



CANYON COUNTY HEARING EXAMINER  
MINUTES OF REGULAR MEETING HELD  
Thursday, March 17, 2022  
1:30 P.M.

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1<sup>ST</sup> FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Hearing Examiner Present: Bruce Eggleston

Staff Members Present: Steve Fultz, Development Services Director  
Dan Lister, Planning Official  
Jennifer Almeida, Planner  
Cassie Lamb, Planner  
Bonnie Puleo, Recording Secretary

Hearing Examiner Bruce Eggleston, called the meeting to order at 1:35 p.m. and read the testimony guidelines.

Recording Secretary Bonnie Puleo called roll and swore in officials and staff.

**ACTION:** Hearing Examiner Eggleston tabled Case No. RZ2021-0047 & SD2021-0039/ CS2, LLC-Alyson Meadows Subdivision to date certain April 21, 2022.

➤ **ACTION ITEM: Case RZ2021-0035 / Troost Family Trust**

Troost Family Living Trust is requesting a Rezone of approximately 34.96 acres from an "A" (Agricultural) zone to a "C-2" (Service Commercial) zone. The subject property, parcel no. R32938010A, is located on the west side of Riverside Road., approximately 424 ft. south of the intersection of Karcher and Riverside Rd. in a portion of the NW ¼ of Section 17, T3N, R3W, B.M., Canyon County, Idaho.

Planner Jennifer Almeida, reviewed the Staff report for the record including late exhibits.

Hearing Examiner Eggleston entered the late exhibits into the record.

Recording Secretary Bonnie Puleo affirmed the witnesses to testify.

**Testimony:**

**Greg Bullock – Applicant (Representative) – IN FAVOR – 504 Bayhill Dr. Nampa, ID 83686**

Mr. Bullock is representing the owners of the property and wanted to address some of the questions about the project. He stated Mr. Troost purchased the property with the idea he would farm the land until development and growth got to it and then sell it. Mr. Troost is a large dairy operator from the Parma area. They waited and then began to do a feasibility study for an upscale RV resort. They hired a consultant to draw out the layout of the resort including the units, buildings, pool. Mr. Bullock said the location is ideal; the RV industry is going off the charts nationwide because of everyone retiring and traveling. There are a number of levels to a project like this; a recreational park, a recreational resort, a trailer park or a temporary park. Mr. Bullock has done a number of projects in Canyon County and Nampa and this is not

a residential development; this is a commercial zone. He provided examples of residential projects he has done in the County. He has a great deal of experience in development, land use and being part of the planning of the comprehensive plan map. He understands the comprehensive plan map is not a law, it is a guidance. That map shows that this will be commercial and an ideal location for an upscale RV resort. Mr. Bullock stated people who tour the wine region can't find a place close to the wineries and the places they do have, have to be reserved months or years in advance. The demand is there for an RV resort. Mr. Bullock gave examples of amenities they would have to have to qualify as an RV "resort" and said that is their intention. He reiterated that this is an ideal location, especially with Canyon County's focus on 'agri-tourism'. This is an area that already has a lot of commercial around it. They were encouraged to go in the direction of a conditional use permit and thought they would have success in doing that but they received a recommendation of denial from staff. They disagreed with staff's report and their findings. Mr. Bullock stated they decided to go for a complete rezone to the type of zoning the comprehensive plan calls for. They decided not to apply for a conditional rezone because he has learned that if an agency is in opposition to your application, they can put requirements on the conditions on your rezone that can't be met. Mr. Bullock referred to the site plan (exhibit 7d) and provided a larger version of it for review. It will be 35 acres with 203 units. It will have a self-contained wastewater treatment plant which means all the gray water will go into the treatment plant. He stated they used the wrong verbiage in the report; this would be a privately-owned community wastewater system and a privately-owned community potable water system. The system would take care of everything and all discharge would remain on site: there would be no discharge. The mayor of Greenleaf expressed concern about discharge into the Boise River. Mr. Bullock emphasized there would be no discharge. The mayor of Greenleaf subsequently stated he would have no problem with it. He reviewed the site plan and the amenities of the park. Mr. Bullock stated they have a difference of opinion with staff with compatibility of their project with what exists in the area. He also discussed the existing water rights on the property. He would be willing to do a conditional use permit or a conditional rezone if they could come to some agreement on the conditions.

