



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, May 2, 2024
6:30 P.M.

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

Commissioners Present : Robert Sturgill, Chairman
 Brian Sheets, Commissioner
 Miguel Villafana, Commissioner
 Patrick Williamson, Commissioner
 Geoff Mathews, Commissioner

Staff Members Present: Sabrina Minshall, Director of Development Services
 Jay Gibbons, Assistant Director of Development Services
 Debbie Root, Principal Planner
 Emily Kiester, Associate Planner
 Arbay Mberwa, 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. CR2022-0007 / Payne – Approve revised FCO’s.

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

Item 2A:

CU2021-0016 / Ransom – The applicant, Jeff Ransom, is requesting a conditional use permit to allow a Special Event Facility use within an “A” (Agricultural) zoning district. The requested use includes primarily weddings but does not limit the uses to that. Canyon County Code defines Special Events as follows: “Any temporary event including, but not limited to, weddings, picnics, barbecues, holiday events and parties, dances, concerts, footraces and walks, bazaars, and harvest festivals.” The subject property is located at 16480 Goodson Road, Caldwell (parcel R37880011); also referenced as a portion of the SE ¼ SW ¼ of Section 17, Township 5N, Range 3W; BM; Canyon County, Idaho.

Exhibit 27 was received prior to the materials deadline and was not entered into the staff report. Planner Debbie Root read the letter from a member of the public into the record.

Planner Debbie Root reviewed the Staff report for the record.

Commissioner Williamson asked what proof will be provided demonstrating the requirements of the fire department were met. Planner Debbie Root advised there are requirements to have a permit and that will trigger an inspection. Commissioner Williamson asked what the County’s alcohol permit requirements are. Planner Debbie Root stated the requirements are state and federal. Commissioner Williamson asked how condition 10 is enforced for the dust mitigation. Planner Debbie Root stated she isn’t sure how it is enforced and the condition can be re-written to require watering or paving the road. Commissioner

Williamson asked if there is a recorded easement. Planner Debbie Root stated there is a legal easement for the access road. Commissioner Williamson asked if the Day Spa was taken out of the request. Planner Debbie Root stated a Day Spa is a commercial use and does not fall under the special event facility.

Chairman Sturgill asked if the road is paved on Goodson Rd. Planner Debbie Root advised the road is paved and is a rural road so is not marked with lanes. Chairman Sturgill asked if the applicant could mark the lanes and have speed signs at their own cost. Planner Debbie Root stated that would be a conversation with the Highway District. When she spoke with the Highway District they stated they did not intend to mark the road. Chairman Sturgill asked if the highway noise is loud on the property. Planner Debbie Root stated it is normal highway noise.

Commissioner Mathews asked with the current amount requested for the max capacity for the facility, if the road would need to be paved. Planner Debbie Root stated the standards for private roads would need to be evaluated but the Commissioners could make that a condition. Commissioner Mathews asked if there is sufficient space for parking. Planner Debbie Root stated the facility has 10.7 acres so the parking area could be enlarged.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Preston Rutter (Applicant / Representative) – IN FAVOR – 251 E Front St, Boise, ID 83701

Mr. Rutter stated CUP's are approved uses and the deciding body determines what conditions can be imposed to mitigate concerns. Mr. Rutter presented proposed conditions that may help mitigate concerns. They are proposing to adjust their days and hours of operation as well as remind guests to abide by traffic laws. Mr. Rutter stated Mr. Ransom has spoken with Notus Highway District and they indicated they would lower the speed limit to 30 mph on Goodson Rd. They are willing to comply to all the conditions the Fire Marshall has imposed. The max capacity will be 150 guests. Lighting will be facing downward, there will be no flashing or strobe lights. A responsible person will be designated for each event for a point of contact. All vendors that serve alcohol will be licensed to do so. The portable bathroom stalls will meet Southwest Health District requirements and there will be an ADA accessible stall. The amplified sound will be restricted to certain hours. Mr. Rutter asked for condition 18 to be removed so the conditions run with the land and not the owner.

Commissioner Williamson asked how many gallons of water the ponds hold. Mr. Rutter stated about 340,000 gallons and the Fire Marshall as deemed it adequate. Commissioner Williamson asked how the water will be retrieved during winter. Mr. Rutter stated they will meet the fire district requirements. Commissioner Williamson asked if there has been conversation about speed signage. Mr. Rutter stated there was conversation that he wasn't a part of between Notus Highway District and Mr. Ransom that was encouraging. Commissioner Williamson asked what the plan is for dust mitigation. Mr. Rutter stated the road has been maintained and in good shape, he will confer with the applicant and address the concern during rebuttal.

