



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, June 11, 2020
8:00 P.M.

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

Commissioners Present: Robert Sturgill, Chairman
Sandi Levi, Secretary
Rick Fried, Commissioner
Richard Hall, Commissioner
John Carpenter, Commissioner

Staff Members Present: Director Patricia Nilsson
Planner, Jennifer Almeida
Recording Secretary, Kellie George

Chairman Robert Sturgill called the meeting to order at 8:05 p.m.

Secretary Sandi Levi proceeded to the business item on the Agenda.

The chair asked if any of the Commissioners needed to declare conflicts of interest. None were stated.

ACTION ITEMS

JTAP LLC CUP2019-0032

JTAP, LLC is requesting a Conditional Use Permit for long term mineral extraction. The request includes mining, crushing, washing, & scaling of material. The proposed mining will take place on approximately 36 acres of the site. The subject property parcel No. R29826011 is located on the west side of S. Powerline Rd., approximately 973 ft. south of the intersection of Summit Ridge Dr. Nampa, ID, in a portion of the NE ¼ of Section 27, T2N, R2W, B.M., Canyon County, Idaho.

Testimony:

Planner Jennifer Almeida read exhibits 38, 40 and 42 into the record. She then presented the staff report. Staff is recommending approval of the conditional use permit.

Commissioner Fried asked where the location of the nearby gravel pits. Planner Almeida referred him to Exhibit 10.

Commissioner Hall asked which exhibits had deed information. Planner Almeida referred him to additional exhibits.

Todd Lakey, 12905 Venezia Court, Nampa, ID, testified in supported of the application as the applicant's representative. He presented Exhibit 54. This is expansion of a historic gravel pit. In 1997 a batch plant was approved. The sources need to be close to where the gravel is needed. He showed the location of the historic pit and the larger operation to the south.

The applicant agrees with the conditions of approval. They only plan to mine on 36 acres of the property. They have provisions for buffers, noise mitigation and dust control. They will only mine 5 acres at a time. They will only mine on demand. They plan to crush on the historic site only. Crushing may occur only 2-3 months out of the year. They will not use South Powerline for hauling, but there may be occasional traffic.

Commissioner Carpenter asked about the access easement and the use of South Powerline Road. Mr. Lakey disputed the assertion that they do not have access on the easement to the historic site. Since the highway district wanted an agreement to use the existing half ROW, they preferred to improve the road to full highway district standards. They only plan to use it periodically but they don't want restrictions on its use. The number of vehicles per day will be only be 5 trucks/day average and there will be times when it's zero to up to 50 trucks/day when it's busy. In response to a question regarding use of the existing batch plant on the historic site, they plan to use a conveyor from the new site to the historic site, from which it will be trucked out via Bennett Road. They wish to crush on the new site but they could accommodate crushing be on the historic site. Generators will be used on the lower portion of the site when they are crushing. Mr. Lakey confirmed there is not a time limit on the batch plant. Mr. Lakey described the reclamation of grading to a 2:1 slope and seeding. They may continue to farm.

Commissioner Hall asked Mr. Lakey to review Exhibit 28 and discuss its significance to this application.

Commissioner Fried asked Mr. Lakey if Bennett Road and South Powerline Road were the access points to the property. Mr. Lakey confirmed they were. In response to a question regarding the most current mining on the property, Mr. Lakey said mining occurred last year and Mr. Blickenstaff has taken material out of the pit. Commissioner Fried asked if the historic pit is mined out. Mr. Lakey responded that there is still material in the pit but could not confirm the tonnage remaining. Mr. Lakey said there is a reclamation plan for the historic pit. In response to a question about the improvement to South Powerline Road, Mr. Lakey said they propose to dedicate an additional 30' of right-of-way and construction of a full road to meet Nampa HD requirements and will extend it an additional 100' beyond the end of the existing license agreement.

