



**Planning and Zoning Staff Report for
Davis – CU2018-0020**

Hearing Date: February 7, 2018

Development Services Department

<p><u>Applicant:</u> Craig Davis, Kindred Vineyards</p> <p><u>Staff:</u> Dan Lister, Planner II</p> <p><u>Tax ID:</u> R33466-010</p> <p><u>Current Zone:</u> “A” (Agricultural)</p> <p><u>Future Land Use Designation:</u> Agricultural</p> <p><u>Impact Area:</u> Not in Impact Area</p> <p><u>Parcel Size:</u> 5.46 acres</p> <p><u>Current Uses:</u> Residential/Agricultural</p> <p><u>Applicable Zoning Land Use Regulations:</u> §07-02-03, §07-05, §07-07, §07-10-27, §07-13</p> <p><u>Notification</u></p> <ul style="list-style-type: none">- Neighborhood Meeting: 11/2/2018- Agency: 11/20/2018- Property Owners: 12/6/2018- Legal: 1/20/2019- Posting: 1/29/2019 <p><u>Exhibits:</u></p> <ol style="list-style-type: none">1. FCOs2. Applicant Letter of Intent/Site Plan3. Neighborhood Sign-up Sheet4. Maps<ol style="list-style-type: none">a. Small Air Photob. Vicinityc. Zoning Classificationd. Subdivision and Lot Reporte. Soil Map and Reportf. Future Land Useg. Contour Map5. Agency Comments:<ol style="list-style-type: none">a. ITDb. Southwest District Health6. Large Aerial Photo	<p><u>Request</u></p> <p>Craig Davis of Kindred Vineyards is requesting a conditional use permit to allow a special events facility on parcel R33466-010. The property is located at 14251 Frost Road, Caldwell; SW ¼ of Section 22, T3N, R4W, BM Canyon County, Idaho.</p> <p>On January 3, 2019, the Planning and Zoning Commission tabled the item to February 7, 2019.</p> <p><u>Background</u></p> <p>The 5.46 acre property is zoned “A” (Agricultural). The parcel was created through land division in 2000 (LS2003-291). In 2012, the parcel was adjusted modifying the 40’ ingress/egress easement into frontage. The adjustment was completed without an approved property boundary adjustment application. Therefore, frontage currently does not meet County requirements. The frontage must be corrected prior to commencement of use.</p> <p>The subject parcel currently has a 2,600 square foot single family dwelling with garage.</p> <p>In 2019, a winery has been approved through Director’s Decision (AD2018-0123). Phase I of the winery includes storage of wine and outside processing. Phase II will include a processing facility with tasting room.</p> <p><u>Conditional Use Permit Criteria</u></p> <p>Standard of Review for Conditional Use Permit (§07-07-05)</p> <p>A. Is the proposed use permitted in the zone by conditional use permit?</p> <p>CCZO 16-001 §07-02-03: Definitions: Special Events: <i>“Any temporary event including, but not limited to, weddings, picnics, barbecues, holiday events and parties, dances, concerts, footraces, and walks, bazaars and harvest festivals.”</i></p> <p>Special Event Facility are allowed with a conditional use permit in the “A” (Agricultural) zone per CCZO §07-10-27.</p> <p>B. What is the nature of the request?</p> <p>The applicant is requesting a conditional use permit for a special events facility. Pursuant to the letter of intent (Exhibit 2), the events proposed are for smaller venues (no more than 150 people), typically weddings. The existing dwelling would be used as a bride and groom preparation room. No food facilities or preparation will be provided. All food will be from off-site catering services. Portable restrooms will be provided during the events.</p> <p>Between April and September, hours of operation will be 8am to 10pm. The applicant will have an average of 3-4 events a month. No employees are proposed.</p> <p>Signage related to the winery is proposed. However, additional permitting for the sign could be required if signage is illuminated, exceeds 32 square feet in area or exceeds 10 feet in height CCZO §07-10-13 (1) B.</p>
--	--

C. Is the proposed use consistent with the Comprehensive Plan?

The use is consistent with the following Canyon County Comprehensive Plan goals & policies:

- Property Rights Policy No.1- *“No person shall be deprived of private property without due process of law.”*
- Property Rights Policy No. 9- *“Property owners shall be responsible for maintaining their property in the best possible condition as circumstances allow.*
- Economic Development Policy No. 1- *“Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community.”*

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

The property and surrounding properties are zoned “A” (Agricultural). The subject property is currently being utilized as a vineyard with residential uses. Winery uses were recently approved (AD2018-0123) allowing wine processing and a future tasting room. The proposed use is approximately 1,000 feet from the nearest dwelling and surrounded by large agricultural lands.