Commissioner Sheets asked how Goodson Road is maintained during winter months. Mr. Rutter stated Goodson Rd is a public road and they are not able to maintain or control it but the private lane will be adequately cleared. Commissioner Sheets asked if the 150 guests are total personnel on the property or is the attendees and staff is extra. Mr. Rutter stated the 150 number is the invited guests and staff will be incidental to that number. Commissioner Sheets asked where the indoor amplified sounds would be located. Mr. Rutter advised there are areas people can gather inside such as large garages.

Commissioner Villafana asked who is in charge of security. Mr. Rutter advised the designated responsible person for the event. Commissioner Villafana asked if there would be security. Mr. Rutter stated that could be a condition.

Commissioner Williamson asked if the responsible person will be the same person or someone different. Mr. Rutter stated he will confer with the applicants. Commissioner Williamson asked for special events such as a bazaar or festival if the 150-person cap would include vendors. Mr. Rutter stated realistically they expect the events to be more family parties such as weddings and baby showers. He would prefer vendors not be included in the 150-person cap.

Chairman Sturgill asked if removing condition 18 is a deal breaker. Mr. Rutter stated it would be. Chairman Sturgill asked if a condition stating the amplified sound can only face the highway would be acceptable. Mr. Rutter stated he would confer with the applicant.

Quentin Osborne – IN OPPOSITION – 16614 Goodson Rd, Caldwell, ID 83607

Mr. Osborne stated his concern is fencing between his and the applicant's property. Mr. Osborne has livestock and having unknown guests coming to the fence attempting to feed his livestock and having balloons cross over is a concern. Mr. Osborne is suggesting a fence people cannot go through.

Commissioner Williamson asked if there was a ditch between the property. Mr. Osborne stated the ditch is buried, the fence that separates the property is a three-strand barbed wire fence. Commissioner Williamson asked what would be a reasonable mitigation for fencing. Mr. Osborne stated it would be the applicants whole west side of the property to the northern most part and include the two parcels the applicant is trying to sell. The fence would have to be something people cannot stick their hands through so the livestock cannot bite the guests.

Lew House – IN OPPOSITION – 16768 Goodson Rd, Caldwell, ID 83607

Mr. House stated his concerns are traffic with the road being a dead-end road and being narrow you cannot put lines on them, then having alcohol involved at the special events increases concern for the children that walk the roads.

Commissioner Sheets asked if the road is plowed when it snows. Mr. House stated the road is plowed but not at a certain time. When the road gets plowed the plow only goes over it once, and does not plow the full road.

Carmen House – IN OPPOSITION – 16768 Goodson Rd, Caldwell, ID 83607

Ms. House stated her concern is the traffic increase on a narrow, dead-end road. Drivers frequently drive in the middle of the road and a lot of times she has to pull over to the side of the road. The dead-end road has a lot of foot traffic and with more cars on the road that is a concern. Ms. House stated she is concerned with how the property is going to be used because if there is a cap of 150 people and a festival is on the property, how are they going to keep track of the amount of people?

Shane Martin – IN OPPOSITION – 16691 Goodson Rd, Caldwell, ID 83607

Mr. Martin stated his concern is the road. It is a dead-end road, narrow, unpaved and unmaintained road. There are no sidewalks or turn around.

Terrel McHenry – IN OPPOSITION – 16500 Goodson Rd, Caldwell, ID 83607

Mr. McHenry stated the pond is capable of holding a lot of water but the dam will not do it. Mr. McHenry

stated Goodson Road during winter is treacherous and if you go off the side of the road you could die easily.

Commissioner Williamson asked how long the Ransoms have lived at the property. Mr. McHenry stated he has lived at his property for 12 years and the Ransoms have lived at theirs for about 16 years.

Karissa Osborne – IN OPPOSITION – 16614 Goodson Rd, Caldwell, ID 83607

Ms. Osborne stated one of her concerns are what kind of events will be occurring on the property, there isn't a clear understanding if it will be festivals, weddings, etc. and keeping the cap of people to 150, she is concerned about how they will regulate that. Another concern is people crossing the boundary line into her property. She is concerned about the kids in the area because most of the kids are homeschooled, they cross the street to visit neighbors.

