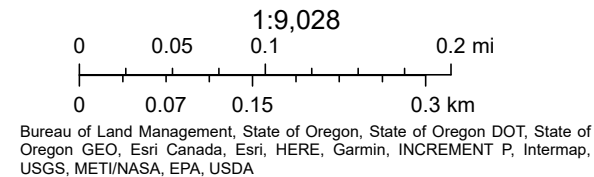
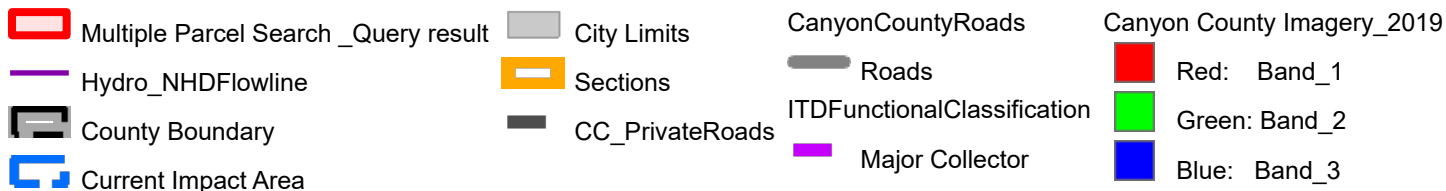


# Canyon County, ID Web Map



4/19/2023, 8:51:48 AM



# MASTER APPLICATION

## CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605

[www.canyonco.org/dsd.aspx](http://www.canyonco.org/dsd.aspx) Phone: 208-454-7458 Fax: 208-454-6633



<b>PROPERTY OWNER</b>	OWNER NAME: John R. Babcock Testamentary Trust, John Babcock, Trustee
	MAILING ADDRESS: 12497 Midway Road, Nampa, ID
	PHONE: [REDACTED]
I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign. Signature: [Signature] Date: 28 Mar 2023	
<b>(AGENT) ARCHITECT ENGINEER BUILDER</b>	CONTACT NAME: Paul Cope
	COMPANY NAME: Cope Sand & Gravel Inc.
	MAILING ADDRESS: 12360 Moss Lane, Nampa ID 83651
	PHONE: 208-250-3632 EMAIL: rosalie and paul@hotmail.com
<b>SITE INFO</b>	STREET ADDRESS: 12495 Lake Lowell Avenue, Nampa, ID 83686
	PARCEL #: R331060000 LOT SIZE/AREA: 34.6 Acres
	LOT: N/A BLOCK: SUBDIVISION:
	QUARTER: NE SECTION: 36 TOWNSHIP: 3N RANGE: 3W
	ZONING DISTRICT: AG FLOODZONE (YES/NO): NO
<b>HEARING LEVEL APPS</b>	<input checked="" type="checkbox"/> CONDITIONAL USE amended <input type="checkbox"/> COMP PLAN AMENDMENT <input type="checkbox"/> CONDITIONAL REZONE
	<input type="checkbox"/> ZONING AMENDMENT (REZONE) <input type="checkbox"/> DEV. AGREEMENT MODIFICATION <input type="checkbox"/> VARIANCE > 33%
<b>DIRECTORS DECISION APPS</b>	<input type="checkbox"/> MINOR REPLAT <input type="checkbox"/> VACATION <input type="checkbox"/> APPEAL
	<input type="checkbox"/> SHORT PLAT SUBDIVISION <input type="checkbox"/> PRELIMINARY PLAT SUBDIVISION <input type="checkbox"/> FINAL PLAT SUBDIVISION
	<input type="checkbox"/> ADMINISTRATIVE LAND DIVISION <input type="checkbox"/> EASEMENT REDUCTION <input type="checkbox"/> SIGN PERMIT
	<input type="checkbox"/> PROPERTY BOUNDARY ADJUSTMENT <input type="checkbox"/> HOME BUSINESS <input type="checkbox"/> VARIANCE 33% >
<b>RECEIVED BY:</b>	<input type="checkbox"/> PRIVATE ROAD NAME <input type="checkbox"/> TEMPORARY USE <input type="checkbox"/> DAY CARE
	<input type="checkbox"/> OTHER
CASE NUMBER: CU 2023-0006 DATE RECEIVED: 4-18-2023	
RECEIVED BY: Ivan Kowalczyk APPLICATION FEE: 60000 (CK) MO CC CASH	