**TJ Wellard – IN FAVOR – 17842 Sand Hollow Rd. Caldwell, ID 83607**

Mr. Wellard wanted to review the hearing criteria; he feels this is consistent with the comprehensive plan as the area would be zoned commercial. He feels the surrounding land uses are compatible and listed the businesses next to the site. Mr. Wellard doesn't feel a high-end RV resort would negatively impact the character of the area. The sewer and water systems they are proposing would be self-sustaining. Mr. Wellard said ITD and the Canyon Highway District are not opposed to the project and they would do a traffic impact study and cooperate with those agencies through right of way dedication and improvements to mitigate any negative impacts. He also said there were no comments or letters received from the schools or emergency services but they would work with them to mitigate any negative impacts. They held a neighborhood meeting with only one person attending. Mr. Wellard stated most of the opposition is the fear that the project will be a trailer park. He stated that it is not their intent to have long term or mobile homes on the site; it will be newer RVs and they won't be long term stays. He felt that this hearing body is not the place to address traffic issues; that should be through the Highway District and ITD. He felt those agencies are dragging their feet and 'planning from behind'. Mr. Weller said those agencies aren't planning ahead and there is nothing this rezone can do to mitigate the traffic issues in Canyon County. He said there needs to be a bigger plan and destroying all development in the County won't help that. Mr. Wellard also stated the land is Class 3 & 4 moderately suited soils; the majority is irrigated by underground well. He feels this land is better used, water-wise, for this project than planting row crops.

**John Kernkamp – IN OPPOSITION – 15635 Riverside Rd. Caldwell, ID 83607**

Mr. Kernkamp stated in response to the applicant's worry about conditions that might be applied to a conditional rezone, those conditions should be applicable for a standard rezone also. He felt it was

nonsensical to do a rezone on this property at this time as soon there will be a new comprehensive plan presented. That comprehensive plan is defining this area as agricultural tourism. It was his understanding that it would be zoned to draw people into the area and to zone it as commercial, which would allow almost anything into the area, would be improper. He felt that since the applicant originally applied for a conditional use permit and found out that it would not 'going go', this seems like a backdoor way to get there without having the conditions on it. He felt that 200-unit RV park would be just like 200 small homes with the same water use, sewage production and traffic conditions. He stated that is high density housing. This is also right on top of one of the nitrate zone areas, which is not appropriate. He asked if there were rules on length of stay, how would those be enforced. He felt that it would ultimately fall on the County and they would incur costs to enforce it.

**Mike Gann – IN OPPOSITION – 15951 Malt Rd. Caldwell, ID 83607**

Mr. Gann is exactly two miles west of the project site. His primary concern is traffic. Riverside has no turn lanes and ITD won't put them in. He said traffic can back up ¼ mile when someone is trying to turn left heading toward Marsing. He is also very concerned about the water, wastewater and runoff. He stated while they say they won't allow any mobile homes, the reason why no one can find any RV park space around here is because people are living in their RV's year-round, full time. He provided a personal example of trying to find an RV space and not being able to. Mr. Gann was an environmental manager for 40 years. He stated they talked about the gray water but didn't mention the black water and how they will handle that. He has seen several accidents on that corner in the last few years. He would be very interested to know the kind of black water treatment system they are going to use. Gray water can still cause significant groundwater contamination. He is very opposed to this project.

**Heather Bingham – IN OPPOSITION – 13340 Riverside Rd. Caldwell, ID 83607**

Ms. Bingham is opposed to the project for several reasons. Her livelihood is in agriculture and although this is a small plot, it still grows crops. If there is no farm ground, there is no job for her husband. She thinks growth is here and we need to plan smart. She is not completely opposed to an RV resort but she stated it is really hard to control the timeframe people can stay because of the current housing situation. She goes through this intersection 4 to 6 times a day. Traffic goes hand in hand with this approval. Maybe other traffic meetings need to happen but this is a dangerous intersection. Ms. Bingham stated this can be approved by adding turn lanes but that won't solve the long-term plan. Upscale RV's won't be able to swing the corner and even now, they have milk trucks and gravel trucks that try to swing that corner. Most people are nice and allow extra space but with increasing demands on people's time and more traffic, people aren't always accommodating which results in catastrophe. She is not completely opposed to an RV resort; she is opposed to this location and adding RV's coming and going would add hazard to it especially being so close to the intersection of Karcher and Farmway. She stated the blind hill coming from the Marsing direction is hazardous on a daily basis. She feels strongly about the water waste issues too but she is really just against THIS location for the RV resort. She doesn't think they will be able to enforce the short-term aspect and feels that they will all turn into long term stays. She would like this to remain farm ground.

