



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, September 1, 2022
6:30 P.M.

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

Commissioners Present : Robert Sturgill, Chairman
Patrick Williamson, Vice Chairman
Brian Sheets, Commissioner
Ron Amarel, Commissioner
Harold Nevill, Commissioner
Miguel Villafana, Commissioner

Staff Members Present: Dan Lister, Planning Official
Elizabeth Allen, Planner
Jenna Petroll, Planner
Bonnie Puleo, Recording Secretary

Chairman Robert Sturgill called the meeting to order at 6:30 p.m.

Commissioner Sheets read the testimony guidelines and proceeded to the business item on the agenda.

MOTION: Commissioner Nevill moved to approve & sign the revised Findings of Facts, Conclusions of Law and Conditions of Approval for Case CU2022-0026/Kildow. Motion seconded by Commissioner Williamson. Voice vote, motion carried.

MOTION: Commissioner Nevill moved to approve & sign the revised Findings of Facts, Conclusions of Law and Conditions of Approval for Case OR2022-0008/2030 Comprehensive Plan. Motion seconded by Commissioner Sheets. Chairman Sturgill abstained from the vote. Voice vote, motion carried.

Commissioner Sheets read agenda item number 1C: CU2022-0025/Zack Williams & Lorinda Norton. The application was withdrawn at the request of the applicant.

- **Case No. CR2021-0012 & SD2021-0057/Walker & Edenbrook Estates Subdivision:** The applicant Subdivision Maker, LLC representing the property owners, Ryan and Heidi Walker, are requesting a Conditional Rezone and Development Agreement for approximately 14.906-acres, to change the zoning district from "A" (Agricultural) to "CR-RR" (Conditional Rezone – Rural Residential). The request includes a Short Plat for Edenbrook Estates Subdivision. The proposed plat contains three five-acre single-family lots and one private road lot. The subject property, parcel no. R37921011 is located approximately 600-feet south of Goodson Road and approximately 1,000-feet east of the Goodson Road/Wagner Road intersection, Caldwell; also referenced as a portion of the NW ¼ of Section 20, T5N, R3W, BM, Canyon County, Idaho.

Planner Elizabeth Allen reviewed the Staff report for the record including late exhibits.

Chairman Robert Sturgill entered the late exhibits into the record and affirmed the witnesses to testify.

Testimony:

Darin Taylor – Applicant (Representative) – IN FAVOR – 1434 New York St., Middleton ID 83644

Mr. Taylor is appearing on behalf of Ryan and Heidi Walker. Ryan Walker works for Syngenta and was out of town at the time of the hearing. He said they filed the private road application as required by the County. Regarding the questions about a road user's agreement; the road user's agreement was required as a part of the prior administrative splits to supply access to the third lot and was signed at that time. It is their intent to use the existing agreement as the (current) agreement as it is described and recorded. It will apply to all of the original 25 acres. Mr. Taylor reiterated that the 15-acre parcel is already bound by the existing road user's agreement so future landowners will also be bound by this agreement. He said that hobby farming was described as a farming operation but on another page, the three Comprehensive Plan policies not in favor of this application describe taking land out of farming production. He said that is not the Walkers' intent and is inconsistent with the size of the property and the water rights. Those three Comprehensive Plan provisions are inconsistent with the hobby farming designation. Mr. Taylor had concerns about condition #4; even though everyone else in the County can have two residences per parcel, this applicant doesn't get to keep that right. The applicant would like to keep the ability to have a secondary dwelling especially with the sizes of the lots and the water rights. He said the Highway District letter requirements discuss cul-de-sac standards but this is a private road so the Highway District doesn't have any jurisdiction over it. He has written a letter to the Highway District and requested a revised agency comment letter but hasn't seen a response yet. He addressed the exhibit (letter) which stated they had concerns about traffic on Galloway and Wagner Road. He said the intersection described in the letter is a mile to a mile and a half from this property and maybe they are frustrated with the nearby Stadium Subdivision coming without an intersection improvement. He said that issue should be addressed to the Highway District directly. Mr. Taylor explained how new owners don't have to sign the road users agreement because their predecessors have signed and agreed to be bound to the agreement. He explained the storm drainage system along the road, how storm water will be collected in swales and how the water will percolate. He said this is tested and documented by the engineers when they build the road. For the rest of the site, historic drainage patterns for farming will remain. Mr. Taylor said they agree with all conditions of approval except for condition #4 on secondary dwellings. There was additional discussion about the average lot sizes of parcels in the area. In response to a Commissioner's question, he said the irrigation will go along the historic route, applied to the same land in the way it has been done in the past, through a piped ditch and a pressurized system. There was additional discussion about borrow ditches and preventing future landowners from building into the ditches. The 60-foot easement for the road will contain the borrow ditches and the Homeowner's Association will be responsible for maintaining the private road, the irrigation and the drainage.

Heidi Walker – IN FAVOR – 10629 Valley Hi Road Middleton ID 83644

Ms. Walker said their interest in this project is to live with like-minded people who want to have hobby farms. They have lived on a farm in Canyon County for many years and their kids have raised cows, sheep and pigs on that farm. They would like to do the same here and would also like to own and board horses someday. She is interested in having the secondary home on site for people to stay who are attending to their horses on the property or for visiting family members. She also runs a small music preschool and would like a small studio on site that is not part of her house. She hasn't heard about traffic concerns before and they would love to talk to the person who wrote the letter of concern. Her husband has already begun work on the pipes and irrigation; they are commencing work on the road shortly. She showed on

the map where the plumbing was for the irrigation. There are no plans for an Homeowner's Association but they have drawn up CC&Rs and a water users' agreement with a lawyer. She explained that her husband wants to use their property for seed research and the current lot is a good spot for some of his small scale seed development. Asked if there was a water users' agreement, she stated yes, there should be one. She said her husband was ready to assume the responsibility of communicating with the landowners and the Irrigation District. Ms. Walker said the pump house idea had been shelved; each individual wanted to have their own pressurized irrigation and pumps on their property. She explained why she wanted the secondary residence but said if it was a deal breaker, it wasn't a big deal.

