

Commissioners Minutes

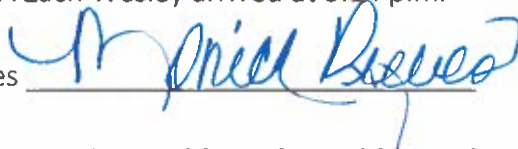
November 14, 2024 - 1:32 p.m. to 4:33 p.m.

PUBLIC HEARING - APPEAL BY JEFF RANSOM FOR A CONDITIONAL USE PERMIT TO ALLOW A SPECIAL EVENT FACILITY USE WITHIN AN "A" (AGRICULTURAL) ZONING DISTRICT, CASE NO. CU2021-0016-APL

Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek

DSD Planning Supervisor Carl Anderson, DSD Principal Planner Debbie Root, Jeff Ransom, Tim Vetterick, Christy King, Terrel McHenry, Preston Rutter, Dan Troncale, Deborah Troncale, Quentin Osborne, Deputy PA Zach Wesley arrived at 3:14 p.m.

Deputy Clerk Monica Reeves



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The Board met today at 1:32 p.m. to conduct a public hearing in the matter of an appeal by Jeff Ransom for a conditional use permit to allow a special event facility use within an "A" (Agricultural) zoning district, Case No. CU2021-0016-APL. The subject property is located at 16480 Goodson Road, Caldwell (parcel R37880011). Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Planning Supervisor Carl Anderson, DSD Principal Planner Debbie Root, Jeff Ransom, Tim Vetterick, Christy King, Terrel McHenry, Preston Rutter, Dan Troncale, Deborah Troncale, Quentin Osborne, and Deputy Clerk Monica Reeves. Deputy PA Zach Wesley arrived at 3:14 p.m.

Preston Rutter offered testimony on behalf of the applicant emphasizing the quality of the project and referring to video of drone footage showing the property which consists of large acreage, is well landscaped, and has breathtaking views. A half-acre area has been dedicated for parking and the estate is surrounded by large parcels with a lot of buffer in between. There will be no on-street parking, and the circular driveway will be built to County road standards. The fire district has signed off that it meets their access standards. Events will be held Thursday-Sunday; hours of operation are limited to 9 a.m. to 9 p.m., and on Sundays they will close at 6 p.m. Outdoor amplified sounds, if any, will be directed towards I-84 and are prohibited before 11 a.m. and will end at 9 p.m. Every event will have a designated point of contact onsite should a concern arise. The events will be private, and no single event will have more than 150 guests. Goodson Road is a major collector road and is rated for up to 1,500 vehicle trips per day, and he said that stretch of roadway already handles quite a bit of traffic. On invitations guests will be reminded to drive with care, especially on Goodson Road which is maintained by the Notus-Parma Highway District and is plowed regularly. The venue will cater to classy events such as weddings and religious celebrations. If alcohol is served, only businesses properly licensed and permitted would serve it and will do so in accordance with applicable laws. Lights will not exceed 16 feet above grade elevation and will have shielded luminaries. The nearest home is over 800 feet away, most are

more than 1,100 feet away. The question is whether this use is allowed in the area, but that decision has already been made in the code. The zoning ordinance has adopted a special use permit allowing this use with reasonable conditions and this application is only to determine what those reasonable conditions would be to mitigate any adverse impacts. Most of the surrounding properties have a mixed residential use, many run ag products and do commercial boarding, and others have ATV and dirt bike tracks. The use fits many of the comprehensive plan's goals. The conditions the applicant has proposed go above and beyond what would be reasonable to mitigate actual impacts, and a lot of the impacts that have been addressed are just concerns. This is an allowed conditional use permit and Goodson Road is rated up to 1,500 vehicles per day, and it is maintained, and these are facts to rely upon but said the P&Z Commission made a misstep by deciding whether the venue is a proper use in that location. That has already been decided and he asked the Board to allow them to move forward with the proposed conditions. Following his testimony, Mr. Rutter responded to questions from the Board. There was discussion regarding the possibility of imposing additional conditions should the Board approve the request. The highway district does not intend to place speed limit signs on any of the local roads; nor do they intend to stripe the roads. The Ransoms have approached the highway district with offers to help with the signs, and striping but the district was not receptive not their offer.

