

MASTER PUBLIC HEARING APPLICATION

GEM COUNTY DEVELOPMENT SERVICES

109 SOUTH MCKINLEY, EMMETT, IDAHO 83617 WWW.GEMCOUNTY.ORG PHONE: (208) 365-5144

TYPE OF APPLICATION: (PLEASE CHECK ALL THAT APPLY.)

APPEAL COMPREHENSIVE PLAN TEXT AMENDMENT COMPREHENSIVE PLAN MAP AMENDMENT COMPREHENSIVE PLAN MAP AMENDMENT DESIGN REVIEW DEVELOPMENT AGREEMENT SUBDIVISION, PRELIMINARY PLANNED UNIT DEVELOPMENT SUBDIVISION, MODIFICATION SUPPLEMENTAL AMENDMENT VACATION VARIANCE SPECIAL USE PERMIT (MINERAL EXTRACTION) ZONING TEXT AMENDMENT SUBDIVISION, MODIFICATION
PROJECT NAME: The Base at Black Caryon SITE INFORMATION: (This information can be found on the Assessor's property information assessment sheet.)
Quarter: Section: Township: Range: Total Acres: Subdivision Name (if applicable):
Site Address: 321 E Black Canyon Huy City: Emmett Tax Parcel Number(s): Current Zoning: Current Land Use:
PROPERTY OWNER: Name: Billy Elkson Angela Ellism Name: Bally Black Caryon bestages LL Address: 321 E Black Caryon Huy. Address: 321 E Black Caryon Huy. City: Emmett State: 10 Zip: 83617 City: Emmett State: 10 Zip: 83617
Telephone: 208 880 8987 Email: ellisonbulye @ rush com Email: ellisonbulye @ rush com Email: ellisonbulye @ rush com
I consent to this application and allow Development Services staff to enter the property for site inspections related to this application. Signature (Owner) I certify this information is correct to the best of my knowledge. Signature (Applicant) Date
OFFICE USE ONLY Bile No. 3 P. 1 P