**NAMPA OPERATION- EXPANSION  
STATE OF IDAHO RECLAMATION PLAN - AMENDMENT  
SEC. 36, T 3 N, R 3 W, B.M., CANYON COUNTY, IDAHO**

# SITE PLAN MAP

[illegible]

1. ALL EQUIPMENT WILL BE REMOVED FROM THE SITE.
2. PIT HIGHWALLS WILL BE CONSTRUCTED TO FORM A 3:1(H)V SLOPE FROM THE NATURAL GROUND SURFACE TO THE PIT FLOOR.
3. CONCURRENT RECLAMATION WILL BE COMPLETED AS PRACTICAL TO REDUCE TOTAL DISTURBANCE.
4. AVAILABLE OVERBORDEN AND TOPSOIL WILL BE PLACED OVER PIT HIGHWALLS TO CONSTRUCT A ROUGH-IN CAMP FEATURES SUCH AS HILLS, TRAILS, AND A CAMP.
5. TOPSOIL WILL BE PLACED OVER PIT HIGHWALL SLOPES AND DISTURBED GROUND A MINIMUM OF 1 FOOT THICK. TEMPORARY ACCESS ROADS WILL BE LEFT FOR HIKING TRAILS.
6. UP-LAND AND DISTURBED AREAS WILL BE RESEEDED WITH THE FOLLOWING SEED MIXTURE:  
CRESTED WHEATGRASS 10 LBS. PER ACRE  
RANGER ALFALFA 5 LBS. PER ACRE  
RESEED WITH OF NATIVE VEGETATION

**COPE SAND & GRAVEL INC.  
APPLICATION NARRATIVE**

**Application Narrative - Table of Contents**

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17	Proposed Conditions of Approval
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## Introduction

The Cope family has operated Cope Sand & Gravel Inc. (“**Cope**” or the “**Applicant**”) at 12753 Midway Road since receiving its first conditional use permit from Canyon County in 2002 (the “**2002 CUP**”) and a second conditional use permit in 2019 (the “**2019 CUP**”).<sup>1</sup> The 2002 CUP approved gravel operation on 40 acres until March 23, 2032. The 2019 CUP approved gravel operation on 12 acres immediately west until February 12, 2030. The gravel operation approved with both the 2002 CUP and the 2019 CUP is sometimes referred to herein as the “**Existing Facility**.” The Existing Facility is not one of the “big” gravel operations often found in Canyon County. The Cope family business has served as a retail source of gravel for smaller construction jobs.<sup>2</sup>

Cope is respectfully requesting the County to amend the existing CUP 2019-0019 conditional use permit to allow the Cope family to continue its business with the extraction of sand and gravel from a portion of the adjacent parcel immediately west of the Existing Facility, which parcel is owned by the John R. Babcock Testamentary Trust (the “**Babcock Property**”).<sup>3</sup> The request is to mine sand and gravel from approximately 8.65 acres of the Babcock Property until February 12, 2030. The request also includes a commitment to reduce the term of the 2002 CUP to coincide with the 2019 CUP and the requested term of gravel operation under this “**Application**.” That is, February 12, 2030.

## Overview of the Babcock Property and the Proposed Facility

The site plan contained in **Tab 2** of the Application depicts the Existing Facility and the proposed gravel operation on approximately 8.65 acres of the 34.6 acre Babcock Property (the “**Proposed Facility**”).

The historic land use within the Babcock Property has been irrigated farming using drip lines from a well water source and a feedlot. The Babcock Property does not contain a canal water right. The Babcock Property contains gravel exposed at the surface, less than optimum drainage, and high permeability due to sandy soils. As the County found in connection with the 2002 CUP and the 2019 CUP, the soils within the Babcock Property are not best suited for agriculture, and irrigation using a well is expensive.