**L.V. "Buzz" Beauchamp – IN OPPOSITION – 15244 Bald Eagle Ave. Caldwell, ID 83607**

Mr. Beauchamp received notice of this hearing just this morning. He stands in agreement with staff that it should be denied whether it be a rezone or a conditional use permit. He said the ITD denied it for traffic; he feels it is the wrong place and the wrong time. He wanted to know if this was going to be a short-term hotel or a long-term apartment complex? Houses have a 5-foot set back; all these sites are right on top of each other. He was wondering what fire agency was in charge of the area and what they would say about this. If there was a fire with wind, it would be catastrophic. It is the wrong place at the wrong time for traffic. He felt maybe 5 years down the road with ½ to 1/3 of the density, the project would be better. Mr.

Beauchamp brought up a new development in the area with 326 houses, which is another 1000 people in the neighborhood. With this development, there could be over 2500 vehicle trips per day to Riverside Road which would make Orchard a parking lot. He also doesn't feel the one small driveway is enough. There should be at least two and a turn lane into the development.

**Cheyne Weston – IN OPPOSITION – 16316 Orchard Ave. Caldwell, ID 83607**

Mr. Weston is opposed to the proposed development. The vision triangle on Highway 55 to turn into this development is not conducive to heavy traffic, especially RVs. The opposite way, approaching Riverside Road, can get backed up with 5-6 cars waiting to make a left-hand turn. He didn't see a circulation pattern in the development or if they had adequate egress/ingress in the plan. Mr. Weston discussed another RV park across from him where length of stay moved from two weeks to 30 days to now there are people who have been there 2 to 5 years. He stated that continues to this day. He also has concerns about groundwater impacts, well usage and how that would impact the community.

**REBUTTAL: Greg Bullock – Applicant (Representative) – IN FAVOR – 504 Bayhill Dr. Nampa, ID 83686**

Mr. Bullock stated that he appreciated all the testimony today from concerned neighbors. He pointed out exhibit 6D from ITD. ITD has completed an access plan and is working on an environmental study for this corridor. They have future plans for this corridor and their project has to allow for future right of way. He also explained the wastewater treatment plant treats both gray and black water: it is very efficient and technical system. There will be no contamination that stays or leaves the site. They currently have an irrigation well and that will be converted to potable water; the units they are building will use far less water than the current agriculture use does now. This is not a residential subdivision or permanent housing. They will have restrictions in the resort; if they allow longer than 30 days, they lose their qualification as a resort. He stated they will have to self-govern that limit. He would like to make a recommendation or request to table this to allow them to work with staff to talk about conditions of approval. If they can't find agreement, they will come back with it as it is. But if they can find agreement, they will come back with a development agreement.

**MOTION:** Hearing Examiner Eggleston closed public testimony on Case RZ2021-0035.

**DELIBERATION/STAFF QUERIES:**

Hearing Examiner Eggleston asked if staff had any additional information on upgrades to the roadway affected. Staff did not. He also agreed that it was a hazardous intersection, especially with truck and trailer combinations. Staff agreed with the assumption that there will not be an egress/ingress access point allowed onto Highway 55. The Hearing Examiner feels that it will have the same type of impacts on services (except for schools) as 205 residential lots although staff reviewed the application as general C-2 use only. He asked if there were any active commercial applications for areas around the project area. Staff replied with one approved commercial conditional rezone that has not yet commenced development. Staff showed a land use map that showed how far the commercial zoning extended down towards Riverside Rd. Hearing Examiner Eggleston asked if SWDH administered community self-contained treatment facilities; staff responded that there is a fairly intensive application process and engineering for those types of facilities with SWDH/DEQ. The Hearing Examiner asked about the community water system and if it was adequate for 205 units; staff responded that there was nothing about capacity in the record. He also asked if there was a conditional rezone with a development agreement, what would be the process to change to that. Staff responded that the agencies would have to review and approve the community systems and a traffic impact study before approval. Hearing Examiner Eggleston was concerned that the applicant's response that traffic wasn't a consideration for this application; staff responded that without a traffic impact study, there could be no positive findings.

