

General Overview

- **Case Summary:** This was a public hearing before the Canyon County Board of Commissioners regarding cases OR2025-0017 and CR2025-0007. The applicant requested a comprehensive plan amendment and a conditional rezone from Medium Density Residential (R2) to Neighborhood Commercial (C1) to develop a special event venue on a three-acre property located on Highway 44. The applicant's representative, David Ruby, presented the project, arguing that it was consistent with the county's comprehensive plan and that mitigation measures were in place to address potential impacts. The Development Services Department (DSD) staff reported that the Planning and Zoning (P&Z) Commission had recommended denial due to traffic concerns and a lack of information from the Idaho Transportation Department (ITD). However, staff presented new information from ITD that was not available to the P&Z Commission, which indicated support for the project. Public testimony was unanimously in favor of the proposal. The Board of Commissioners, citing the new information from ITD, disagreed with the P&Z recommendation and voted to approve both the comprehensive plan amendment and the conditional rezone.
- **Speaker Background:**
 - **David Ruby:** The architect for the project, representing the applicant. He presented the site plan, addressed the standards of evaluation for the rezone, and answered technical questions from the board.
 - **Dan (DSD Staff):** A representative from the Development Services Department (likely a planner) who presented the staff report. He summarized the case history, the P&Z Commission's recommendation for denial, and presented new evidence regarding traffic that had been received after the P&Z hearing.
 - **Ken and Sandy Hooker:** The property owners and applicants. They provided personal testimony about their motivations for the project, their connection to the community, and the investments they had already made in the property.
 - **Josh Davis:** A family member of the owners, described as the "boots on the ground" for the project. He spoke about the operational and mechanical aspects of the property and provided information on upcoming traffic improvements in the area.
 - **Cheryl Palange:** A local resident who testified in support of the project, acknowledging existing traffic issues on Highway 44 but endorsing the applicant's plan.

Key Points

- The Planning and Zoning Commission recommended denial for both applications, primarily due to concerns about traffic impacts on State Highway 44 and what they felt was a lack of adequate information and mitigation measures from ITD.
- The applicant's representative, David Ruby, argued the project was consistent with the 2030 Comprehensive Plan, which designated the Highway 44 corridor as commercial.
- The existing R2 zoning was described as an anomaly, inconsistent with the surrounding low-density residential and agricultural parcels.
- The applicant proposed several mitigation measures, including limiting guests to 200, enforcing a sound control plan, implementing a traffic management plan, and using landscaping and berms as buffers.
- The project intended to preserve and repurpose two historic barns on the property, a point supported by the Historic Preservation Commission.
- DSD staff presented a new letter and communications from ITD, received after the P&Z hearing, which stated that ITD was not concerned about the venue compounding rush-hour traffic, as most events would occur on nights and weekends.
- Public testimony from the owners and a local resident was entirely supportive, highlighting the applicant's investment in the property and the project's potential as a community asset.
- The Board of Commissioners found the new information from ITD to be persuasive and a key factor in their decision to overturn the P&Z recommendation.
- The Board approved both the comprehensive plan amendment (OR2025-0017) and the conditional rezone (CR2025-0007) with a development agreement that limited the commercial uses to five specific types, including the event facility.

Notable Quotes

- (4:01) David Ruby, acknowledging the previous denial: "We understand that we come before you today with a recommendation of denial from the Planning and Zoning Commission, but we are hopeful that we will be able to address their concerns and you'll be able to find this project worthy of approval today."
- (26:31) Dan, explaining the P&Z Commission's reasoning: "...the planning and zoning commission really were, had a hard time with making the findings regarding traffic and, uh, based on, um, testimony and then just a lack of information they felt from ITD, they really, uh, had a hard time, um, considering the existing traffic impacts on s- uh, State Highway 44..."
- (49:07) Ken Hooker, on the personal significance of preserving the barn: "...one of the brides that was gonna have a wedding at the barn, her mother played basketball upstairs in that

barn when she was in high school at Middleton and so she said it meant a lot to them that we were keeping it."