The use has the potential to create noise, light and traffic impacts to the surrounding area. However, the use is limited to only 150 people per event, with an average of 3 to 4 events a months, between the months of April and September. Hours of operation will be 8am to 10pm (Exhibit 1, Condition 4). If amplified sound is used, it will be directed away from any nearby residences (Exhibit 1, Condition 12). Exterior lighting will be directed downward and away from nearby residential uses (Exhibit 1, Condition 13). A parking plan will be provided demonstrating location of fencing to ensure parked cars and attendees do not trespass onto neighboring properties. The parking plan will also be reviewed and approved by the fire district to ensure adequate access and spacing is provided in case of an emergency. (Exhibit 1, Condition 14). As conditioned, the use will be not negatively change the agricultural character.

E. Will adequate water, sewer, irrigation, drainage and storm water drainage facilities, and utility systems be provided to accommodate the use;

Pursuant to the applicant’s letter of intent (Exhibit 2), the events will use portable restrooms. There will not be food prepared on-site. The applicant will be required to work with Southwest District Health Department and Idaho Department of Environmental Quality to ensure that applicable requirements are met (Exhibit 1 < Condition 10). The use will not impact existing drainage, irrigation or utility systems.

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

Access currently exists to the property from Frost Road, a public road. The access was altered in 2012 without County approval. Therefore, the current frontage does not meet County standards (CCZO Section 7-10-03). As conditioned, the applicant must correct the illegal adjustment prior to the commencement of use.

Although, Golden-Gate Highway District #3 did not respond to the notice of this request, the applicant is conditioned to obtain an access/approach permit from the highway district and met all applicable highway district requirements prior to commencement of use (Exhibit 1, Condition 8).

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

The subject parcel has access to Frost Road, a public road. ITD (Idaho Transportation Department) and Golden Gate Highway District were noticed on November 20, 2018 regarding this requested use. Based on the limited number of persons allowed per event, duration and frequency, ITD did not find the use to be an impact to their highway system (Highway 55/Karcher Road, Exhibit 5a). Golden Gate Highway District did not comment. However, as a condition of approval, the applicant must obtain all access and approach permits from the highway district and met all applicable highway district requirements prior to commencement of use.

H. 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?

Canyon County Ambulance District, Vallivue School District, Wilder Irrigation District, Marsing Fire District and Canyon County Sheriff were notified of the request and did not provide responses to indicate that the proposed conditional use permit would have a negative impact.

However, based on review of similar uses approved, conditions have been applied that require fire district review regarding fire turnaround, appropriate road width, road surfacing and parking plan (Exhibit 1, Condition 9 & 14). As conditioned, the use will not impact emergency services.

Comments

Public Comments

At the time this report was completed staff had not received public comment regarding the conditional use permit.

County Agency Comments

Staff informed applicable agencies of the proposal and the responses are attached (Exhibit 5).

Decision Options

- The Planning and Zoning Commission may approve the conditional use permit for a special events facility, as conditioned and/or amended;
- The Planning and Zoning Commission may deny the conditional use request and direct staff to make findings of fact to support this decision; or
- The Planning and Zoning Commission may continue the discussion and request additional information on specific items.

Recommendation

Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed Conditional Use Permit. Staff is recommending **approval** of the request and have provided findings of fact, conclusions of law and conditions of approval for the Planning and Zoning Commission’s consideration found in Exhibit 1.



