**Exhibit A9.4**).
- (2) **Sewer:** The proposed use is anticipated to have adequate sewer system(s). There is an individual septic system located southeast of the farm store. During special events portable sanitation units will be used. During a pre-development meeting with Southwest District Health, the applicant was advised to have a set number of portable sanitation units depending on the number of hours of the event following the Technical Guidance Manual-2024, 4.18 Table 4-16 (**Exhibit A7.1**). The Manual also outlines requirements for the portable sanitation units that shall be followed such as maintenance. The proposed use is anticipated to have adequate sewer system(s). As conditioned, the applicant shall meet all SWDH requirements and provide the required amount of portable sanitation units in accordance with Southwest District Health.
- (3) **Irrigation:** The Deer Flat Low Line Canal meanders through the center of the property bisecting the parcel running north to south with a 40-foot setback easement on both sides from the center of the canal (**Exhibit A3**). Per the Land Use Worksheet surface irrigation water is provided to the property via gravity irrigation to a pressurized irrigation system from the Kuna Mora Canal (**Exhibit A5**). Agency notice was sent to Boise Project Board of Control on December 4, 2024. Comments were received on December 8, 2024, noting there is a 40-foot

easement to the east and west of the centerline of the canal. No landscaping or gravel shall be installed in the easement per Boise Project Board of Control as it will obstruct the ability for maintenance on the canal and a variance will not be granted (Exhibit D2). The applicant reached out to Boise Project Board of Control in attempt to get a variance as there is an existing fencing and structure(s) located just outside of what was believed to be a 25-foot easement from the centerline of the canal. The applicant worked with Boise Project Board of Control and came to an agreement that the existing fencing and structure(s) can remain in place however, future landscaping, crossings or structure(s) shall not be placed within the 40-foot easement to not obstruct maintenance of the canal (Exhibit A8.1). Staff received verification from Thomas Ritthaler with Boise Project Board of Control via phone call that the existing structures can remain in place however, new structure(s) shall not impede on the easement.

- (4) **Stormwater Drainage:** Drainage facilities are not anticipated to be impacted. Drainage for the parking is retained on site and the rest of the project drainage is located within the farms historic drainage and irrigation return flow rights, borrow ditches shall be used for drainage according to the land use worksheet (Exhibit A5).
- (5) **Utilities:** Utility agencies including Idaho Power, Intermountain Gas, Ziply, and CentryLink were notified of the request on December 4, 2024 and May 1, 2025, no comments were received. The proposed use is anticipated to have adequate utility systems. In the case that additional utilities are required the applicant can work with the applicable agencies to obtain services.
- (6) **Sign:** Currently there is a road side sign 3'x5' displaying the McIntyre Pastures logo. The applicants are requesting to install a 4'x20' sign above the gable of the store front mounted on the wall (Exhibit A6). As conditioned, the sign will need a separate permit as it exceeds the size requirements in the agricultural zone (CCCO §07-10-13) (Exhibit A16).
- (7) **Building:** Development Services Building Department was notified of the request on May 1, 2025 and provided comments on May 6, 2025 (Exhibit D5). The Building Department is requesting a change of occupancy permit for the farm store, processing facility and the three (3) freezers on site. There are structures that do not have building permits. As condition, these structures shall obtain a building permit to bring the structures into compliance with Canyon County Building Code requirements (Exhibit A15). The brooding house is not meeting Canyon County section line setback requirements (§07-10-19) and will need to be removed, relocated or receive a waiver from Nampa Highway District No.1 to remain in the current location. The applicants received a variance with Nampa Highway District to address the section line setback requirements (Exhibit A20).
- (8) **GIS:** Per the letter of intent, the applicants are requesting the farm store receive an address. According to Development Services GIS Division the farm store can be addressed via the Address Request Application which can be completed during the building permit application stage (Exhibit D6). Alternatively, with the approval of a nursery (retail/wholesale) the applicant may receive an address for the use of the farm store by submitting an 'Address Request Application' to the Development Services Department. An approach permit will be required for both of these options.
- (9) **Food Permit:** The applicants have submitted an application for a Food Establishment License with Southwest District Health on May 25, 2025, for the proposed farm to fork dinner events and farm store operations (Exhibit A11).

(10) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0010.

(11) 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: The subject property does have legal access for the proposed use and will exist at the time of the development.

Findings:

(1) The parcel has direct access off of Lewis Ln, which is primarily classified as a Rural Minor Arterial road that will be utilized for the proposed use. The applicant has paved the approach and received an approach permit from Nampa Highway District No. 1 meeting the commercial requirements (**Exhibit D1**). As proposed the attendees and customers shall use the paved approach for ingress and egress of the subject property (**Exhibit A19**). If the applicant wishes to use another approach for the proposed uses, said approach shall also meet commercial approach requirements (**Exhibit D1.1**).