The Proposed Facility is located within a known gravel resource area that occurs on a southeast trending ridge stretching from Wilder to Nampa. The gravel resource area contains 13 existing; historic; and pending gravel extraction sites within 2 miles of the Proposed Facility. [**CONFIRM WITH DAVE**]

Gravel is one of Canyon County’s great natural resources, providing an economic benefit to the County. There are limited sources of gravel in the Treasure Valley, and one of the three main available gravel veins is beneath the Existing Facility and the Proposed Facility.<sup>4</sup> Of course, gravel can only be mined where the gravel is located. The interests of the County will be best and wisely served by extracting this natural resource before the spread of development covers up the gravel vein and the gravel is lost forever.

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<sup>1</sup> Canyon County File Nos. CU2003-285 and CU2019-0019.

<sup>2</sup> Cope Sand & Gravel is a smaller operation and one of a few gravel operations that offer retail sales to local businesses, smaller contractors and do-it-yourself homeowners. Being local, smaller and cost-efficient is reportedly one of the reasons both the Nampa Public Library and Nampa Police Department selected Cope Sand & Gravel to supply gravel for renovations.

<sup>3</sup> The Babcock Property immediately west of Cope Sand & Gravel (Parcel # R3310600000) is located at 12475 Lake Lowell Avenue and is approximately 34.6.4 acres in size. The portion of the Babcock Property that would be used for gravel extraction is approximately 8.65 acres.

<sup>4</sup> Please refer to Boise Valley Gravel Economic Appraisal prepared by Geodessy, the Applicant’s consultant, and found in **Tab 8.f** of the Application.



The demand for gravel in Canyon County is growing. Canyon County's population growth and the corresponding growth in construction has kept the Cope family busy providing gravel to these new construction sites within the County. Use of the Proposed Facility to continue the gravel operation will allow the Cope family to continue to supply gravel to their traditional customer base.

The Proposed Facility would be mined in 2 phases, beginning at the west wall of the Existing Facility and proceeding west and north into the Proposed Facility as shown on the Site Plan (**Tab 2**). The gravel extraction will be completed to an approximate depth of 60 feet below the natural ground surface. No groundwater will be encountered during the mining operation. The site will be mined with conventional mining equipment, including front end loaders, dozers, and conveyors.

A crusher will not be located in the Proposed Facility. A land conveyor will be constructed to transport mined gravel to the crusher; located in the existing gravel operation. The existing conveyor system is shown on the Site Plan in **Tab 2**. The location of the extended conveyor system is also shown on the Site Plan. The conveyor system will be expanded into the Proposed Facility as needed to allow for mining of Phases 1 and 2. The conveyor feed bin will be no closer than 800 feet to the nearest residence.

The Proposed Facility would be mined by first stripping available topsoil and overburden and transporting that topsoil and overburden to temporary stockpiles (approximately 10 feet high) located south of active mine workings as shown on the Site Plan in **Tab 2**. Following removal of the topsoil, a gravel layer approximately 60 feet thick would be extracted leaving the pit walls at a 3:1 slope. The gravel stockpile locations and sizes will change with time within the Proposed Facility; stockpile heights will range between 20 and 30 feet.

The extracted gravel would be placed on a conveyor system leading from the Proposed Facility to the crusher located at the Existing Facility. The conveyor system will not create noise audible at residential properties.<sup>5</sup> Motion-activated (rather than automatic) backup alarms have been and will continue to be used on equipment whenever safely possible to reduce noise. Misters have been and will continue to be installed over the loading area to contain dust.

No mining will take place north of the Thacker Lateral and a 50-foot undisturbed buffer will abut the south side of the Thacker Lateral. There will be over 200 feet of undisturbed buffer located to the west between the Proposed Facility and Wild Rose Ranchettes subdivision. The west mine perimeter at the Existing Facility will be mined to expand the Existing Facility's pit highwall and pit floor to connect with the Proposed Facility creating one pit.