Findings of Fact, Conclusions of Law, Conditions of Approval and Order

Craig Davis (Kindred Vineyards) – Special Events Facility

February 7, 2019

Findings of Fact

1. The applicant, Craig Davis, is requesting a conditional use permit for a special events facility.
2. The subject property, R33466010, is located at 14251 Frost Rd., Caldwell, ID, in a portion of the SW ¼ of Section 22, T3N, R4W, BM, Canyon County, Idaho.
3. The subject property is designated as “Agricultural” on the 2020 Canyon County Future Land Use Map.
4. The neighborhood meeting was held on November 2, 2018 in accordance with CCZO §07-01-15.
5. On January 3, 2019, the Planning and Zoning Commission tabled the item to February 7, 2019.
6. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on November 20, 2018. Property owners within 300’ were notified by mail on December 6, 2018. Newspaper notice was provided on January 20, 2019 and the property was posted on or before January 29, 2019.

Conclusions of Law

For case file CU2018-0020, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for Conditional Use Permit (07-07-05).

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

Conclusion: The proposed use is permitted in the zone by conditional use permit.

Finding: Canyon County Zoning Ordinance §07-10-27 provides opportunity for the proposed use as a conditional use permit.

B. What is the nature of the request?

The applicant is requesting a conditional use permit for a special events facility. The events proposed are for smaller venues (no more than 150 people) typically weddings to support the winery (AD2018-0123). All events will be held outdoors between April and September. The existing dwelling would be used as a bride and groom preparation room. No food facilities or preparation will be provided. All food will be from off-site catering services. Portable restrooms will be provided during the events.

Hours of operation will 8am to 10pm. The applicant will have an average of 3-4 events a month. No employees are proposed.

Signage related to the winery is proposed. However, additional permitting for the sign would be required if signage is illuminated, exceeds 32 square feet in area or exceeds 10 feet in height CCZO §07-10-13 (1) B.

C. Is the proposed use consistent with the Comprehensive Plan?

Conclusion: The proposed use is consistent with the Comprehensive Plan.

Findings: As conditioned, the use is consistent with the following Canyon County Comprehensive Plan goals & policies:

- Property Rights Policy No.1- “No person shall be deprived of private property without due process of law.”
 - Property owners within 600 feet were received noticed of a neighborhood meeting on November 2, 2018 in accordance with CCZO §07-01-15. Notice of the public hearing was provided in accordance with CCZO §07-05-01.

- Property Rights Policy No. 9- *“Property owners shall be responsible for maintaining their property in the best possible condition as circumstances allow.*
 - See Condition No. 6
- Economic Development Policy No. 1- *“Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community.”*
 - The special events facility is located on an agricultural property. The proposal of a special events facility will promote people to enjoy the agricultural character of Canyon County. Allowing special events facility in appropriate locations allows a secondary income for agricultural properties and ensures the continuance of the agricultural character of the immediate area.

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

Conclusion: As conditioned, the proposed use will not be injurious to other property in the immediate vicinity and will not change the essential character of the area.

Finding: The property and surrounding properties are zoned “A” (Agricultural). The subject property is currently being utilized as a vineyard with residential uses. Winery uses were recently approved (AD2018-123). The proposed use is approximately 1,000 feet from the nearest dwelling and surrounded by large agricultural lands.

Significant impacts from this proposed use such as traffic, noise, light obstruction and fire access can be mitigated through appropriate conditions of approval. The use is limited to only 150 people per event, with an average of 3 to 4 events a months, between the months of April and September. Hours of operation will be 8am to 10pm (Condition 4). If amplified sound is used, it will be directed away from any nearby residences (Condition 12). Exterior lighting will be directed downward and away from nearby residential uses (Condition 13). A parking plan will be provided demonstrating location of fencing to ensure parked cars and attendees do not trespass onto neighboring properties. The parking plan will also be reviewed and approved by the fire district to ensure adequate access and spacing is provided in case of an emergency (Condition 14). As conditioned, the use will be not negatively change the agricultural character.

E. Will adequate water, sewer, irrigation, drainage and storm water drainage facilities, and utility systems be provided to accommodate the use;

Conclusion: Adequate facilities will be provided. The use will not impact existing drainage, irrigation or utility systems.

Finding: Pursuant to the applicant’s letter of intent (Exhibit 2), the events will use portable restrooms. There will not be food prepared on-site. The applicant will be required to work with Southwest District Health Department and Idaho Department of Environmental Quality to ensure that their requirements are met (Condition 8).

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

Conclusion: Legal access exists for the subject property from Frost Road, a public road.