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

Conclusion: There will not be undue interference with the existing and future traffic patterns.

Findings:

(1) The applicants are proposing a total of 103 parking spaces (**Exhibit A14**). Customer parking is located in front of the farm store (**Exhibit A3**). There are six (6) proposed paved parking spaces in the front, one (1) of which is ADA compliant with van space and an accessibility aisle. There is additional parking behind the processing facility on a concrete parking pad which holds six (6) parking spaces for employee parking. Directly behind the concrete pad is a gravel area which has 13 parking spaces. The grass area directly behind the gravel area will be used as overflow parking, which can accommodate approximately 70 vehicles (**Exhibit A3 & A9**). The proposed parking plan meets §07-13-03(6) where the number of parking spaces shall be 20% of the capacity of attendees (**Exhibit A14**).

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

Findings:

(1) **School:** Vallivue School district was notified of the request on December 4, 2024 and May 1, 2025, and no comments were received. It is not anticipated that school facilities will be negatively impacted by proposed use.

- (2) **Police and Fire Protection:** Marsing Fire District was notified of the request. During the agency acknowledgement Marsing Fire District provided the applicant a business fire safety checklist and the McIntyre Pastures met the applicable criteria on the checklist (**Exhibit A7.2**). The state Fire Marshall and Canyon County Sheriff were notified of the request, no comments were received. It is not anticipated that police and fire protections will be negatively impacted by the proposed use.
- (3) **Emergency Medical Services:** Canyon County Paramedics/EMT, Marsing Ambulance and Emergency Coordinator were notified of the request on December 4, 2024 and May 1, 2025, and no comments were received. It is not anticipated that emergency medical services will be negatively impacted by the proposed use.
- (4) **Irrigation:** The subject property is under Boise Project Board of Control/Wilder Irrigation District's jurisdiction. See CCCO 07-07-05(5) and **Exhibit D2** for information related to Boise Project Board of Controls' comments on the conditional use permit.
- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0010.
- (6) Evidence includes associated findings and evidence supported within this document.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Canyon County Hearing Examiner **approves** Case # CU2024-0010, a conditional use permit for a Special Events Facility, Processing Facility and Similar Use to a Conditional Use Permit: Nursery Retail 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.
 - a. The parcel shall be brought into compliance with Canyon County Code prior to commencement.
 - i. Parcel R30154012 shall be recognized under Canyon County via a building permit transfer or dissolved and merged with parcel R30154.
 - ii. All unpermitted structures shall receive a building permit from Development Services Building Department.
2. This conditional use permit must follow the land use time limitation as stated in CCZO 07-0723: "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."
 - a. Commencement shall be the date of the first event.
3. The conditional use permit for a Special Event Facility shall be limited to the McIntyre Family on parcel R30154. Should ownership of the property change and no longer under the McIntyre Family the conditional use permit for a Special Event Facility shall terminate—no further events shall be conducted on the property. New owners/purchasers shall be required to obtain a new conditional use permit for a special Events Facility, Food Processing Facility and Similar Use of whole sale retain nursery subject to the zoning code requirements in effect at the time of application.