THE BARN AT BLACK CANYON

To: Whom It May Concern

From: Black Canyon Ventures, LLC

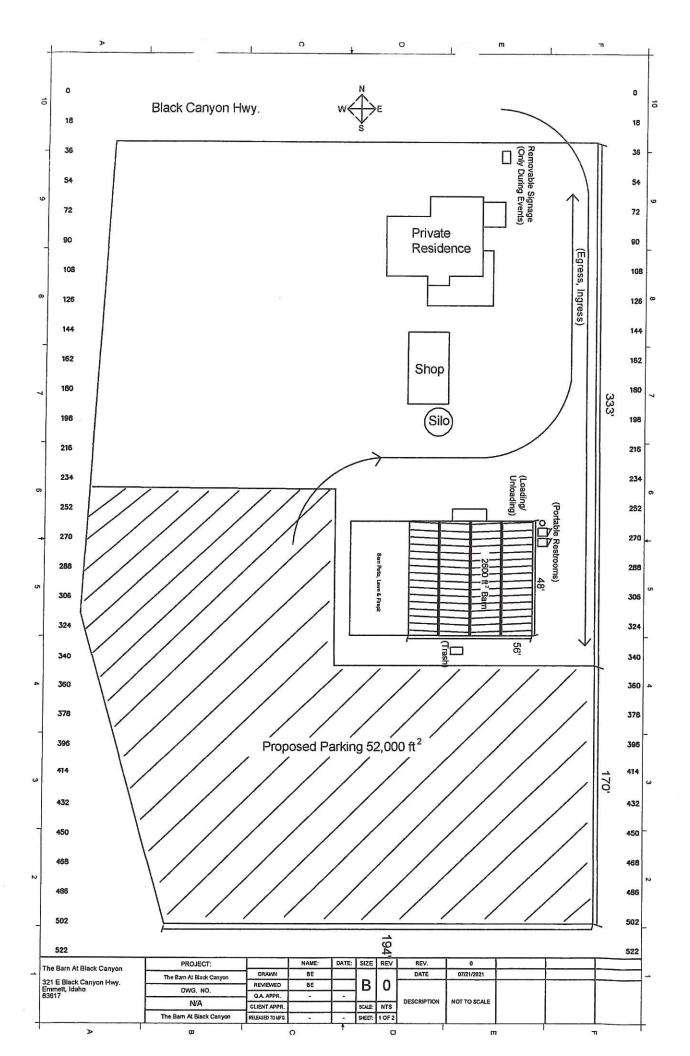
Billy and Angela Ellison

Subject: Special Use Permit Application

Black Canyon Ventures, LLC presents The Barn at Black Canyon. Located at 321 E. Black Canyon Highway, just outside of beautiful Emmett, Idaho, The Barn at Black Canyon will be a multi-use event and gathering venue accommodating up to 150 people. The Barn may be rented for private parties, weddings, community events, classes (yoga, crafts, etc.), and other events or meetings. The Barn features 2600 square feet of open-air covered space with high ceilings perfect for a ceremony set-up, tables for a special meal, or just having plenty of space for guests to kick up their heels on the dance floor. Also included is a newly installed service counter area that may be used for food and beverage service buffet-style, a small private room that may be used as a get-ready room for brides or other special guests, and a partially covered patio area connected to a lawn and cozy firepit. With plenty of parking available, The Barn at Black Canyon is ready to host events of all types.

Black Canyon Ventures, LLC will be entering into a lease with the property owners, Billy and Angela Ellison, to lease the barn, barn patio, barn lawn/firepit, and surrounding parking areas in order to operate The Barn at Black Canyon. The Barn will be available for rent between the hours of 10am and 11pm with any amplified sound or music ending by 10pm. All food and beverage services will be required to be provided by professional, licensed, and insured vendors. We will require that all venue renters carry their own event insurance naming Black Canyon Ventures, LLC, and Billy and Angela Ellison as additional insured on the policy. Restroom facilities will be portable toilets and a handwashing station. 52,000 square feet of parking for all events will be in the field behind and to the west of The Barn (see attached property drawing). No parking will be allowed in the property driveway or on Black Canyon Highway in order to allow for proper ingress and egress.

We respectfully ask for your approval of our special use permit.







GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT

109 S. MCKINLEY AVENUE EMMETT, IDAHO 83617
OFFICE OF THE ADMINISTRATOR
PLANNING & ZONING

PHONE: (208) 365-5144

WEB PAGE: WWW. GEMCOUNTY.ORG

STAFF REPORT

DESCRIPTION:

SPECIAL USE PERMIT APPLICATION - WEDDING AND EVENT VENUE

FILE NUMBER: SUP-21-006

ZONING COMMISSION HEARING DATE: SEPTEMBER 13, 2021

APPLICANT:

BLACK CANYON VENTURES, LLC

321 EAST BLACK CANYON HIGHWAY

EMMETT, ID 83617

PROPERTY OWNER:

BILLY EARL ELLISON AND ANGELA DUNN

SUBJECT PROPERTY: 321 East Black Canyon Hwy, in T 07N, R 01W, Section 31

STAFF PLANNER: JENNIFER KHARRL

1. APPLICATION SUMMARY

The applicant, Black Canyon Ventures, LLC, on property owned by Billy Ellison and Angela Dunn, is requesting approval of a Special Use Permit (SUP) to allow weddings and similar events on private, residential property. The venue is proposed at 321 East Black Canyon Highway and is located in the A-2, Rural Transitional Agriculture zone (5-acre minimum). The subject property consists of approximately 5.00 acres. Off-site caterers, portable toilet providers, and other services associated with special events would also be permitted (as proposed).

"Wedding and Event Venue" is not a land use that is listed in Gem County Code (GCC) 11-5-5, Zoning Matrix. It is a unique category. The most similar land use in the Zoning Matrix is probably "cultural activities" under the sub-heading of "Entertainment and Recreation," which requires a SUP in the A-2 zone. GCC 11-5-3 states that "uses not specifically listed or not deemed similar to allowed uses shall require a special use permit." The property lies within the "County Residential Area, Priority Growth Area #2" land designation of the Future Land Use Map.

2. APPLICATION & PROPERTY FACTS

A. Site Address/Location:

The property is located at 321 East Black Canyon Highway. The property is located in a portion of Section 31, T 07N, R 01W.