He discussed with staff tabling the application. Planning Official Lister discussed the options available: approval, denial or tabling to a date certain. The Hearing Examiner felt they were at an impasse with some of the options and issues and asked if he were to deny and it went to the BOCC, would it have to go back through the Hearing Examiner again to be heard. Staff responded that if the BOCC decided that a development agreement was required, it would only go back to the BOCC for review. Hearing Examiner Eggleston stated concerns about the open-ended rezone that would allow everything and anything in the zoning category: this property is fairly prominent in the area and represents a gateway to the Sunnyslope wine district. It presents challenges with the traffic concerns, water and sanitation services. He accepts the view that regardless of the length of stay, still looking at 205 residential units with the same kind of impacts. It is a type of business that supports development of the wine business in the area and that would further agriculture/commercial development. A hotel would be a different look and feel but would still support the wine industry. He felt the prominence and location are not conducive to this type of use; mainly because of the traffic. Currently, this is a difficult intersection now. The Hearing Examiner felt that an open-ended C-2 zone is unacceptable without a development agreement.

**MOTION:** Hearing Examiner Eggleston moved to deny Case RZ2021-0035 including the Findings of Facts, Conclusions of Law and conditions of approval.

➤ **ACTION ITEM: Case CU2021-0005 / Andrea Surmeier**

The applicant, Andrea Surmeier, is requesting a conditional use permit to allow a special event facility use within an "A" (Agricultural) Zoning District. The events facility will consist of farmers markets, movie nights, weddings and etc., limited to no more than 100 people per event. The subject property is located at 22573 Travis Rd, Wilder, Idaho (Parcel R36774010); also referenced as a portion of the SE ¼ NE ¼ of Section 11, Township 4N, Range 5W; BM; Canyon County, Idaho.

**Planner Cassie Lamb** reviewed the Staff report for the record including late exhibits 5(a), 5(b), 5(c).

**Hearing Examiner Eggleston** entered the late exhibits into the record.

**Recording Secretary Bonnie Puleo** affirmed the witnesses to testify.

**Testimony:**

**Andrea Surmeier – Applicant – IN FAVOR – 22573 Travis Rd. Wilder, ID 83676**

Ms. Surmeier is applying for a conditional use permit to allow for small events on the property. The bulk of the events would be in partner with local hop growers for luncheons, dinners, and an after-meeting place for growers giving farm tours. Her hope is to bring out local brewers and brewer's staff to tour the hop farm and learn more about the agricultural side of the brewing process. The house could provide lodging for workers and industry guests during the harvest season. She stated the house has lodging for up to 6 people. The only public facing events they plan on holding are one craft market per year during harvest season, highlighting local craftsmen and artisans and some movie nights located on the lawn with a blow-up screen and speakers. Guests would put blankets on the lawn to watch movies. Any events would be ticketed and the guest count would be monitored. Ms. Surmeier stated they do not plan on advertising this location for large scale events and while the maximum would be 100 guests, they are aiming for 50-75 people, making it a small boutique experience highlighting the agricultural area that surrounds the house. She is in contact with local transportation companies to provide buses or shuttles to and from the location to mitigate traffic and parking. Port-a-potties will be provided and vendors will have to bring their own power source. No utilities on the property will be affected. She said they are not planning to

permanently install any lights or speakers; currently they only have string lights on the property and that is all they will provide. All speakers will have to be brought in by guests and removed that same night. She stated they are happy to abide by any regulations, keeping in mind the 9:00 pm curfew. The location will only be available for use from May to November; it will shut down in the winter. The home will only be used by those who hold events on the property; Ms. Surmeier will be living there in the winter and will be onsite during all the events, taking care of the home and grounds. She feels there is parking for 50 vehicles with someone guiding people in. She agrees with all the conditions of approval.