Finding: Access currently exists to the property from Frost Road, a public road. The access was altered in 2012 without County approval. Therefore, the current frontage does not meet County standards (CCZO Section 7-10-03). The applicant must correct the illegal adjustment prior to the commencement of use (Condition 2).

Although, Golden-Gate Highway District #3 did not respond to the notice of this request, the applicant is conditioned to obtain an access/approach permit from the highway district and met all applicable highway district requirements prior to commencement of use (Condition 8).

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

Conclusion: As conditioned, the use will no create undue interference with existing or future traffic patterns.

Finding: The subject parcel has access to Frost Road, a public road. ITD (Idaho Transportation Department) and Golden Gate Highway District were noticed on November 20, 2018 regarding this requested use. Based

on the limited number of persons allowed per event, duration and frequency, ITD did not find the use to be an impact to their highway system (Highway 55/Karcher Road). Golden Gate Highway District did not comment. However, as a condition of approval, the applicant must obtain all access and approach permits from the highway district and met all applicable highway district requirements prior to commencement of use (Condition 6).

H. 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: Prior to commencement of use, essential services will be provided and this application will not negatively impact existing services or require additional public funding.

Finding: Canyon County Ambulance District, Vallivue School District, Wilder Irrigation District, Marsing Fire District and Canyon County Sheriff were notified of the request and did not provide responses to indicate that the proposed conditional use permit would have a negative impact.

However, based on review of similar uses approved, conditions have been applied that require fire district review regarding fire turnaround, appropriate road width, road surfacing and parking (Condition 9 and 14). As conditioned, potential impacts to emergency services will not be impacted.

Order

Based upon the Findings of Fact, Conclusions of Law and Conditions of Approval contained herein, the Planning and Zoning Commission **approves** Case # CU2018-0020 for a Conditional Use Permit to operate a special events facility on parcel R33466010 subject to the following conditions of approval:

General

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. Prior to commencement of use, a property boundary adjustment shall be submitted and approved correcting the frontage of the parcel which is currently not approved.
3. The special events facility shall be in substantial compliance with the conceptual site plan (Exhibit 2 of staff report).
4. Hours of operations shall be limited from 8AM to 10 PM during events. Events shall be between April 1st to September 30th of each year. No more than four events per month shall be allowed.
5. The special events facility shall be limited to parcel R33466010. This permit is not transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the Planning and Zoning Commission.
6. The property shall be well maintained and remain compliant with Chapter 2, Article 1 of the Canyon County Code (Public Nuisance).
7. All signage shall comply with Canyon County Zoning Ordinance §07-10-13 (1) B.

Access

8. Prior to commencement of use, the applicant must provide Canyon County DSD with an approved access/approach permit and any required traffic studies and event permits from Golden-Gate Highway District #3. Access shall meet all applicable Highway District standards.

Fire

9. Prior to commencement of use, a fire access and water supply permit shall be obtained from Marsing Fire District. All applicable fire district requirements, including fire apparatus turnaround, shall be met prior to commencement of use.

Septic/Water/Food Service

10. Applicant must meet with Southwest District Health and Idaho Department of Environmental Quality to obtain all appropriate permits prior to commencement of use. Evidence shall be submitted to Canyon County DSD for review.

11. Food preparation is prohibited on-site.

Noise/Light Mitigation

- 12. All amplified sound shall be directed away from adjacent residence and shall not exceed 65db at the property line.
- 13. All exterior lighting shall be facing down and away from adjacent residential subdivisions or have shade shields that direct light down and away from residential properties.

Parking

- 14. A parking plan shall be submitted prior to commencement of use demonstrating the following requirements are met:
 - a. A minimum number of parking spaces that is equal to 20 percent of the capacity in persons.
 - b. Parking spaces shall be hard surfaced.
 - c. Lighting used to illuminate off-street parking areas shall be directed away from residential properties.
 - d. No gates shall block access to the driveway during events.
 - e. Fencing shall be used to ensure attendees do not trespass into a neighboring parcel.
 - f. The parking plan shall be reviewed and approved by Marsing Fire District prior to submittal to DSD for review.

APPROVED this _____ day of _____, 2019.

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

Chairman, Richard Hall

State of Idaho)

SS

County of Canyon County)

On this _____ day of _____, in the year of 2019, before me _____, a notary public, personally appeared _____, 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: _____

My Commission Expires: _____