SUP #21-006

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B. Current Owner(s):

Billy Earl Ellison and Angela Dunn 321 East Black Canyon Highway

Emmett, ID 83617

- C. Applicant(s): Black Canyon Ventures, LLC
- D. Present Zoning: A-2, Rural Transitional Agriculture
- E. Present Comprehensive Plan Designation: County Residential Area, Priority Growth Area #2
- F. Property Size: 5 +/- acres

3. APPLICATION PROCESS FACTS

A. Application Submittal:

The application for this item was received and deemed complete by the Development Services Department on July 23, 2021.

B. Notice of Public Hearing:

Notice of Public Hearing on the application for the Gem County Zoning Commission was published in accordance with requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-7-6 on August 25, 2021. Notice of this public hearing was mailed to property owners within 300 feet of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-7-6 on August 20, 2021. The physical property was posted for the public hearing on August 23, 2021. Requests for all impact agencies' reviews were mailed on August 20, 2021.

We didn't receive any response from impact agencies.

Public hearing notices were mailed to eleven (11) parcels in the immediate vicinity. Three (3) letters of concern were received.

C. Relevant Ordinances and Required Actions:

The subject application constitutes a Special Use as determined by Gem County Code (GCC). By reason of the provisions of the GCC Title 11, Chapter 7, a public hearing is required before the Zoning Commission on this matter.

- D. History of Previous Actions on Property: The Board of County Commissioners approved a Rezone from A-1 to A-2 in 2019. The Administrator approved an agricultural land division in 2020.
- E. Companion Applications: None.

4. LAND USE

- A. Existing Land Use(s): Single-family dwelling and outbuildings with irrigated pasture.
- B. Description of Character of Surrounding Area: Irrigated pastureland and rural single-family dwellings.
- C. Adjacent Comprehensive Plan, Zoning and Land Use:

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
North of site	County Residential Area, Priority Growth Area #3	R-2, Residential Transitional	Rural Residential, Irrigated Pastureland
South of site	County Residential Area, Priority Growth Area #2	A-1, Prime Agriculture	Rural Residential, Irrigated Pastureland
East of site	County Residential Area, Priority Growth Area #2	A-1, Prime Agriculture	Rural Residential, Irrigated Pastureland
West of site	County Residential Area, Priority Growth Area #2	A-1, Prime Agriculture	Rural Residential, Irrigated Pastureland

D. Existing Site Characteristics:

The property is relatively flat and irrigated, contains a single-family dwelling and outbuildings.

E. Physical Constraints and Opportunities:

- 1. Wastewater & Domestic Water: Currently, the property has an individual domestic well and septic system for the home.
- 2. Topography: Relatively Flat.
- 3. Vegetation: Pastureland and trees around the house.
- 4. Floodplain: FEMA Community panel number 160127-0338 B, Zone X: areas determined to be outside the floodplain.
- 5. Hazards: Staff is not aware of any existing or potential hazards on the property. The applicant should disclose any other known hazards on the property at the public hearing.
- F. Special Use Information: A Special Use Permit application is required for the proposed special events in the A-2 zone.
- G. Building Setback Information. Any new structures over 120 square feet in size would have to receive a building permit and comply with setbacks in effect at the time.
- H. Streets and/or Access Information: Vehicular access to the property is taken directly off East Black Canyon Highway.

5. COMPREHENSIVE PLAN POLICIES & GOALS [Staff comments and analysis are shown in italics.]

The Comprehensive Plan Future Land Use Map identifies the subject property as County Residential Area, Priority Growth Area 2.

The Comprehensive Plan defines the "County Residential Area, Priority Growth Area 2" category (in **Chapter 12**) as follows:

The County Residential Area is set aside for primarily residential development. The long-term vision for this planning area is to maintain the uniquely rural character and to preserve non-conforming uses. The Priority Growth Area 2 allows densities down to one (1) unit per five (5) acres, or as the Zoning and Subdivision Ordinances currently allow.

This property is located in an A-2 zone and within the County Residential Area, Priority Growth Area 2 designation of the Future Land Use Map. The proposed use is only allowed in the existing zone (A-2) if the Commission grants a SUP.