The south perimeter of the Proposed Facility will appear as a farm field from the south and west throughout the life of the Proposed Facility. The active operation will be screened to the north with a landscape berm and fence consistent with the existing fence and berm approved by the County in 2019. The operation will be visually screened to the west and south due to the elevation difference between the properties at these locations and the Proposed Facility. These areas of the Babcock-owned property will continue to be used for Mr. Babcock's agricultural operations.

The proposed corner setbacks will exceed the 30-foot corner setback required under Canyon County's Zoning Ordinance.<sup>6</sup>

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<sup>5</sup> Further information on noise associated with the Proposed Facility is discussed below and is found in the Sound investigation contained in **Tab 8.c** of the Application.

<sup>6</sup> See, Canyon County Code § 07-14-19(1).

The Proposed Facility is a dry operation, and mining will not produce any mine process water or mine dewatering water. Any storm water would be contained within the pit floor and allowed to infiltrate into the pit floor and/or evaporate. No storm water will leave the site.

A Storm Water Pollution Prevention Plan has been developed for the Proposed Facility as part of the State of Idaho Reclamation Plan.<sup>7</sup> The storm water plan addresses storm water management, emergency stormwater measures, and stormwater and process water retention. Any fugitive dust will be controlled with regular watering of access roads within the areas being mined and active work areas. Watering will be accomplished with the use of water trucks. A water spray bar is already installed above the "feed bin" leading to the conveyor system.

No petroleum products will be stored at the Proposed Facility.<sup>8</sup> Similarly, as is true for the Existing Facility, no refuse, trash, solid or hazardous materials will be stored at the Proposed Facility. Any solid waste associated with the Proposed Facility would be transported to an approved landfill site for disposal.

Hours of operation at the Proposed Facility will be the same as for the Existing Facility: 7 am to 6 pm, Monday through Friday, and 7 am to 1 pm on Saturday. Employee vehicles and equipment will be parked at the Existing Facility in the pit bottom.

Regarding reclamation of the Proposed Facility, mining will be done to a 3:1 slope and, once mining has concluded, should any pit wall not be at a 3:1 slope, the wall would be re-graded to form a 3:1 slope from the natural ground surface to the floor of the pit. Sand from the gravel operation would be used to form hills, construct hiking paths, and a camping area. Topsoil will be placed over the regraded and disturbed areas at a minimum of one-foot in thickness. These areas will be reseeded with a mixture of Crested Wheatgrass and Ranger Alfalfa.<sup>9</sup>

Although Mr. Babcock has chosen to reclaim his property as a campground and has no desire to reclaim his property for residential use, he is aware that, as gravel mines in the area have reduced in number, the number of residential areas have increased. A future use of the Babcock Property may be residential.

The Existing Facility has a landscaped berm, a fence along the top of the berm, and decorative landscape rock between the fence and the public right-of-way.<sup>10</sup> The fence and landscaped berm will be constructed and continue west of the Existing Facility's entrance along the Thacker Lateral roughly parallel to Lake Lowell Avenue.

### **Conditional Use Criteria**

Gravel operation at the Proposed Facility on the Babcock Property is an allowed use with a conditional use permit. The public process involved in obtaining a conditional use permit allows the County to take

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<sup>7</sup> Further information on the stormwater plan for the Proposed Facility is found with the narrative for the Reclamation Plan in **Tab 8.a** of the Application.

<sup>8</sup> As with the Existing Facility, any petroleum will be dispensed by service trucks in compliance with DEQ, EPA, IDOT, MSHA, and OSHA guidelines and standards. A spill prevention and emergency spill response plan has been developed for the Proposed Facility.

<sup>9</sup> Additional information on reclamation is found in the narrative for the reclamation plan approved by the Idaho Department of Lands (see, **Tab 8.a**).