MOTION: Commissioner Sheets moved to close public testimony on Cases CR2021-0012 & SD2021-0057, seconded by Commissioner Williamson. Voice vote, motion carried.

DELIBERATION:

Commissioner Williamson said, regarding condition #4, the secondary dwellings, they have seen prior cases where banks won't issue loans for secondary houses. He also understands wanting to keep the character of the area the same. If their intention is what was stated (in their testimony), he can see removing #4. Commissioner Amarel asked if condition #4 stops them from building a shop or different type of structure? Staff replied it would not stop them from building another type of structure, just a residential dwelling unit.

MOTION: Commissioner Nevill moved to approve Case CR2021-0012 including the Findings of Facts, Conclusions of Law and all current Conditions of Approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Amarel. Roll call vote 6 in favor, 0 opposed, motion passed.

MOTION: Commissioner Sheets moved to approve Case SD2021-0057 including the Findings of Facts, Conclusions of Law and Conditions of Approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Williamson. Roll call vote 6 in favor, 0 opposed, motion passed.

- **Case No. CU2021-0009/Sage Point RV, LLC:** The applicant, Blue Terra representing the property owner, Sage Point RV LLC., is requesting a Conditional Use Permit to allow a Planned Unit Development (PUD) for a mixed-use storage and business complex on parcels R34542 and R34535 (approximately 20.85-acres). The parcels are zoned "C-1" (Neighborhood Commercial). The uses proposed include 89 storage condos, 428 mini storage units, 56 boat and RV parking stalls, and a business park consisting of five lots approximately one (1) acre in size. The property is located on Old Highway 30 approximately 1,000-feet south of the Old Highway 30 and Mink Road intersection, also referenced as a portion of the SE¼ of Section 4, T4N, R3W of Canyon County, Idaho.

Planner Elizabeth Allen reviewed the Staff report for the record including late exhibits.

Chairman Robert Sturgill entered the late exhibits into the record and affirmed the witnesses to testify.

Testimony:

Michael Fife – Applicant (Representative) – IN FAVOR – 2667 E. Gala Ct., Meridian ID 83642

Mr. Fife played a slide show showing an overhead view of the conceptual site layout. He noted there is a major power line that goes through the property. The site is located along I-84 and Old Highway 30. It is currently zoned C-1 and they are not seeking a rezone. He said many C-1 uses have a significant traffic impact. They initially applied to put in an RV park and after some neighborhood meetings and looking at traffic impact, they retracted the application for an RV park and looked for a new use. Mr. Fife said they looked for the “highest and best use” with the least impact on traffic, neighbors, sewer and water. The number one complaint from all neighbors was traffic so he said that is why they changed (their application). The mini-storage requires no significant water or sewer. There is a bathroom facility for the storage condos and the only other water usage would be for the five 1-acre business park lots. It would have minimal impact from a water and sewer standpoint for a 20-acre site. He said this is also the least disruptive use that they could develop with the neighborhood concerns about traffic. It will not add to the school system and will have minimal police and fire impacts. From the traffic studies, they found it wouldn’t add to traffic during peak periods. Mr. Fife said storage is the quietest neighbor you can get. They moved the access to the site so it would not line up with the street that goes into the neighborhood. They put fire ponds along the south end and one on the northeast corner for the neighbor as a buffer. He said the neighbor has since said she doesn’t want it there so they will move it: it will probably end up being on the south end of the one acre business park lots. Mr. Fife showed where the power line easement is; the different colors on the map represented the height of the power lines and what was allowed under those lines. The area was designed with Idaho Power’s cooperation and has their approval. Mr. Fife said the storage condos are like ‘a shop away from home’ where people can store their toys and tools. They are owned not rented and they find that people take pretty good care of them. He showed some photos of the storage condos and their use. They have interacted with all the agencies and agreed to all the points the Highway District asked for. They are willing to pay impact fees and are also willing to pay into a fund for the intersection improvements because they know it is a concern. They will pipe the canal and do the offsite improvements. Everything they have been asked to do, they are willing to do. Surface irrigation water will be used to fill the fire suppression ponds and during the winter, if depleted, they can use the onsite well to fill the ponds. Mr. Fife explained what a storage condo is and said no one will be able to live in them. Much of the storage area will be paved; there will be some gravel and valley gutters and seepage beds. He was asked about the secondary pond and Idaho Power. Mr. Fife said there is no problem with having the secondary pond there. He said they have to agree that if Idaho Power does work and messes up the pond, the storage facility has to pay to fix it. The business park portion of the development will be sold off. He said perimeter fencing will be vinyl fencing; they haven’t found the vinyl fence to be a problem and they will have cameras for security. When asked if they have considered an RV dump station, Mr. Fife replied they hadn’t but it was something they could consider. He was asked if the owners of the storage condos could use power tools and cause noise. He responded that the storage condos are more for the hobbyist; they can’t run a business out of the condos so there won’t be noise all the time. They are also pretty well insulated. Mr. Fife said they are okay with the 19 conditions of approval. There will be only one bathroom for all the storage condos. He said they anticipate the businesses in the business park to be plumbers, electricians or something like a retail carpet store. He said they are open to putting in a walking path from the storage facility to the gas station/convenience store. Commissioner Sheets felt that some of the traffic counts were low because the traffic study was done in the summer, not during the school year and they have been undercounting fatalities. Mr. Fife said when doing the traffic impact study, they also look at the historical data and not just a moment in time and he feels the proposed use makes the most sense because it has the least traffic impact. There will be no warehousing on the site. There will be CC&Rs for the development that prevents warehousing.