- (54:28) Josh Davis, on future traffic improvements: "...before that school is to open, they are supposed to have a stoplight at the bottom of Kingsbury and then you guys on July 28th will also see a case come before you from Todd Campbell... he is willing to pony up two signal lights, one on Duff and one on Lansing."
- (1:08:53) Commissioner Leslie Van Beek, on the impact of new evidence: "Mr. Chairman, the letter from ITD dated May 4th, uh, planning and zoning didn't have the luxury of having that letter, but that seals the deal from me, I'm in support."

Detailed Insights

1. Main Arguments

- (8:45) The applicant argued that the proposed conditional rezone to commercial was consistent with the 2030 Comprehensive Plan, which designated properties along Highway 44 as commercial.
 - (10:07) The applicant contended that the proposed C1 zoning was more appropriate than the existing R2 zoning, as there were no other R2 zones in the area and it would provide a compatible transition from the busy highway to the low-density residential areas to the north.
 - (12:12) The applicant detailed mitigation measures to address impacts, including building placement, landscape berms, a 200-guest limit, and sound and traffic control plans.
 - (26:31) DSD staff explained that the P&Z Commission could not make the necessary findings for approval due to unresolved concerns about traffic on Highway 44 and a lack of detailed information from ITD at the time of their hearing.
 - (41:38) DSD staff presented new evidence from ITD, which stated that because the venue's primary use would be during off-peak hours (nights and weekends), ITD was not concerned about it compounding rush-hour traffic.
 - (1:03:26) Staff noted that the applicant was voluntarily limiting the potential uses under the C1 zone to five specific, low-impact uses, rather than the 49 uses typically allowed.

2. Supporting Evidence

- (8:45) The applicant presented the county's comprehensive plan map to show the commercial designation along Highway 44.

- (10:02) The applicant displayed a zoning map to illustrate that the existing R2 zone was an anomaly and that C1 was more in line with surrounding commercial parcels.
- (30:43) Staff referenced two recent commercial approvals within a one-mile radius (an RV storage and a mini-storage facility) to show a trend of commercial development.
- (31:38) Staff provided data on surrounding subdivisions and lot sizes, showing an average of 2.6 to 4.79 acres, to demonstrate that the existing R2 (half-acre) zoning was inconsistent with the area's rural residential character.
- (42:36) Staff referred to new exhibits (4A, 4B, 4C, and 4D), which included a more detailed letter from ITD and communications from the cities of Middleton and Star about planned traffic signalization projects for 2027-2028. This evidence was not available to the P&Z Commission.

Context and Background

1. **Contextual Information:** The hearing concerned a request to rezone a property to allow for a special event venue. The property had a history of code violations under the previous owner for operating a similar, unpermitted facility. The key conflict in the case was the P&Z Commission's recommendation for denial versus new information presented to the Board of Commissioners that directly addressed the P&Z's primary concern.
2. **Related Events:** A staff member mentioned that in 2011, the county performed a blanket rezoning of many properties along Highway 44 to C1 to encourage commercial growth (30:43). A public commenter, Josh Davis, referred to an upcoming hearing on July 28th for a project by Todd Campbell, which he stated might include the developer funding two new traffic signals on Highway 44 (54:28).
3. **Potential Impact:** The Board's decision to approve the applications, overturning the P&Z recommendation, allows the applicant to move forward with the development of the event venue. This decision reinforces the county's long-term plan for commercial development along the Highway 44 corridor. It also demonstrated the importance of agency feedback (specifically from ITD) in land use decisions and showed that new evidence presented at a Board hearing can be sufficient to reverse a lower commission's recommendation.

Argumentative Behavior

- No argumentative behavior was observed during the hearing. All speakers, including the applicant's team, staff, and members of the public, maintained a respectful and cooperative tone. The applicant's representative acknowledged the P&Z Commission's concerns and focused on providing new information to address them, rather than disputing their decision. The commissioners engaged in inquisitive questioning but did not display hostility or defiance toward any of the participants.