<sup>10</sup> This condition of approval from the 2019 CUP supports the current County's Comprehensive Plan Policy to encourage improvement of an area's character. See, Canyon County's Comprehensive Plan, page 33; Goal 4.06.00.

the time to review the facts and circumstances surrounding the particular application and its location to determine whether: 1) the requested gravel operation meets the County's 8 general conditional use criteria;<sup>11</sup> and 2) the requested gravel operation meets the County's 6 criteria specific to mineral extraction.<sup>12</sup> The requested gravel operation meets all of the County's conditional use criteria and, with specific conditions of approval, ensures the conditional use will be compatible with other property and uses in the vicinity.<sup>13</sup>

**1. Is the proposed use permitted in the zone by conditional use permit?** <sup>14</sup>

Per Section 07-10-27 of Canyon County Code, mineral extraction is allowed in the Agricultural zone with a Conditional Use Permit.

**2. What is the nature of the request?**<sup>15</sup>

The Cope family is requesting a CUP to extract gravel from of 8.65 acres of the 34.6 acre Babcock Property immediately west of and adjacent to the Existing Facility. The gravel will be transported via conveyor belt to the Existing Facility for processing. All crushing, sales, and the entrance/exit for all traffic will continue to occur from the Existing Facility. The duration of the CUP will be limited to the term of the 2019 CUP (that is, ending on February 12, 2030. Please refer to the narrative above and the site plan in **Tab 2** of the Application for more information on gravel extraction.

**3. Is the proposed use consistent with the comprehensive plan?**<sup>16</sup>

When the Existing Facility was approved in 2002 and 2019, the County reached the conclusion of law that the Existing Facility is consistent with the Comprehensive Plan. That same conclusion can be made today for the immediately adjacent Proposed Facility on the Babcock Property. To begin, the Proposed Facility is an allowed use with a conditional use permit in the Agricultural zone. When the County legislatively approved the Agricultural zone for this area (which zone allows the proposed use with a conditional use permit), the County made the finding then and there that the zone, and the uses allowed or conditionally allowed in the zone, are in accord with the Comprehensive Plan.

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<sup>11</sup> Canyon County Code § 07-07-05.

<sup>12</sup> Canyon County Code § 07-14-19(1).

<sup>13</sup> Proposed conditions of approval are found in **Tab 3.b** of the Application, and are based on the Conditions of Approval approved by the County for the Existing Facility in connection with the 2019 CUP. The Cope family has always worked to be a good neighbor and operate a well-run gravel operation. Clear conditions of approval can provide clear expectations for the County, Cope, and neighbors.

<sup>14</sup> See, Canyon County Code § 07-07-05(1). The County's grant of a conditional use permit for the Existing Facility was based on substantial and completed objective evidence provided to the County, and provides a good example of how the County balances interests and addresses concerns with the use of conditions of approval.

<sup>15</sup> See Canyon County Code § 07-07-05(2)

<sup>16</sup> See Canyon County Code § 07-07-05(3). Please note that there are a few sections of the Comprehensive Plan that we have not addressed in this narrative. These include: Schools (the Proposed Facility will not affect schools in the County); Hazardous Areas; Public Services, Facilities and Utilities (the Proposed Facilities will not require additional public services or facilities); Recreation; Special Areas or Sites; Housing; and National Interest Electronic Transmission Corridors.



A conditional use is a permitted use when allowed with a conditional use permit. As such, the conditional use that complies with the adopted zoning ordinance standards is consistent with the Comprehensive Plan.

As discussed further below, the Idaho Courts have made it clear that the requirement that a proposed use be consistent with the Comprehensive Plan "requires only that the [use] generally comports with the overall goals of the comprehensive plan. . . . It is to be expected that the land [use] may not agree with all provisions in the comprehensive plan."<sup>17</sup>

The County understands this concept. We are aware of multiple Canyon County decisions in connection with conditional use permit requests where the County has noted that the request is consistent with some elements of the Comprehensive Plan, while possibly inconsistent with other elements of the Comprehensive Plan. The Proposed Facility is demonstrably consistent with the Comprehensive Plan as described below.