DSD Principal Planner Debbie Root gave the oral staff report. The applicant's letter of appeal indicates that there were numerous erroneous findings and misguided conclusions and that the P&Z Commission provided no actual evidence supporting the objections to the proposed facility. 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 applicants were asked if they would be willing to reduce the types of activities due to concerns about monitoring and how do you ensure that the applicant stays compliant with the number of guests coming and going at any one time. If the Board does approve the request, staff suggests they consider limiting the type of activities they may conduct at the site in order to reduce that difficult to condition and enforce traffic volume and activity with persons coming to the area. There was a review of the C.U.P. criteria. The P&Z commission found there would be undue interference from traffic, but the applicant has stated the road would handle up to 1,500 cars. This segment of Goodson Road is not a collector roadway, it is a rural local road segment, it will not be striped, and it has narrow and steep shoulders and it has low visibility. The P&Z Commission considered the potential for late/lacking maintenance of the roadways during storm events and potential road safety hazards. Staff noted there are currently two structures on the property that have been converted to living quarters without building permits. To date no building permits have been applied for to correct the noncompliance. The applicant contests whether the structures are noncompliant. Staff does not have a building permit for either structure being used as living quarters. The video provided by the applicant shows that the structures have been converted to living quarters or the ability to inhabit structures and they need to be brought into compliance if they are proposed to be utilized for the facility.

Staff found that the application was not consistent with the 2020 comprehensive plan, which is the plan the application was filed under. The plan has the area identified for residential and future residential uses and a C.U.P. for a special event facility would not be eligible in a residential zone. It could be injurious to properties in the immediate vicinity or change the essential character. There are 11 platted subdivisions with multiple phases within one mile of the subject property, and there are 3 additional subdivisions in the platting process. There are some agricultural businesses operating in the area, including Mr. Ransom's well drilling business which is operated from the subject property. There are some commercial aspects to the area, but it's primarily agricultural with some residential pockets and it was designated to be residential on the 2020 future land use map. There were five letters in opposition received for the P&Z Commission hearing and four additional letters were received for today's hearing. Planner Root gave a review of agency comments. The P&Z Commission denied the C.U.P. application for a proposed event facility. Following her staff report she responded to questions from the Board.

Public testimony was as follows:

Christy King testified that she and the applicant, Jeff Ransom, reside on the subject property and their plan is to have the special event facility by the waterfall area between the ponds, which will be a beautiful place for a wedding venue and for other events. She said they do not want to disrespect anyone in the neighborhood with their proposal.

Terrel McHenry testified that he is opposed to the request because it's a commercialization of the rural character of the area and he doesn't want to see his property turned into a roundabout. He is concerned about the noise, lights, and traffic the venue will create and he believes the proposed use is a marketing ploy for the Ransoms to sell their house.

Jeff Ransom testified that he does not agree with his neighbors' opinions that Goodson Road is unsafe because it is maintained by the highway district and he has never seen an emergency/recovery vehicle out there. He offered to pay for striping and signage but the highway district declined his offer because maintaining those things is not in their budget. Mr. Ransom disagrees with staff that he needs a building permit for the 192 square foot structure on his property. The building was moved from his other property and he lived in it while his home was being built. There is another structure on his property that was built by a friend for a living space for his mother although she chose not to live there. He has lived on the property for 20 years and has beautified the neighborhood and built a beautiful place and he is frustrated by his neighbors' comments and said if he could sell and move he would.

The Board took a recess at 2:56 p.m., and went back on the record at 3:09 p.m. Testimony resumed as follows:

Deborah Troncale lives on Goodson Road and she read a letter of opposition from Debbie Perryman, who also lives on Goodson Road, regarding the following concerns: increased traffic and safety issues on the road; the section of roadway near the subject property is not striped nor are there any speed limit signs; there rolling hills obstructing views; it's not a through road and

dead ends at the freeway; there is no available turnaround; guests consuming alcohol at the events and driving in an unfamiliar area; and the disruption to the quiet rural setting. The Board had follow-up questions for Ms. Troncale and for staff.

Daniel Troncale is opposed to the request and his main concerns deal with traffic as the road is very narrow and has drop-offs, and there is no turnaround. The area is rural in nature, the subject property is located directly across from active farm ground.

Quentin Osborne lives on Goodson Road and he is opposed to the request. He addressed concerns with traffic safety and accidents that have occurred in the area. He takes issue with Mr. Ransom's workers cutting down grass on Mr. Osborne's property even when he has told them not to come onto his property.