Jeff Agenbroad, 3615 S. Portland, Nampa, testified in support of the application. They have never received a complaint on the operation of the historic pit. The access easement is not in litigation. The letter from the Shoemakers ignores the existing easement. The other opposition is based on concern about the use of S. Powerline for hauling which is not their plan. They plan to continue to be good neighbors. The property has been in his family for four generations.

Jerry Payne, 27333 Fountain Road, Parma, ID, testified in support of the application. He has farmed the ground and it is not prime farmland. The harvest of sugar beets generates 50 trucks/day for a short tie and use Sand Road. The road does get used on a regular basis.

Alan Mills, P.O. Box 206, Middleton, ID testified in support of the application. We are going to need more gravel in the valley to elevate building pads out of the floodplain. He gave an example of the Coyote Cove subdivision near a historic gravel pit that became the highest assessments in the early 2000's. He further discussed road standards.

Commissioner Carpenter asked how deep the gravel layer is. Mr. Mills did not know the answer, but he had read there were a million yards total. It passes state tests for hardness. It varies in depth due to topography. There will be a need to bring water in for dust control and there is no groundwater available. Carpenter further asked to point out the location of the planned land divisions.

Geoffrey Wardle, 251 East Front St., Boise, ID, of Clark Wardle Law is the representative of the Shewmakers and testified in opposition to the application. He referred to Exhibit 28 and gave a history of a settlement. It provided for an easement to the historic pit and a separate easement to only the Shoemaker/Blickenstaff parcel. There may be a need for legal clarification of the easement rights in future litigation. He believes they are using the conveyance to avoid the issue of the easement. They disagree with that they have satisfied the County Code requirement that legal access be provided to the property. They think the concerns of his client have been minimized.

Joyce Baker, 7831 S. Powerline Road, Nampa, ID, testified in opposition to the application. She has lived there 10 years and she did not know the name of anyone who owned the property adjacent to her property until they received the neighborhood meeting notification. She asked if there is another current operation pit and batch plant with similar number of residents in the vicinity. She asked if an environmental impact report has been done. There are too many unknowns to the neighborhood. Please consider the extra large number of opposing residents.

Lori Sanchez, 7855 S. Powerline Road, Nampa, ID, testified in opposition to the application. The residents should be the priority. The surface water map shows all of the residences surrounding the site. Star Pass Ridge has more residences than shown on the map. The road isn't designed for 50 trucks/day. Her house looks down on the site. She believes the noise will be terrible. The residents do not want this.

Chairman Sturgill asked her if she could give an example of when they feel they have been misled. She responded with a description of a meeting at the Nampa Highway District where the applicant said it had nothing to do with the pit. Then it changed that it was related to the pit. Now tonight they hear that some trucks may need to use S. Powerline.

Commissioner Carpenter asked if she was able to see the bottom of the existing pit. She replied there were pictures with her testimony (Exhibit 40).

Robert Sanchez, 7855 S. Powerline Road, Nampa, ID, testified in opposition to the application. He owns three acres of property. The project site is located to the west of their property. He is a disabled vet and needs a quiet and peaceful place to live. He would like the Commission to make a decision in the best interest of the County.

Steve McPherson, 3016 Westview Lane, Nampa, ID, testified in opposition to the application. He owns property on Bennett Road and is in the process of constructing a home there. Thirty years of mining will prevent future development of hobby farms and homes in the area and it seems unfair to current owners. He had submitted a letter (Exhibit 36). Clear access needs to be established in writing. He emphasized point #6 in his letter.

Brent Heaton, 7821 S. Powerline Road, Nampa, ID, testified in opposition to the application. He believes the photos in Exhibit 29 were taken from an advantageous view as they exclude the existing rooftops. The activity proposed cannot be screened from view due to the existing topography. The second photo shows the location of his house. The residential splits were originally south of his property and have been moved to the west of his property. He is very concerned about traffic on S. Powerline.