Hunter Christensen – IN FAVOR – 3758 N. Warm Creek Ave., Meridian ID 83646

Mr. Christensen was appearing on behalf of two adjacent neighbors who weren't able to attend and are in favor of this project. One neighbor is Oregon Trail Church and Mr. Christensen read a short letter from Ben Holt, Chairman of the Board for the church. The neighbor located to the north (who requested the pond) said via text, with permission given to use it as testimony, as long as they move the pond because of mosquitos, she is in favor of the project. Mr. Christensen said he is an employee of the developer.

Kathy Robertson – IN OPPOSITION – 23193 Forest Hills Loop Caldwell ID 83607

Ms. Robertson lives right across from the proposed project and is glad they had the list displayed for C-1 zoning because she wasn't sure what it included. She would like to see something put there that would be a service to her. They have two storage units less than a mile away; those storage places aren't full and are unsightly. She said recently the Nampa City Council asked a developer to scale back their storage unit proposal. This is about 20 acres and has 15 acres of storage units which seems huge to her. The 2030 Comprehensive plan shows all this area as commercial, not C-1. She felt there should be things there that someone would expect to see off a freeway exit and asked what do we want it to look like in 30 years? Is our future storage units and RV parks? She said traffic is an issue. There is going to be traffic there; it's commercial right next to the highway. She asked if they could plan for something that would benefit everyone. That intersection is really bad, no matter what is put there but she wishes it was something that would benefit the residents who live there. They currently have to drive quite far to go to a grocery store or a dentist. If they are set on approving the project, it would be nice if it could be landscaped and look nicer than the other storage units in the area.

Jeffrey Phipps – IN OPPOSITION – 23209 Forest Hills Loop Caldwell ID 83607

Mr. Phipps' concern are traffic, the water and the speed limit. Peak traffic time is 5 am to 10 pm; there is no 'off time'. His bedroom is right on the road and he hears it all day long. He said the other issue is lighting. He doesn't want light shining into his bedroom. He said something has to go there and this is better than having an RV park. Right now, he said there is a car wreck there almost every week. Commissioner Nevill pointed out that the conditions of approval say that all lighting will be shielded down and directed away from adjacent properties and Mr. Phipps said that was what he was looking for. He also suggested a roundabout at that location might be good because the residents who turn in there get flipped off all the time.

Heather Phipps – IN OPPOSITION – 23209 Forest Hills Loop Caldwell ID 83607

Ms. Phipps said their house is directly off Highway 30 and they would be directly across from this development. She said the applicant didn't point out where their subdivision is, which has been there since 1998. She is concerned about their resale values; if this project goes in, what happens to her property value? She said traffic is atrocious and there is an accident every week. She regularly gets forced off the road when she slows down to turn into the subdivision because people think they are getting onto the interstate and are accelerating to 65 or 70 mph at that point. She said they are almost forced to go into the borrow pit to turn into their neighborhood to avoid being rear ended. She also felt there needed to be some kind of dedicated right hand turn lane for the residents. As soon as people see the 55 mph sign, they go 90 mph. From 5 am to 9 am, it is very difficult to get out of their subdivision; at 6:30 am, it can take her 15 minutes to make a left hand turn because of the traffic. She is concerned about anyone who is trying to pull into that location as well; she believes they are setting themselves up to be struck by a vehicle coming from the opposite direction because there is a slight rise in that highway and it is sometimes hard to see cars coming. She is also concerned about someone living in the storage condo units because people can't afford to live anywhere. She is concerned about the lighting; she likes a dark backyard. She hopes the lighting is downward facing. She doesn't want headlights coming out of the storage facility and shining into her backyard. She said they have talked to the Highway District to move

the speed limit sign and they said it was an Idaho Transportation Department issue. She feels there could be a very bad accident there because of that intersection. She has lived there since May 2021 and says the traffic has increased since they have moved in because there are several subdivisions going in further down the road.

Michael Fife – Applicant (Representative) – REBUTTAL – 2667 E. Gala Ct., Meridian ID 83642

Mr. Fife said there would be a widening of the road with a center left turn lane so no one would stop traffic to turn left. He said they are glad to lead the charge to help to move the speed limit sign further down the road to help with the traffic issues in the area. There was a photometric study done and they will make sure the residents aren't blinded (by lights) and after moving the entrance further north, the headlights won't be shining into the neighbors' properties. He said they are glad to do landscaping, adding trees and will make it look nice. They don't do anything 'hodge-podge' and would be glad to show photos of their other projects as examples. He said they have an opportunity to expand to other kinds of services once city services reach the area. Re-purposing the property is not uncommon when it makes sense and services are extended to the area. Commissioner Nevill said that proposed condition #13 says landscaping buffer and fencing will be provided on the northern border of the property and asked if they are saying they will extend that to the other sides. Mr. Fife said landscaping is already on the east, south and north boundaries, just not on the freeway side. There is a pretty good slope on the north side that makes fencing impossible but they will maintain that and make it look good. He reiterated that they are willing to work on the traffic issues with the neighbors. Commissioner Amarel asked if they are not putting a vinyl fence along the north side, is there some trees or landscaping in their plan? Mr. Fife said it was in their plan to landscape that area.