**Lynda Smith – IN OPPOSITION – 22314 Travis Rd. Wilder, ID 83676**

Ms. Smith is the closest neighbor to the property and speaks only for herself. She has lived in the county for 20 years. This property was a residence and is landlocked between farm land with crops and canals. She stated the new owner doesn't live there; she believes she lives in Payette County. She described renovations that have happened on the property since the new owner purchased it. She stated it has been used as an AirBNB site and they have held events there in the past year. Ms. Smith stated their farm community is growing and the area needs these jobs. She feels this use is not compatible with the location; it opposes the purpose as this area was zoned as agricultural. Travis Road is narrow rural road; farmers are competing with CTI factory and other school and commercial traffic in the area. Currently, it is heavily traveled by combines and spray equipment which operate 24 hours per day. There have been several accidents, including fatalities and there is high winds and fog in the area. Ms. Smith also said there is flooding on the road because of inadequate drainage. She would like to see another traffic study be completed to determine the impact this event center is going to have on the road. She asked a number of questions about the nature and size of events at the property and wanted to know how they could limit the number of people attending. Ms. Smith is also concerned about the "etc." portion of the conditional use permit. She expressed concerns about the 12 children under age 15 who live within 1/2 mile of the property. Ms. Smith described the disruptions of sound, garbage, blown over Port-a-Potties and people encroaching on her property from past events there. She stated it would have been nice to have a neighborhood meeting so they could discuss their concerns with Ms. Surmeier.

**Doug Gross – IN OPPOSITION – 20919 Travis Rd. Wilder, ID 83676**

Mr. Gross has a farming operation a mile and a half south of the property. Most of his concerns have been addressed or discussed by prior testimony. He stated the road becomes a one lane road when people park alongside of the road and there are a lot of potato and hop trucks going up and down it. If those conditions are addressed, he is not totally opposed to the change but he feels there needs to be policing of the activities. He also asked what happens with the conditional use permit if Ms. Surmeier sells the property, which was answered by the Hearing Examiner. The conditional use permit would not transfer to a new owner.

**REBUTTAL - Andrea Surmeier – Applicant – IN FAVOR – 22573 Travis Rd. Wilder, ID 83676**

Ms. Surmeier said that most of the concerns seems to be around parking and the number of vehicles and she is happy to adjust if that helps. 100 guests was an absolute maximum they initially put down on the application; she is happy to adjust that down to 50 or 75 maximum guests. She does currently have it listed as a rental on AirBNB and has had guests there 3 times. The events held at the property in 2021 were personal events and not business-related.

**MOTION:** Hearing Examiner Eggleston closed public testimony on Case CU2021-0005.

**DELIBERATION:**

Hearing Examiner Eggleston does concur with items 1 – 8 in Finding of Facts, Conclusions of Law and Order.

**MOTION:** Hearing Examiner Eggleston moved to approve Case CU2021-0005 including the Findings of Facts, Conclusions of Law and conditions of approval.

➤ **ACTION ITEM: Case RZ2021-0062 / Jerry & Samantha Nelson**

Jerry & Samantha Nelson are requesting a zoning map amendment (rezone) of parcel R30598 from an "A" (Agricultural) Zone to an "R-1" (Single Family Residential) Zone. The 4.73-acre parcel is located at 7801 E. Victory Road, Nampa; also referenced as a portion of the NE¼ of Section 29, T3N, R1W, Canyon County, Idaho.

**NOTE:** Because the applicant did not appear for the hearing on their project, the Hearing Examiner was given the option to hear the staff report without the applicant present or table the item to allow the applicant to appear. Hearing Examiner Eggleston was not comfortable with hearing the application without the applicant present and decided to table the agenda item.

**TABLED TO A DATE CERTAIN MAY 19, 2022.**

**APPROVAL OF MINUTES:**

**MOTION:** Hearing Examiner Eggleston approved the minutes from February 17, 2022.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

**ADJOURNMENT:**

**HEARING EXAMINER** Bruce Eggleston adjourned the meeting at 3:47 pm.

Approved this 21st day of April, 2022

  
Bruce Eggleston, Hearing Examiner

ATTEST

  
Bonnie Puleo, Recording Secretary

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