#### Property Rights<sup>18</sup>

Idaho State Code mandates that private property rights be addressed as a component of the Comprehensive Plan. The goal, or the desired outcome of the Comprehensive Plan, is that land use policies, restrictions and conditions protect the integrity of private property rights while safeguarding public health, safety and welfare.<sup>19</sup> Of course, the government regulates the use of private property as, for example, in the case of a conditional use request, to ensure safeguarding the public health, safety and welfare. This is exactly what the County has been doing since 2002 with the conditions of approval that govern the Existing Facility. The conditions of approval that require compliance with local, state and federal regulations have been working well. The work of the County and the Applicant furthers the goal of the Comprehensive Plan that property owners use their property wisely, maintain it in good condition and preserve the property for future generations.<sup>20</sup>

The ability to manage and control the use of one's property coupled with privacy and enjoyment of land, without unreasonable interference, are core values of Canyon County. The present Application, with the request to conditionally allow the Proposed Facility, is an example of what the Comprehensive Plan strives for: use of real property for gravel extraction – exactly where the gravel is located – and buffering existing residential uses with both natural and landscaped buffer areas. In addition, the strict conditions of approval governing the Existing Facility will also govern the Proposed Facility to ensure that there is no unreasonable interference with the use of other property in the vicinity of the Proposed Facility.

Several policies of the Comprehensive Plan are addressed with the present Application to assist the County reach its Property Rights Goals, including, without limitation:

<sup>17</sup> See, for example, Urrutia v. Blaine County, 134 Idaho 353, 358 (2000).

<sup>18</sup> See, Canyon County Comprehensive Plan, pages 8-11.

<sup>19</sup> Canyon County Comprehensive Plan, page 9.  
Goal 1.01.00: Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.

<sup>20</sup> Canyon County Comprehensive Plan, page 9.  
Goal 1.02.00: Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition and preserve it for future generations without becoming a public nuisance.

- Property Rights Policy No. 1.01.01: No person shall be deprived of private property without due process of law.
- Property Rights Policy No. 1.01.03: Ordinances and land use decisions should avoid imposing unnecessary conditions or procedures on development approvals.<sup>21</sup>

#### Population<sup>22</sup>

The population of Canyon County has increased significantly over the years. Development has continued throughout the cities of Canyon County. Development within the various cities' Areas of City Impact is expected to foster more development and greater population growth. Population goals and policies of the County plan for this population growth in a manner that can be supported to accommodate population growth. For example:

- Population Goal 2.01.00: Incorporate population growth trends & projections when making land-use decisions.
- Population Goal 2.02.00: Promote housing, business, and service types needed to meet the demand of the future and existing population.
- Population Policy 2.01.01: Plan for anticipated population and households that the community can support with adequate services and amenities.<sup>23</sup>

The location of the Proposed Facility in this agriculturally-zoned area of Canyon County (just like the location of the Existing Facility) is a recognition by the County that population growth – growth and development that requires gravel resources – is advancing toward this area of the County within the Nampa Area of City Impact. The natural resource materials in the form of sand and gravel, found at both the Existing and Proposed Facilities, assist development and accommodate growth exactly where the County has planned for that growth – the areas of city impact – and provide that assistance in a cost-effective manner.<sup>24</sup>

#### Economic Development<sup>25</sup>

By understanding the characteristics of the local economy, the County can plan accordingly and take advantage of natural opportunities. The Proposed Facility provides the County with a natural opportunity since the Proposed Facility is located within a known gravel resource area that occurs on a southeast trending ridge stretching from Wilder to Nampa. The gravel resource area contains 13 existing, historic, and pending gravel extraction sites within 4 miles of the Proposed Facility.

Gravel is one of Canyon County's great natural resources, providing an economic benefit to the County. There are limited sources of gravel in the Treasure Valley, and one of the three main

<sup>21</sup> See, Canyon County Comprehensive Plan, page 9.

<sup>22</sup> See, Canyon County Comprehensive Plan, pages 12-14.