MOTION: Commissioner Sheets moved to close public testimony on Case CU2021-0009 seconded by Commissioner Amarel. Voice vote, motion carried.

DELIBERATION:

Commissioner Sheets said what they have in front of them is a Conditional Use Permit as applied with all the conditions. He said we have additional information representing what the applicant may do in the future but if approved as it is, he is not bound to any of those because those aren't conditions of approval. They are also outside Canyon County's jurisdiction and the applicant's ability to do things. He said what we have been presented with is the traffic impact study and what we know is in the Canyon Highway District #4 capital improvement plan, including their ability to allocate traffic impact fees to mitigate the issues to Highway 30 and Highway 44. It's a dangerous intersection and it won't get better for another 6 – 30 years. It's dangerous and people get in wrecks all the time. It's also a very complex intersection because Highway 30 runs parallel to I-84 and any impacts that happen at Exit 25 are going to be reflected on Highway 44 and Highway 30. He likes the proposed use but thinks it is premature based on what is going on in the background and what has already been approved in the county and the City of Middleton. He said things are not going to get better for a while and he wouldn't feel good putting more pressure on that intersection when it is already exceeding its capacity, has an 'F' service level and people are getting hurt there. He would like to add a condition: 'until Highway 30/Highway 44 intersection is brought up to at least a C-level condition'. He didn't see how any changes to the conditions could help make this a good use at this present time as (the problems) are beyond the Highway District, Idaho Transportation Department and the applicant's control. Commissioner Nevill said while he is really happy with the developer's offer to help with the roadway issues, he is looking at the exhibit from Canyon Highway District #4 which says they don't want it approved but then they say it's ok. They don't have a plan other than a long range plan. He is really happy with the plan from the developer; there is not much you can do with powerline easements. He said it's not the developer's fault; it is Canyon Highway District #4 and Idaho Transportation Department's fault. They have to get

their act together and figure out what they are going to do with that intersection. He is not in favor of this right now, not because of the developer but because of the intersection. The developer can't pay for the entire intersection. The project is simply ahead of its time. Commissioner Williamson said the development proposal looked great but safety and the issue with the intersection is a concern. Commissioner Villafana said he drives down that road occasionally and he has noticed in the morning there are a lot of cars speeding, mature trees shading the roadway and kids waiting for the school bus. He feels it's a great concept but the intersection needs to be improved.

MOTION: Commissioner Sheets moved to deny Case CU2021-0009 including amended Findings of Facts, Conclusions of Law and Conditions of Approval. Motion seconded by Commissioner Nevill. Roll call vote 5 in favor, 1 opposed, motion passed.

- **Case No. CU2022-0007/Symms Fruit Ranch:** The applicant, Borton-Lakey Law representing Symms Fruit Ranch, Inc, is requesting a conditional use permit to allow an Agritourism Purposed RV Resort use within an "A" (Agricultural) Zoning District. The use includes spaces for RVs to rent for temporary use, an office, full-time resident managers, a swimming pool, pickleball courts, picnic areas, and other similar amenities. The subject property is located just west of 13748 Sunny Slope Rd, Caldwell on Parcels R33566 and R33567; also referenced as a portion of the NE ¼ NE ¼ of Section 27, Township 3N, Range 4W; BM; Canyon County, Idaho.

Planner Jenna Petroll reviewed the Staff report for the record including late exhibits.

Chairman Robert Sturgill entered the late exhibits into the record and affirmed the witnesses to testify.

Testimony:

Todd Lakey – Applicant (Representative) – IN FAVOR – 12905 Venezia Ct., Nampa ID 83651

Mr. Lakey was appearing on behalf of the Symms, whom he said have been historically synonymous with agricultural operations in the Sunnyslope area. They have been there for generations and know the area, the industry and the evolving trends and opportunities of Sunnyslope. He said this agritourism resort supports the existing and ongoing agricultural operations for the Symms and others in the area. They are bringing a quality, compatible, Comprehensive Plan-supported proposal for an agritourism RV resort in the appropriate location. He said this is an Agritourism use and will retain that focus. This creates another source of agricultural income via agritourism. Idaho is a leader of agritourism and Sunnyslope area is the epicenter of that agritourism leadership in Idaho. Mr. Lakey provided some numbers based on a 2017 Wine Commission study that detailed the number of jobs created and labor and business income generated. He said agritourism is driven by short term visitors who want to participate in their own agricultural experience. This application provides and promotes that key element. Canyon County has a group which found the 'Agriventure Trail'; they provide information and events with various farm and agriculture products and experiences. He said this project is located in the heart of that 'Agriventure Trail'. The Sunnyslope wine trail is in the Snake River Viticulture area with over 20 wineries and vineyards and this will support that. Mr. Lakey said this agritourism RV resort proposal is located adjacent to Highway 55, a major transportation corridor which is where this type of facility should be located. There will be extensive deciduous and evergreen tree landscaping and buffering. The facility is located in the middle of the 36 acres with a large buffer area between the landscaping and the facility itself. Mr. Lakey listed some amenities of the proposed agritourism resort. He showed some maps of the area and described what the properties were around the project. They intend to use vintage model RVs owned and operated by the