4. The proposed development shall be in conformance with the applicant's site plan and Letter of Intent unless otherwise conditioned (Exhibit A).
 - a. SPECIAL EVENTS FACILITY HOURS OF OPERATION: The hours of operation for the special events facility shall be between 8 a.m. and 10 p.m. Monday through Saturday. No events shall occur on Sunday.
 - b. FARM STORE HOURS OF OPERATION: The hours of operation for the Farm Store shall be between 9 a.m. and 5 p.m. Monday through Friday and 9 a.m. and 3 p.m. on Saturday.
 - c. NUMBER OF EVENTS PER MONTH: There shall be no more than ten (10) events held per month excluding the Farm to Fork Dinner Events.
 - i. There shall be no more than eight (8) Farm to Fork dinner events in a calendar year.
 - d. CATERING: Special events shall be fully catered by a licensed caterer operating in compliance with the requirements of SWDH Food Establishment Licensing and Permitting.
 - e. NUMBER OF ATTENDEES: No more than 250 attendees shall attend the special events.
 - f. TICKETING: Ticketing shall be required for events with 200 guests or more.
 - g. TYPES OF EVENTS: The applicant shall be held to agritourism events, farm tours, agricultural and farm related educational classes, seasonal farm events and spring tours and farm to fork dinners (**Exhibit A2 & Exhibit A9.1**). Weddings, dances, concerts, and bazaars are prohibited on site.
 - h. LOCATION OF EVENTS: Special events shall only take place on parcel R30154.
 - i. If the applicant wishes to modify the conditional use permit to allow special events on Parcel R30026 the property owners will have to apply to modify this conditional use permit.
 - i. MUSIC AND AMPLIFIED SOUND: All amplified sounds shall be directed away from adjacent residences. There shall be no amplified sound of any kind after 9:00 p.m. on Monday, Tuesday, Wednesday, and Thursday nights, or after 10:00 p.m. on Friday and Saturday nights.
5. ALCOHOLIC BEVERAGE LICENSING: 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.
6. The applicant shall comply with all applicable Nampa Highway District No. 1 requirements (**Exhibits D1**).
 - a. The paved approach shall be the only access for the special events/commercial activity unless waived by Nampa Highway District allowing for an alternative approach meeting the Highway District's requirements.
7. The applicant shall meet Southwest District Health (SWDH) requirements for the proposed use as evidenced by the applicant providing Development Services a letter of review and approval from SWDH prior to commencement of the use on the subject property. The number of portable restrooms and maintenance shall be as recommended by Southwest District Health (**Exhibits D7 & A7.1**).
 - a. A Food Establishment License shall be obtained and evidenced from SWDH.
8. Comply with all Fire District requirements per State adopted IFC and as evidenced by review and approval documentation from the applicable fire district prior to issuance of a certificate of occupancy and prior to commencement of the use on the subject parcel (**Exhibit D5**).
9. The applicant shall obtain all necessary building permits for all existing unpermitted structures and new structures (such as those identified in **Exhibit D5**) prior to commencement of the use on the subject parcel and any future

structures/improvements. Evidence shall be an approval document from the Canyon County Building Department and Marsing Rural Fire Department.

- a. The farm store shall be no larger than 893 square feet.
 - b. **LIGHTING:** All exterior lighting shall be fully cut off and fully shielded, and placed to direct the light source down and inside the property lines of the facility. All direct glare from the lights shall be contained within the facility area. No light source may be placed greater than fifteen (15') feet in height.
10. The facility shall be maintained in compliance with CCCO Chapter 2 Article 1: Public Nuisances.
 11. The applicant shall not impede or disrupt existing irrigation structures, i.e. drains, laterals, or supply ditches, on and adjacent to the subject property.
 - a. Per the Boise Project Board of Control the irrigation easement shall not be impeded. No new structures shall be placed within 40' of each side of the centerline of the canal unless waived by Boise Project Board of Control (**Exhibit D2**). Stormwater drainage shall be retained on site.
 12. Signage shall meet the requirements of CCZO §07-10-13 and shall not exceed 32 square feet or as provided for by approval of a separate application for a Director's Administrative decision for a sign permit. Applicant must comply with CCCO §07-10-13 and dependent upon the location of the signage with The Idaho Administrative Procedures Act (IDAPA) 39.3.60.
 13. **DUST MITIGATION:** The dust mitigation plan submitted by the applicant shall be followed at all times (**Exhibit A10**). Dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations including but not limited to nuisance regulations (CCCO Chapter 2 Article 1: Public Nuisances) and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Environmental Protection Agency (EPA) requirements (**Exhibit A10**).
 14. **OFF-STREET PARKING:** No parking shall occur on the public right of way.
 15. **PARKING AND CIRCULATION PLAN:** All parking spaces shall meet all applicable off-street parking requirements (CCZO §07-13-01 and §07-13-03). A parking and circulation plan drawn to scale must be submitted and obtain any necessary fire district and highway district approvals. The parking and circulation plan must be compliant with Canyon County's offstreet parking requirements (CCZO 07-13-01 and 07-13-03). Evidence of consistency shall be turned into Canyon County DSD prior to commencement of the use on the subject property (**Exhibit A14**).
 16. The applicant shall develop an emergency response plan which shall include an evacuation plan. The emergency response plan shall be on file and the evacuation plan shall be posted on the site during events (**Exhibit A18**).
 17. 75% of products sold in the Farm Store shall be McIntyre products.

DATED this 22nd day of July, 2025.

HEARING EXAMINER
CANYON COUNTY, IDAHO

Leon Letson

Leon Letson

State of Idaho)

SS

County of Canyon County)

On this 22nd day of July, in the year 2025, before me Caitlin Ross, a notary public, personally appeared Leon Letson, 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: Caitlin Ross

My Commission Expires: 5/7/2031