<sup>23</sup> See, Canyon County Comprehensive Plan, page 13.

<sup>24</sup> See, Canyon County Comprehensive Plan, page 22.  
Goal 14.04.00: Concentrate future higher density residential growth in appropriate areas in and around existing communities while preserving and enhancing the County's agricultural and rural character.  
See also, Policy 4.04.01: Support development in locations where services, utilities, and amenities are or can be provided.

<sup>25</sup> See, Canyon County Comprehensive Plan, pages 15-19.

available gravel veins is beneath the Existing Facility and the Proposed Facility.<sup>26</sup> Obviously, gravel can only be mined where gravel is located. The interests of the County will be best and wisely served by extracting this natural resource now before the spread of development covers up the gravel vein and the vein is lost for extraction forever.

The demand for gravel in Canyon County continues to grow. Canyon County's population growth – especially in nearby Nampa and Nampa's Area of City Impact – with the corresponding growth in construction, has kept the Cope family busy providing gravel to these new construction sites. Ninety percent (90%) of the gravel from the Cope family business travels only 8 miles from the mine source. Use of the Proposed Facility to continue the gravel operation will allow the Cope family to supply gravel to their traditional customer base, which happens to be the same population base growing in the County.

In 2002, and again in 2019, the Board reached the conclusion of law that the use of the Existing Facility as a gravel pit is essential to the public convenience and welfare. The Board reached this conclusion based on the finding that one of the three gravel veins in the Treasure Valley runs beneath the Existing Facility, making the Existing Facility a prime source of gravel. The Board went on to find that, from a public perspective, there was a need to consider growth and development that was projected for the Treasure Valley. At that time, it was expected that approximately 40,000 people would move into the unincorporated areas of Canyon County over the following 20 years, and as gravel is used when development occurs, additional sources of gravel would be needed to meet the demands presented by the projected development. The Board found that the location of the Existing Facility as a gravel pit was strategic in providing a source of gravel for the area south of Nampa (and within the Nampa Area of Impact) for development and for public infrastructure such as roads.<sup>27</sup>

The same conclusion regarding public convenience and welfare can be made today regarding the Proposed Facility. The remaining portion of the Babcock Property is not prime farm ground and the same gravel vein under the Existing Facility runs under the Proposed Facility.

Several policies of the Comprehensive Plan are addressed with the present Application to assist the County reach its Economic Development Goals to retain existing business and support a diverse economy, including, without limitation:

- Economic Development Goal No. 3.01.00: Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.
- Economic Development Policy No. 3.01.01: Direct business development to locations that can provide necessary services and infrastructure.
- Economic Development Policy No. 3.01.02: Support suitable sites for economic growth and expansion compatible with the surrounding area.
- Economic Development Goal No. 3.05.00: Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.<sup>28</sup>

<sup>26</sup> Please refer to Boise Valley Gravel Economic Appraisal prepared by the Applicant's consultant and found in **Tab 8.d** of the Application.

<sup>27</sup> See, Board of County Commissioners decision March 20, 2002; Canyon County Case No. 011065L36-3N-3W. See also, Board of County Commissioners decision October 17, 2019; Canyon County Case No. CU2019-0019.

<sup>28</sup> See, Canyon County Comprehensive Plan, pages 16-17.



## Land Use<sup>29</sup>

Canyon County's Comprehensive Plan acknowledges up front that strategic and intelligent land use is critical and that "[w]orking lands are an essential component in the landscape of the County and consist of farms, ranches, and other extractive land uses that support economic activity and land-based livelihoods." (emphasis added)<sup>30</sup> Approval of the Proposed Facility will assist the County confirm the County's recognition that agriculture and natural resource management is important to the County. Rapid urbanization in Areas of City Impact requires natural resources such as gravel to develop the very infrastructure required. Over 90% of the Cope family sand and gravel travels within an 8-mile radius to those areas of the County within the Areas of City Impact that are rapidly urbanizing.