Symms but they will be no more than 15% of the total. To maintain the focus of agritourism, Mr. Lakey said the location is extremely important; it is in the middle of an agritourism area. While some RV parks have turned into long term, affordable housing operations, the maximum length of stay on the resort will be 20 days. They will do extensive agritourism marketing both with outside organizations and on their website. There are also two agritourism shuttle/tour operators who want to be a part of the project. He said there will be 'Right to Farm' and length of stay acknowledgements that visitors will have to sign. There is good access from Lowell Road onto Highway 55 with two lanes and a center turn lane. They completed a traffic impact study which was scoped, accepted and approved by Idaho Transportation Department and the Highway District. They found that the transportation system would not be negatively impacted by this operation. Mr. Lakey said they will have community water and waste water systems and will do a nitrate study to determine what specific kind of community waste water system to put in. They plan on having a resident manager 24/7 and downward lighting. There will be no students to impact schools. While the new Comprehensive plan is still in process, it supports an agritourism overlay for the Highway 55 corridor while the current Comprehensive Plan also supports the agritourism overlay. He said the use will not be injurious to the area with their design and it supports agriculture. He said they would like to remove the words 'or individual' from Condition #3 because they will probably be forming another entity to handle this business and property. They accept all the other conditions of approval. When asked by Commissioner Nevill about the Soil Conservation District's recommendation that the type of use not change for the property, Mr. Lakey said he will let the Symms respond to that issue as they are the best judge of the use of the land. It is his understanding is that it is marginal farmland. Mr. Lakey believes this is the best use of the land and will support ongoing agriculture operations in the area. There was a discussion on Highway 55 and turn lanes; Mr. Lakey said that he defers questions on the need for a right hand turn lane to the Idaho Transportation Department. This project's traffic study looked at the center turn lane and he said Idaho Transportation Department is not asking for any additional improvements. When Commissioner Nevill asked about irrigation, he stated they will maintain and preserve all irrigation canals and streams. In response to a question from Commissioner Sheets, there was a discussion of the community septic system. Mr. Lakey said they will do an NP study and then they will design a waste disposal system that will be appropriate for the site. He was asked by Commissioner Williamson if the site plan would change if they used some of the area for a reuse system. Mr. Lakey said no, the site plan would not change. They don't anticipate any changes and can't exceed the number of sites they are approved for. When Commissioner Williamson asked about barriers for the Lizard Spillway, Mr. Lakey said the natural design of the facility and the buffer area/landscaping will keep people away from those irrigation and drainage facilities. In response to a question from Commissioner Williamson, Mr. Lakey said they are talking about walking paths within the facility for those who are staying there but there are no walking paths or sidewalks along Highway 55 at this point. In response to a question from Chairman Sturgill, Mr. Lakey said the visitors will be required to sign a document stating the maximum stay is 20 days, the onsite manager will enforce the 20-day maximum and the County can check them. He said they believe the fact they are a higher-end facility with a premium rate will discourage people from long term stays. They will be self-policing and if they stay longer than 20 days, they will be trespassing.

John Starr – IN FAVOR – 755 W. Front St. #300 Boise ID 83702

Mr. Starr works with Colliers International and has worked with the Symms on a number of real estate issues. He said the definition of Sunnyslope is different for everyone. Sunnyslope area is a community that is centered around Highway 55 between Hopkins Road to the north, Symms Road to the south, Snake River to the west and the Mora Canal to the east. The Sunnyslope map represents just over 4 square miles and 2800 acres. Within that area, there are over 248 individual parcels of land owned by over 200 unique individuals and organizations. It is considered to be a vastly diverse agricultural activity area. He referred to a graphic that showed that majority (of land owners) are occupying at most a hobby farm. The total area that are growing fruit and wine grapes is neither vast nor comprehensive. Row crops grown in

Sunnyslope are limited in scope; many acres are dedicated to growing cattle food. Some try to define Sunnyslope as an area that is broadly agricultural-based but the majority of parcels are owned by people who occupy five acres or less.

Bill Werhane – IN FAVOR – 20968 Blossom Heights Lane Caldwell ID 83607

Mr. Werhane is a neighbor of the Symms and near the proposed venture and some of their orchards. He said if they do the same type of work (on the RV resort) as they do with their orchard operations, it will be a fine facility. He does a lot of motorcycle traveling and camping and a lot of the RV resorts are pretty nice. These facilities are handy. He said this is the right place for something like this, it helps the Ag tourism and it is the right time. He thinks this will most likely be a seasonal attraction; it will be operating hot and heavy for about 4 months then it will drop off when it gets cold. If people have traffic concerns, it will probably only be for 5 months out of the year. He is in favor of this and believes this will add to agricultural tourism. He said he will keep an eye on them.

James Mertz – IN FAVOR – 19786 Apricot Road Caldwell ID 83607

Mr. Mertz is a partner and Board Member for the Symms Fruit Ranch. He and Dar Symms are 4th generation farmers. He has seen a lot of changes that happen in the farming business if you are going to stay in business and he thinks this RV resort is something that will fit into that change for them to remain viable in the future. The piece of land is right off Highway 55 which is a growing and busy area. It is increasingly hard for normal farming practices and it is hard to grow fruit and grapes there (below the frost line). He feels it is perfect for the RV resort and for their vision for the company to keep farming indefinitely. They are very diversified in the fruits they grow and this resort will help them in that diversification going forward. He is excited about the project and the Symms Board is excited about this project as there is nothing like this in Sunnyslope. It gives them a chance to tell the story about Sunnyslope. The land is staying with the Symms Company and they have no plans to develop it or sell it. He spoke about the potential for a retail fruit stand in the future on a portion of the undeveloped parcel. There will be no future residential. When asked why they don't grow apples on the parcel, Mr. Mertz replied that they feel this is a very unique spot off Highway 55 for this application.