6. ZONING ORDINANCE [Staff comments and analysis are shown in *italics*.]

- A. Schedule of Zoning Regulations: Gem County Code 11-5-3, allows special land uses not listed in the Zoning Matrix to be granted through a Special Use Permit.
- B. Purpose Statement of Zone: Gem County Code 11-4-2.A. lists the purpose of the A-2, Rural Transitional Agricultural, zone as follows: "Lands lying within those unincorporated portions of Gem County that are likely to undergo a more intensive urban development. The regulations governing this zone are designed to protect agricultural pursuits and provide guidelines for conversion to suburban development."

The Commission must find that the proposed use is consistent with the purpose of the zone.

Other: The following sections of the Zoning Ordinance directly and/or indirectly address the application:

• 11-3-5.F. Residential Area Use: No facilities or use can be permitted in residential areas unless it is clearly demonstrated that the proposed use will not result in smoke, dirt, litter, smog, air or water pollution, excessive noise or offensive odors beyond the limits of the facility.

There are a few nearby residences. The proposed special event use may generate excessive noise at times. The Commission must find a way to mitigate the noise.

7. REQUIRED FINDINGS & STAFF ANALYSIS [Staff comments and analysis are shown in italics.]

A. Will in fact, constitute a special use as established on the Official Schedule of District Regulations for the zoning district involved;

Staff finds that the subject property lies within the A-2, Prime Agriculture zone. "Special Events" is not a land use that is listed in Gem County Code (GCC) 11-5-5, Zoning Matrix. It is a unique category. The most similar land use in the Zoning Matrix is "cultural activities" under the sub-heading of "Entertainment and Recreation," which requires a SUP in the A-2 zone. GCC 11-5-3 states that "uses not specifically listed or not deemed similar to allowed uses shall require a special use permit."

B. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or the Zoning Ordinance;

Staff finds that the proposed use, if operated according to the proposed conditions of approval, will be in accordance with the objectives and policies of the "County Residential Area, Priority Growth Area #2" designation on the Future Land Use Map of the Comprehensive Plan, as outlined in Section 5 of this report. The increased noise and traffic may cause a nuisance.

C. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

Staff finds the <u>existing</u> character of the area is rural and agricultural, with scattered single-family residential and hobby farm uses in the vicinity. The <u>intended</u> character of the area (as defined in Chapter 12 of the Comprehensive Plan) is an area set aside for primarily residential development and to maintain the uniquely rural character and to preserve non-conforming uses.

Depending upon the level of traffic and services (including deliveries) and the number of special events, the proposed use has the potential to change the character of the area, especially if the events extend into

late night hours. For this reason, staff finds some special conditions are necessary in order to protect the character of the area.

Staff finds that determining what is "harmonious" in a particular neighborhood relies strongly on the residents of that neighborhood. As such, the Commission should review this finding after hearing from both existing residents and the applicant and their plans to address any compatibility concerns.

D. Will not be hazardous or disturbing to existing or future neighboring uses;

Staff finds that the proposed use has the potential to be disturbing to neighboring uses with the traffic generated by the special events (as compared to residential or agricultural uses) and, potentially, music or other amplification associated with the outdoor activities. When bands or DJ's are hooked up to a sound system they will generate noise levels that will affect neighboring properties. These levels will be beyond normal A-2 zone levels. The Commission should review this finding in relationship to the proposed conditions and other evidence presented at the hearing.

E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishments of the proposed use shall be able to provide adequately any such services;

Staff finds that the proposed use could be adequately served by the Gem County Sheriffs Department, Mosquito Abatement District, Emmett Sanitation and Gem Rural Fire District #1. The Commission should also refer to any comments submitted from impact agencies during the course of the open public hearing. Staff didn't receive any correspondence from Idaho Transportation Department.

F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff finds that the proposed use will not significantly increase demands on public facilities or services, assuming all conditions of approval are met. No public service providers raised this as a concern during the public comment period. The applicant is responsible for paying all improvement and other costs associated with ensuring the operation complies with public requirements. There are no anticipated negative impacts on the public facilities and services. If operated in accordance with county regulations, it should not be detrimental to the economic welfare.