Dan Troncale – IN OPPOSITION – 16657 Goodson Rd, Caldwell, ID 83607

Mr. Troncale stated his concern is the road. The road is on a hill, no lines, no shoulders, is narrow and children walk the roads. Mr. Troncale stated if a semi-truck were to go down Goodson Rd. they would have to backup a half mile because there is no turn around. There is no bus pick up nearby so the kids walk a half mile.

Preston Rutter (Applicant / Representative) – REBUTTAL – 251 E Front St, Boise, ID 83701

Mr. Rutter stated there is flow through traffic and there is now a designated area for a turn around at the dead-end street. Mr. Rutter believes there is a natural de-acceleration due to the dead-end being downhill so it will not catch people off guard or cause a threat. Mr. Rutter stated fire has reviewed the plans and they have no issues other than the conditions they proposed. Mr. Rutter stated the special events gears toward a wedding venue not festivals or a bazaar. Mr. Rutter asked for condition 18 to be removed.

Commissioner Sheets asked about the applicant putting up fencing. Mr. Rutter stated the fencing is adequate in the applicant's opinion and reminded the Commissioners that Idaho has laws about sharing costs.

Commissioner Williamson asked if the ponds will be able to hold the amount of water needed for firefighting. Mr. Rutter stated there is no concerns about the amount of water the ponds can hold. Commissioner Williamson asked if the applicant would be ok with a condition that limited the months of operation due to the winter driving conditions. Mr. Rutter stated the applicant would be willing to cut it back a bit where if a certain amount of snow falls, events would be postponed until the road is cleared. Commissioner Williamson asked Staff if that is an enforceable condition. Planner Debbie Root stated that could be a condition and asked if that would mitigate all the hazardous driving conditions in the winter. Commissioner Williamson stated that condition would not mitigate appropriately. Commissioner Williamson asked if they would be willing to eliminate some of the allowed uses such as festival or bazaar. Mr. Rutter stated they would agree to that condition.

Chairman Sturgill asked about the condition to direct amplified sound toward the highway. Mr. Rutter stated that condition is agreeable.

Planner Debbie Root stated condition 18's purpose is if the property were to be sold, having the new owner go through the CUP process ensures the CUP stays in compliance with code changes, compatibility with the area, etc. Planner Debbie Root stated she spoke with the Director of Notus Parma Highway District after the applicant stated he spoke with them and the Director stated there is no intention of posting speed limit signs on the road.

MOTION: Commissioner Villafana moved to close public testimony on Case CU2021-0016, seconded by Commissioner Mathews, voice vote, motion carried.

DELIBERATION:

Commissioner Mathews stated the area is designated as residential with a dead-end street he doesn't see a why to mitigate with all the potential traffic.

Commissioner Sheets stated he thinks it can be mitigated but might not be to the applicants liking.

Commissioner Williamson agrees with Commissioner Sheets that it can be mitigated but doesn't believe anyone would come out happy with the conditions in regard to the applicant and the neighbors.

Commissioner Villafana stated for criteria number four the thing that cannot be done is widen Goodson Rd and that is the consistent concern so he doesn't believe the application can be properly mitigated.

MOTION: Commissioner Villafana moved to deny Case CU2021-0016 based on the Findings of Fact and Conclusions of Law with amendments to the Findings of Facts. Seconded by Commissioner Mathews.

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

ACTION ITEM – APPROVAL OF MINUTES

Chairman Sturgill and Commissioner Mathews abstained from voting due to not being present during the April 4, 2024 hearing.

MOTION: Commissioner Sheets moved to approve April 4, 2024 minutes. Seconded by Commissioner Williamson. Voice vote, motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Assistant Director of Development Services Jay Gibbons provided an overview of the new hearing procedure ordinance changes with the Commissioners.

Director of Development Services Sabrina Minshall provided the changes that will affect the Commissioners. Conversation ensued between Commissioners and Director of Development Services Sabrina Minshall in regards to the changes and expectations.

Assistant Director of Development Services Jay Gibbons reviewed the proposed changes on the Commissioners Bylaws.

Commissioner Sheets expressed his view on the order of presentations for the future. He believes having the staff report before the applicants is the order he prefers so the Commissioners get the information based on the code first. Conversation ensued between Director of Development Services Sabrina Minshall and the Commissioners in regards to the presentation order.

Director of Development Services advised of some upcoming meetings.

ADJOURNMENT:

MOTION: Commissioner Sheets moved to adjourn, seconded by Commissioner Mathews. Voice vote, motion carried. Hearing adjourned at 9:25 PM.

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

Approved this 6th day of June, 2024



Robert Sturgill, Chairman

ATTEST



Amber Lewter – Hearing Specialist