Dar Symms – IN FAVOR – 19333 Lowell Rd., Caldwell ID 83607

Mr. Symms wanted to point out that he lives by the proposed site. His mother lives there. They are very concerned that it be a nice, first class place. They don't want to degrade the area because they live there too. His vision for the east boundary of the site is that they want to put a fruit stand on that corner. 15% of all the fruit they grow and pack is not suitable for the fresh market. He would like to look into putting a processing facility to use the culled fruit and make it higher value. This would include drying fruits and making hard cider. The undeveloped strip of land will be an agriculture use. He objected to the letters sent as someone providing testimony, he was sworn in but the letters aren't sworn affidavits. He said they will fence off the waste water area: it's not a live stream in the winter time. They will design the access and work on that with the Transportation Department. He said access would probably come off Lowell Road. They will maintain their neighbor's easement. They will have their irrigation water and their packing shed water to use on the property. When asked by Chairman Sturgill about how to handle customers who have less concern about the neighborhood and neighbors than the local residents would appreciate, Mr. Symms said he is not afraid to use any legal action or call the Sheriff if he has to move people out.

Wayne Rundall – IN OPPOSITION – 20790 Lowell Rd., Caldwell ID 83607

Mr. Rundall said others have touched on some of the items on his list so he will try to be brief. He doesn't think anyone has addressed the traffic problem on Lowell and Plum. There is a sharp bend on Lowell that is only about 1.5 lanes wide and if there is a diesel pusher is coming one way and cars are going the other, there will be traffic problems there. He believes about 75 cars coming down Lowell onto Plum every

Sunday for a 90 minute period. They turn around and come back the same way they came. He doesn't believe the traffic patterns have taken that into consideration as well as traffic for the RV park and for retail fruit sales. The people coming from the RV park who are going to the proposed special events facility; he thinks all those additional issues need to be considered by the Commissioners.

Robert Salaber – IN OPPOSITION – 14510 Frost Rd., Caldwell ID 83607

Mr. Salaber said that he lives in the middle of the area around the proposed area. He moved to his 12 acre farm because of Sunnyslope's beauty. It is a majestic place; there is no place like it. He thanks God that he lives in Idaho and Sunnyslope because it's unique. He said they haven't talked a lot about the character of the community and about how the project will impact the neighborhood. He doesn't want to be here (at the hearing) because he knows and likes Dar Symms. He has a lot of respect for Dar Symms and his family and what they have done. Sunnyslope wouldn't be what it is without them. But he said he has no choice because ultimately, they all have to look out for their own interests in some form. He said they invested all of their lives, own property here and are doing work in this area because of the beauty of this location. This will impact them. Mr. Salaber said all developments aren't the same; there are good developments in bad locations. He doesn't have anything against RV parks, just putting one in this location is the problem. He said this is the gateway, not only into Sunnyslope, but to Canyon County and Idaho. People come to this state and drive through on Highway 55. This location is in a scenic byway. The first impression people are going to get, aside from Lizard Butte, would be this development. Showing the area on a map, he said this (area) is dead center and is the gateway to Southwest Idaho. He felt this is going to leave an impression. He said you can call it an RV resort, but at the end of the day, it's a very large parking lot. It is 15 acres; twice the size of the parking lot of the super Walmart on Cleveland Blvd. He said you can put as many trees as you want, it is still going to look like a parking lot.

MOTION: Commissioner Williamson moved to give 2 more minutes of testimony to Robert Salaber; seconded by Commissioner Nevill. Voice vote, motioned carried.

Mr. Salaber continued: If you don't look at it as a parking lot, you can look at it as a 105-acre mobile residential subdivision. Either way, it totally changes the character of Sunnyslope. Looking down, seeing the view of the Snake River and all the orchards and vineyards, many of which belong to the Symms, and how beautiful it is, this will be the single largest feature people will see now. It changes everything. He said if this gets approved and this parking lot is allowed in this location, he worries about the precedence it sets for Sunnyslope. He said they won't be able to deny the next guy that wants to do this. It sets a dangerous precedence. Sunnyslope is unique and beautiful; people are going to want to come here from all over the world. He just thinks having this right dead center at the gateway to Sunnyslope, Canyon County and Idaho is dangerous because it will have a major impact on the neighborhood and the overall character of the majestic community. He doesn't think that an RV park is a scenic feature. He doesn't understand why they would put it there anyway. It's a very busy highway with a lot of traffic; it's not quiet and pleasant. He pointed out his development on the map and said he is trying to preserve and protect agriculture and his development is very different from this one. He is trying to keep the area looking similar to what it is now. He said it may seem hypocritical that one developer is saying to another developer that he doesn't like (their project) but the two developments are very different. He doesn't see how this RV park enhances an agricultural community. He said it may help agritourism but it doesn't enhance the community. When asked if this change in land use is a foot in the door for other residential and he said he thinks this opens the door to everything. He asked 'what's next?' and said, we don't know. It changes the potential character. What's the next guy going to do and how are you going to stop him? When asked how he envisioned where people could stay, he said he thought this particular thing should be closer to Lake Lowell; closer to recreation. It wouldn't become the dominant feature when you drive into the (Sunnyslope) area. He asked, 'is this really the place to do it?'