G. Will not involve uses, activities, processes, materials, equipment and conditions or operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;

As noted in finding D above, the main foreseeable detriment to the general welfare could be excessive noise and traffic. Staff finds that the use will not be detrimental to persons or property if operated in accordance with Gem County laws and the conditions below. Weddings and special outdoor events do not typically generate smoke, fumes, glare or odors, except the typical side effects of food preparation.

Staff finds that determining what is "detriment" in a particular neighborhood relies strongly on the residents of that neighborhood. As such, the Commission should review this finding after reviewing the written comments and hearing from existing residents and the applicant and their plans to address any such concerns.

H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;

The existing driveway shouldn't create an interference with traffic and public thoroughfares.

 Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Staff finds that the application would not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance. There are no known historical structures in the area.

8. IMPACT AGENCIES NOTIFIED

Gem County Road Department Gem County Mapping Southwest District Health Department Gem County Sheriff Fire District #1 Idaho Department of Water Resources Idaho Transportation Department

9. STAFF RECOMMENDATION

The Commission must consider the evidence and testimony presented during the public hearing prior to rendering its decision concerning this application. Staff has raised questions concerning findings "C", "D" and "G" that the Commission should address at the public hearing. Should the Commission make positive findings of fact and vote to approve this application, staff recommends that the approval be subject to the Site Specific Conditions of Approval attached in Exhibit A.

EXHIBIT A

PRELIMINARY SITE SPECIFIC CONDITIONS OF APPROVAL BLACK CANYON VENTURES FILE #SUP-21-006

- 1. This permit is subject to an annual review by the Development Services Department.
- 2. The permit is non-transferable to another property and is only valid at 321 East Black Canyon Highway.
- 3. The events associated with the Special Use Permit shall only take place on Monday through Sunday between 10:00 AM and 11:00 PM.
- 4. The applicant shall provide designated parking areas for each special event and shall ensure a minimum 20-foot wide open fire and emergency vehicle access lane is provided within 150 feet of the special event area. Emergency vehicles must have clear and unencumbered access to within 150 feet of the special event area. Comply with any Gem Fire District #1 or Gem County Sheriff special requirements for any event.
- 5. The applicant shall apply for an approach permit from Idaho Transportation Department (ITD), if needed. Submit a written response from ITD and if needed the approved approach permit.
- 6. All trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence of at least four feet in height or within an enclosed building or structure.
- 7. The applicant is responsible to keep all refuse and trash on their property.
- 8. Music shall be played no later than 10:00pm at a low decibel as to not create a nuisance to the neighboring properties.
- 9. Illegal fireworks are prohibited to be discharged at any time.
- 10. No parking is allowed on Black Canyon Highway.
- 11. No event associated with this permit shall allow for more than 150 guests on the property at any given time.
- 12. The applicant is responsible to provide all events with on-site toilet and sanitation services that comply with Southwest District Health Department rules and standards.
- 13. The applicant shall comply and/or ensure compliance by off-site caterers with all Southwest District Health Department standards for dispensing food to the public.
- 14. All lighting used during special events shall be fully contained within the property boundaries and not cause a nuisance or distraction to neighboring properties or to drivers.
- 15. No permanent off-premise signs are permitted with this permit and all on-premise signs shall comply with the Gem County Sign Ordinance.

GCC 11-7-11: LAND USE TIME LIMITATIONS:

- (1) Commencement: When a special use permit is granted, the land use or construction of its facility proposed in the application must have commenced within one (1) year of the date of the final decision by the Commission, or the Board or a court of appropriate jurisdiction (if appealed) and completed within two (2) years of the same date. Upon expiration of the use or the approval of that use as provided by this section, the applicant can seek approval of the use only by filing a new initial application for review by the Commission.
- (2) Expiration: After the one (1) year period has expired, if any person, including staff or member of the Commission, files a written notice presenting sufficient evidence, as determined by the Administrator, to establish that the land use or construction of its facility provided for in the special use permit, has not commenced, or after the two (2) year period that said use has been abandoned or has ended, the Commission may find that the use has not been implemented or has been abandoned or has ended. If so, the Commission shall set aside the prior approval and order the property to revert to its prior status. An aggrieved person may appeal any Commission decision made under this section to the Board pursuant to Chapter 11-7-9 of this chapter.