Todd Lakey, 12905 Venezia Court, Nampa, ID, the applicant's representative, provided rebuttal testimony. He disputes Mr. Wardle's testimony. The plain language of the easement allows gravel to be brought in and out of the property. Mr. Wardle is asking the County to limit the use of the easement. South Powerline is intended to be used as a secondary access. The depth of the pit is 20-45'. The land divisions were moved intentionally to provide buffer for the houses to the east. The 30 year time frame is based on demand. The conditions of approval help mitigate the impacts. The longer term neighbors are supportive. The 24/7 operations would be on a contract basis. This operation will not impede future development and referred to Mr. Mills' testimony. It will not diminish property values.

Commissioner Carpenter asked Mr. Lakey to describe the highway district's intentions for S. Powerline Road. Mr. Lakey said it is designated a collector and is a section line road and is planned to handle traffic. Highway district are a maintenance entity and rarely build new roads. Any connection to the south will be dependent on those property owners. Mr. Lakey said they don't have an intention to bring in access though they may have the ability within the confines of the easements. Mr. Lakey referenced the Coyote Cove development next to the Rambo gravel plat and the Coleman development going in across the street from the Cope gravel pit. He also referenced existing pits on Midland near newer subdivisions.

Commissioner Hall said he has an issue with the 24/7 use being "on demand." He asked if there is a willingness to cap the number of days. Mr. Lakey, after consulting with his client, responded that any contract would not extend more than 10 days/contract. He said the number of contracts per year would vary.

MOTION: Commissioner Hall moved to close public testimony on case CU2019-0032, seconded by Commissioner Carpenter. Voice vote, motion carried.

Commissioner Hall has issues with the duration since it abuts residential areas but the historic pit existed before the residential developments.

Commissioner Fried reviewed draft finding #4. He agreed that the negative change to the character is possible upon opening a new gravel pit area with high activity, compared to the character of a relatively dormant pit. Finding #6 is heavily debated on both sides. If the one access on the south is not able to be used, and the only remaining access to the subject site is from S Powerline Rd, then it may change the character of the area for residents on S Powerline Rd. and in that immediate vicinity. He believes there will be an interference to current traffic patterns for Finding #7, especially if South Powerline is the only access. Either way, a new gravel pit with it's corresponding truck and vehicle traffic will be a negative impact to the existing traffic patterns in the area surrounding the subject site.

Commissioner Carpenter reviewed Exhibit 8. The nearby subdivisions are located in the Agricultural zone. Having gravel pits closer to road projects takes burden from other areas. Powerline Road is planned to connect south to Bennet Road. He prefers a slower paced gravel operation than a large, quick operation.

Commissioner Levi believe the other commissioners have shared her thoughts.

Commissioner Carpenter does not like an open-ended ability for 24/7.

Chairman Sturgill described the options for moving toward a decision.

Commissioner Fried asked if they are comfortable or satisfied with the required findings, or not.

MOTION: Commissioner Carpenter moved to approve Case CU2029-0032 with amendment to condition 9 to limit the duration to 20 years, and an amendment to condition #11 to limit the 24/7 operations to a maximum of 30 days per calendar year and to not allow a batch plant or crushing on the site but only on the historic pit site. Motion died for lack of a second.

MOTION: Commissioner Hall moved to deny Case CU2019-0032 based on findings 4, 6 and 7 and directs staff to prepare revised findings. Motion seconded by Commissioner Fried. Roll call vote with 4 in favor and 1 opposed, therefore the motion carried. The revised findings will be brought back on June 25th.

COMMISSION, DIRECTOR, & PLANNER COMMENTS:

No comments were provided.

Commissioner Levi moved to adjourn. Commissioner Carpenter seconded the motion. Voice vote motion carried. Meeting adjourned at 11:12 pm.

Signed this 11th day of June, 2020

Chairman Robert Sturgill

ATTEST

Kellie George, Recording Secretary

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