Mary Salaber – IN OPPOSITION – 14510 Frost Rd., Caldwell ID 83607

Ms. Salaber said this is kind of a nightmare for those of us who live in that beautiful little valley. Her real concern is that if anyone has been out there and tried to turn onto Lowell Road, they would discover it is a very steep road with a hard little turn. It drops off and has a canal on one side and goes down onto the project property on the other side. She said in the busy months, when there would be RV's on the road, it is also the busy Ag time of year. There would be men driving little carts full of fruit going up and down the road, and big onion and alfalfa trucks. She said it's the busy time of year; people live there and have children. She said they are surrounded by vintage trailers; it's not attractive and it terrifies them that more might be coming, in some gigantic form, on the Highway. It is such a shame to ruin the beautiful little jewel of a valley.

Gerri Smith – IN OPPOSITION – 22517 Bauman Rd., Wilder ID 83676

Ms. Smith said based on the things she has heard tonight and things she has heard when she came for the Comprehensive Plan, they are using the 'agritourism' term now, when they were against it in the Comprehensive Plan. She is here asking they deny this Conditional Use Permit or at very least, they postpone any decision until the approval of the 2030 Comprehensive Plan. She said she was unaware of this (project) until a neighbor saw the sign and she wished there was a better way to know what is going on in their own community. There was not enough time to go through the 163 pages and have good questions. They have 1329 signatures on a petition but didn't have time to print it all out. She has provided half of the signatures. She wanted them to know agriculture is important to them. Once the land is covered with concrete, you can't go back. She doesn't feel that this location is appropriate for an RV park of any kind. Highway 55 traffic is not good and it's not going to get better any time soon. The Highway Department is going to start working on Highway 55 in January but only on a small section which will leave Farmway Rd past Hoskins narrow, curvy and dangerous. She doesn't believe this fits within an agriculture area. Not only will visitors have RVs, but they will bring ATVs and motorcycles. This is not a safe place for those. She also said crop dusters go out in the middle of the night, campers won't wait for sheep going across the road and there are tractors and trucks which work at night. She said the campground might be 100 spaces but they are talking about the presence of 250 people, not just 100 trailer spots. She also felt fire was a huge problem: she said we don't have a good fire department (close by).

Jeff Hibbord – IN OPPOSITION – 20796 Lowell Rd., Caldwell ID 83607

Mr. Hibbord lives just down the road on Lowell Road. He wanted to acknowledge the Symms family and the tremendous respect he has for what they have done for the community. He has lived at the address on Lowell Road for the last 4 years and moved there because he was raised in agriculture. He loves where he lives. He appreciates the setting; the space, the fresh air, the views, the vineyards; everything that goes along with the country including the quiet and very little traffic. They enjoy the Ag life; the seasons, the tractors and livestock, even the crop dusters, flies, the smells that come with the country. If they noticed when they were deciding to move there that they were moving close to an airport, a shopping mall or an RV park, they would have re-considered. He said it feels like now they are here, the rules are changing. He asked, do we want a 'hodge-podge development' kind of community? Why wouldn't we want to live in a community that has a place for everything and everything in its right place? That means a place for Ag to happen as it has for so many years, and a place for light industrial, located around other light industrial uses. He asked why is a 15-36 acre parking lot with 100 RVs being considered for agriculture country? What he is really worried about is the impact on the aesthetics of the area, the look of the trailer park/RV park. He still envisions lighted signs, utility trailers and RVs. The variety of people that this will attract; do they have the pride, care and concern about our community that we do? He was also concerned about traffic; how will that work? How will inexperienced drivers navigate back onto Highway 55. His biggest concern is about the precedence that this would set; if this is allowed, what is next? What about the

investments that they have made? What is that going to do to their property values?

Todd Lakey – Applicant (Representative) – REBUTTAL – 12905 Venezia Ct., Nampa ID 83651

Mr. Lakey said when it comes to agricultural success and preservation, the Symms are the most qualified people they have heard from tonight. They have been out there since 1914-15 and know how to run a successful operation. They know the future trends and agritourism is part of that future trend to support agriculture. Agritourism is recognized by Canyon County, and the Highway 55 corridor is designated as the agritourism corridor. This is an agritourism-focused resort along a major transportation corridor and this is exactly where this facility should go. He said he has addressed the traffic issues. There will not be undue interference with existing or future traffic patterns; the traffic study and the Highway District addressed that. They intend on designing the access on Lowell Road so people can't turn left and go down to the agricultural area. He said the Comprehensive Plan currently supports this. This is a use that he feels enhances and is part of the purpose of that scenic byway. They are willing to use fencing on the eastern boundary but would prefer an open style of fencing because they want to keep the open feel. They are okay with allowing people to park in the resort; they will have 20 additional parking spaces. This will not be for long term stays; they risk revocation of their conditional use permit if they violate the terms. Agritourism is a strong part of the character of the area and this directly supports that. Landscaping and the existing mature trees will provide the buffer and separation. It won't be the parking lot that is being described. He would not be opposed to fencing being an additional condition of approval. Commissioner Williamson asked staff if the addition of day parking would require a change in the FCOs and they responded that it could be added. Commissioner Villafana asked Mr. Lakey how they proposed to keep people from going off the RV resort, walking along the canals and trespassing on others' land. Mr. Lakey responded that the RV resort is designed to keep people on the resort and they could also implement policies that state they are not to use ditch banks and should stay on site when they are not visiting local wineries and farms. They will make visitors aware that if they are walking in peoples' orchards, they are trespassing. In response to a question from Commissioner Sheets, Mr. Lakey said it will be advertised as vehicular-friendly and are not advertising it as a bicycle-friendly resort. Chairman Sturgill asked what the definition of an 'agritourism resort' is and what the difference would be between the proposed RV resort and a Holiday Inn located nearby. Mr. Lakey said the Holiday Inn could try to cater to those types of tourists but he felt the difference was the appearance, ability to blend in and the fact that it would be run by a local agricultural operator who is familiar with the area. Commissioner Williamson asked if he would be agreeable with a condition that stated visitors couldn't offload ATV's and motorcycles. Mr. Lakey said yes.