GCC 11-7-12: REQUEST FOR EXTENSION:

- (1) Request: An applicant may request extension of the time period provided by this section by filing an application for extension with the Administrator. Such application must be filed at least sixty (60) calendar days prior to expiration of the one (1) year period for commencement of the land use or sixty (60) calendar days prior to the expiration of the two (2) year period for completion of the project. The matter shall be heard at a public hearing before the Commission or the Board, whichever made the final decision, in accordance with the notice and hearing procedures of this chapter. If the application is not timely filed, it shall be denied. A renewal extension, if granted, may be limited to three hundred sixty five (365) calendar days, which shall commence at the expiration of either period.
- (2) Decision: The Commission or the Board may extend the commencement period or the completion period as provided above upon proof of good cause by the applicant. The burden of proof as to the showing of good cause for the extension shall be on the applicant, and good cause shall be determined at the discretion of the Commission or the Board.



September 7, 2021

Gem County Development Services Department 109 S. McKinley Avenue Emmett, ID 83617

To Whom It May Concern:

On the application for special use permit for Black Canyon Ventures, we have a concern on the parking around the barn. Some of the parking is on dirt but behind the barn is a field. If they are going to use the area behind the barn for parking we would like to have them mow the field part or plow it to dirt. Other than that we have no objection to the permit.

Thank you,

Kary & Ann Mavencamp

Kary of ann Movemening

2722 N Washington Ave Emmett, ID 83617

RECEIVED SEP 0 3 2021

9.3.21

To: Gent Courty Development See Dept./Zoning Com. Ref: The Bain at Black langon

As a resident on N. Washington are a oppose any building or Backing lot on this beautiful land.

Or fie Oit There are fields and pastures that Duround the entire area. his we have seen this summer with traught conditions would be extremely Dangerous. Fire always exist Croughtan

D'Lique License: We have enough problems with people speeding up and down Washington and with an added 150 people drinking could lead to disaster.

Deer, fox, Theasants that once again would be expected lue to another huilding.

D. View: Our niew of the lunutiful mountains and surrounding farm lands looseld be taken surround for another levilding.

(5). Lighting: Lost Christmas Season & walked to the end of my drive way and I Daw the most spectacular sight. The Star of Bethlehem" and the shooting Stars that surrounded it. What a Christmas Blessing Coury night you can look up to heaven and see the most amazing light show. Millions of stars, shooting Stars and a few Satellites. your can't see This becutiful sight if there are too many lights on Buildings and parking lots. I truly hope you will reconsider. Thank your Lorgia Cena

Already stated in permit process.

How long after events ends will portable toilets be serviced(cleaned) or removed, garbage collected and removed? (Wildlife may be attracted if not removed)

Will the entertainment noise stop as written by 10pm? Will barn be secured from wildlife that is prevalent in this area? They are night hunters,

What about the traffic on Washington Ave? We have enough problems with traffic on this road already, who is going to be responsible for the traffic when these events takes place? Will the sheriff be aware of these events? Will there be a 'posting' to the public of a schedule? Just in case there are problems?

If a problem keeps occurring with this lease agreement Due to either owners, or LLC Black Canyon Ventures that affect homes in the area what legal actions against both parties will be available?

How many days of the week will events be scheduled?

Will neighborhood be notified before each event? (Re; a Schedule of events?)

What recourse does the neighborhood have if a problem develops and no action is taken by the property owners and continues to happens....if property owners do not enforce permit rules, regulations, requirement set by special use permit A call to authorities as directed.?

Will attendees, if drinking is going on, be monitored to protect them from having accidents? Will friends or local cab service be available to pick them up if needed.?

There is a lot of traffic on Washington at all hours & even wildlife crossing over the road at night may be in danger. If anyone is hurt or end-ups in a ditch which are the case on both sides of the road, who is responsible for reporting such? I understand the property owner who through the party will be held responsible for any and all damages that accure

Michelle Barron 208-365-5144 Email MBarron@co.gem.id.us Enforcement Official Larry Robertson

> Submitted by Martha Gaynor 2712 N.Washington Are.

SEP 0 2 2021