Rebuttal testimony was provided by Preston Rutter who said this is an emotionally charged matter and the Ransoms have been through a lot as Mr. Ransom is battling cancer. With regard to the parking area, he said there is a natural location for it and it can be expanded to accommodate any parking requirements the Board finds necessary. The main event lights will be dimmed at nighttime, and the hours of operation can be altered if the Board finds it necessary. Regarding the western access (the 15 feet at the bottom), he said the Board could require them to obtain the required width or a variance. There will be a supervisor on property to manage the events. According to Mr. Rutter, none of the Ransoms parcels are listed for sale; one is intended for one of the Ransoms' children. In response to questions from Commissioner Holton regarding a public drinking water system, Mr. Rutter said they will comply with the code/requirements of the health district. Commissioner Holton said he does not like having an application with two nonconforming structures, especially ones that will become public use buildings. Mr. Rutter said they have always maintained that if there needs to be an actual change to become compliant they would welcome that and follow through with it and if there are changes that must be made they will be made. There has been a gap in the understanding of what that is. Planning Supervisor Anderson said they can review potential conditions should the Board approve the request. One addresses a change in occupancy, and any necessary building permits that would be required and that could be a condition of approval prior to commencement of use. Prior to any special events, all structures shall be brought to compliance with building code and it would require fire district requirements be met as well. Planner Root spoke of the initial draft conditions of approval had the P&Z Commission approved the request, as well as the proposed additional conditions that were provided by the applicant to address other mitigating concerns that had not been addressed in the initial application. The Board had follow-up questions for staff as well as Mr. Preston. Discussion ensued.

Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. The Board's deliberation was as follows:

Commissioners Brooks said this area is going residential and the Board has been involved in several actions in the area making it further residential, and this application does not fit a residential area

therefore he is not in support of the application. Commissioner Van Beek said there is a willingness on the part of the applicant to comply, and he has tried to mitigate the concerns that have been raised. This conditional use already exists in this zone and she thinks there is support for saying we permit special event centers in an agricultural zone. How do we make an argument that farm equipment is more or less dangerous than people coming to an event facility? If there is a willingness to bring the road to County standards, the onus is on the applicant to get that last portion so there is ingress/egress that flows in a way that meets the fire district's requirements. We have the opportunity to condition things and we could ask for more information about the 15-foot easement. This property has been an enhancement to the neighborhood and it's unfortunate there is civil conflict. The Board reviewed the following criteria:

1. Is the proposed use permitted in the zone by conditional use permit?
2. What is the nature of the request?
3. Is the proposed use consistent with the comprehensive plan?
4. Will the proposed use be injurious to property in the immediate vicinity and/or change the essential character of the area?
5. Will adequate water, sewer, irrigation, drainage, stormwater drainage, and utility systems, be provided to accommodate the use?
6. Does legal access to the subject property for the development exist or will it exist at the time of development? YES
7. Will there be undue interference with existing or future traffic patterns?
8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, EMS, 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?

As part of the Board's deliberation, Commissioner Brooks said if the future land use designation is residential and the land use decisions that have been made follow up that residential designation then this request is not consistent with the comprehensive plan. Commissioner Van Beek said the current zoning is agriculture and the comprehensive plan designates it as residential, and it is difficult and when the two are not in alignment. Commissioner Brooks believes the use will be injurious to other properties in the area especially for the person who owns the property that will have a circular driveway encompassing their property if this is approved. Commissioner Van Beek said the burden of proof is not on the Board to obtain the permitting from agencies, that's an obstacle the applicant has to overcome and if they can't then the road would not meet the standard and the application would not move forward. Commissioner Brooks said he doesn't know how you would mitigate for the driveway circling around the neighbor's property and it seems disingenuous to treat this as agriculture and approve it when that is not the direction the area is going due in part to land use decisions made by the Board. Adequate services are not provided, but they could be conditioned. Legal access exists and there could be a condition for the 15 feet on the west. The proposed use will add to the traffic that already exists and will bring an increased volume at specific times. Commissioner Van Beek said special event venues are

important and in limited supply and she thought the applicant did a good job in offering mitigating conditions although the Board could not make positive findings for all of the criteria. Upon the motion of Commissioner Brooks and the second by Commissioner Holton, the Board voted unanimously to uphold the P&Z Commission's decision and deny Case No. CU2021-0016-APL. The Board will need to indicate what, if anything, the applicant could do to gain approval. Commissioner Holton wants to continue the hearing to a date certain and pick up that discussion and approve the FCOs. The continued portion of the hearing will occur in the next two weeks to 30 days and that date will be posted on the website and the parties involved will be contacted. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to adjourn at 4:33 p.m. An audio recording is on file in the Commissioners' Office.