MOTION: Commissioner Sheets moved to close public testimony on Case CU2022-0007, seconded by Commissioner Amarel. Voice vote, motion carried.

DELIBERATION:

Commissioner Nevill said he was appreciative of the planned community well and septic systems. He understands the need to diversify farming and for Ag to stay in the business but he can't not see this resulting in conflicts unless they carefully craft conditions with restrictions. The Treasure Valley is a destination for people all over the United States and most people won't have any idea they are trespassing. They will go everywhere they aren't supposed to. He has a big concern about the conflicts and believes it will change the essential character of the area. He doesn't know if he can be convinced to support this with the appropriate conditions or not. Commissioner Amarel said with all due respect to agriculture and the Symms, this isn't an agriculture project, the way he sees it. He has been involved in other projects where the public comes in and they say they can educate and control them but that is a difficult thing to do. The public doesn't always respect agriculture. He is having difficulty with this project. Commissioner Villafana said he is torn. He thought it was a good plan but hearing how big the

lot was going to be made him think. He wishes it was a little smaller with the intent that if it's a success, they expand on it later. 15 acres is a very big area. He is worried about people trespassing, so if they could come up with a condition to prevent people from riding their Razors all over, he feels that would be great. He reiterated that he wishes the area this is going to be comprised of was smaller. Commissioner Williamson said he came into the project as neutral because he can see the concerns on both sides but he is now leaning more in favor of the project. He said there should be conditions about fencing and to prevent the unloading of ATVs and UTVs to reduce trespassing. He also thinks they should modify Finding #2 to include the day use parking for agritourism purposes. Commissioner Sheets has thoughts that are both in favor and in opposition to this. He is neutral on this so far until he hears the proposed conditions. Commissioner Sheets said that his issues with the project is not with the proposed purpose, it has to do with the land use. He understands there are aspirations that this is for agritourism, but the reality is that they are approving an RV park and that is how he will be deciding this.

MOTION: Commissioner Williamson moved to approve Case CU2022-0007 including amended Findings of Facts, Conclusions of Law and Conditions of Approval, adding conditions on day parking, fencing and restricting the unloading of ATV/UTVs. Motion seconded by Commissioner Villafana. Roll call vote 2 in favor, 4 opposed, motion failed.

MOTION: Commissioner Nevill moved to deny Case CU2022-0007 including the Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Amarel. Roll call vote 4 in favor, 2 opposed, motion passed.

APPROVAL OF MINUTES:

MOTION: Commissioner Williamson moved to approve the minutes from 8/4/2022, seconded by Commissioner Sheets. Commissioner Nevill recused himself from voting on approval of the minutes as he was not present at the hearing. Voice vote motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Planning Official Dan Lister said the next week they are putting a letter on the website, approved by the Board of County Commissioners, alerting all applicants that the Development Services Department is short staffed and have over 200 projects currently in process so processing will be delayed. It will be first come, first served. Devin Krasowski passed his engineering test and has applied to become a licensed engineer. Dan is hoping he can start reviewing and approving plats without approval from the consulting engineer soon. He reviewed the pre-application process and stated the Board of County Commissioners removed the "mandatory" requirement from the process. The Development Services Department has a new Planner 1 starting soon. Commissioner Nevill asked the Planning Official if there was a way to investigate the statistic referenced in the Comprehensive Plan hearings that there is more land in agriculture in Canyon County now than there was 10 years ago. He doesn't know where that number comes from. Planner Elizabeth Allen stated there was not a study done however there was language in the staff report that spoke about land 'zoned agricultural in the county' but did not take into consideration the conditional use permits approved which will still show as agricultural land. She said she would try to have the GIS specialist look at it. Commissioner Nevill felt that number couldn't be right. Commissioner Amarel felt that they were comparing the 2020 Comprehensive Plan to the 2030 Comprehensive Plan and there is more land showing as being zoned agricultural in the 2030 Comprehensive Plan. He thought that is what they were getting the comparison from. Planner Elizabeth Allen thought the individual testifying was mixing up a lot of different data points but she thought there was more land in the 2030 Comprehensive Plan designated as agriculture whereas it used to be designated residential. Commissioner Sheets asked if there was any response to the letter the

Planning and Zoning Commissioners sent to the Board of County Commissioners about the Development Impact fees. Response was no.

ADJOURNMENT:

MOTION: Commissioner Williamson moved to adjourn, seconded by Commissioner Sheets. Voice vote motion carried. Hearing adjourned at 11:45 pm.

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

Approved this 6th day of October, 2022



Robert Sturgill, Chairman

ATTEST



Bonnie Puleo, Recording Secretary