The Comprehensive Plan acknowledges that conflicts can arise between natural resource extraction and residential use, yet the County supports that extractive use in recognition of the location of the gravel resources in the County. As one example, after the County approved the 2002 CUP for the Cope gravel operation, Two Towers Subdivision was allowed by the County to locate ½ mile north of the Existing Facility. When the County granted the developer of Two Towers Subdivision a conditional use permit to subdivide the property for residential use, the County did so acknowledging that the County had approved several gravel pits in the area, including the Cope family's operation. The County only approved the subdivision with the requirement that the developer and future residents also acknowledge the approved gravel operations with the following statement placed on the Two Towers Subdivision plat:

All properties shown on this plat are located in an agricultural zone. This is an area in which agricultural operations are ongoing and may include, but are not limited to, aerial spraying, the production of crops, the operation of feedlots, hog farms, dairies, and/or gravel pits All of these activities may result in the production of noise and other inconveniences. They may involve lights or the use of machinery in the nighttime hours or other inconveniences. All owners of property identified on this plat are prohibited from challenging the aforementioned operations if they are lawfully conducted. (emphasis added).<sup>31</sup>

Several policies of the Comprehensive Plan are addressed with the present Application to assist the County reach its Land Use goals and policies that strive for balance among land uses, including, without limitation:

- Land Use Policy No. 4.01.01: Maintain a balance between residential growth and agriculture that protects the rural character.
- Land Use Policy No. 4.01.02: Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.
- Land Use Goal No. 4.03.00: Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating vibrant economy through sustainable land use planning.
- Land Use Policy No. 4.03.01: Designate areas that may be appropriate for industrial, commercial, and residential and uses while protecting and conserving farmland and natural resources.
- Land Use Policy No. 4.03.03: Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the

<sup>29</sup> See, Canyon County Comprehensive Plan, pages 20-32.

<sup>30</sup> See, Canyon County Comprehensive Plan, page 24.

<sup>31</sup> See, Two Towers Subdivision plats recorded in Canyon County as Instruments Nos. 200519889 and 200687188.

same area and in some instances may require conditions of approval to promote compatibility.

- Land Use Policy No. 4.06.01: Incorporate community design features that promote public health, safety, and welfare.<sup>32</sup>

### Natural Resources<sup>33</sup>

The Comprehensive Plan points out that “[w]ise management of natural resources helps to ensure the long-term resiliency of communities” and that the County is rich in mineral resources that enhances the County’s economy.<sup>34</sup> The goal of Canyon County is, in part, to protect and wisely use the County’ mineral resources under the County’s Natural Resources goals, including, without limitation:

- Natural Resources Goal No. 5.01.00: Protect, enhance, and steward natural resources.
- Natural Resources Goal No. 5.03.00: Support the conservation of productive mineral lands and discourage incompatible uses upon or adjacent to these lands.<sup>35</sup>

### Transportation<sup>36</sup>

The responsibility for road or highway maintenance, operation and capacity expansion in this area of Canyon County resides with Canyon Highway District #4. The County’s Comprehensive Plan goal is to assist all highway districts (including Canyon Highway District #4) develop and manage a safe, efficient, and cost-effective transportation network system throughout the County.<sup>37</sup> Please refer to page 14 for more discussion on traffic in the vicinity of the Proposed Facility.

### Applying the Comprehensive Plan to the Present Application.

The County has typically reviewed conditional use permit requests with the understanding that a request must generally comport with the goals, policies and objectives of the Comprehensive Plan but not each and every provision of the Comprehensive Plan. The County has understood that requiring complete conformance with all of the Comprehensive Plan goals and policies would incorrectly elevate the Comprehensive Plan to the level of a legally controlling zoning ordinance.<sup>38</sup> The Canyon County zoning ordinance that does exist has zoned the Babcock Property

<sup>32</sup> See, Canyon County Comprehensive Plan, pages 21-23.

<sup>33</sup> See, Canyon County Comprehensive Plan, pages 33-45

<sup>34</sup> See, Canyon County Comprehensive Plan, pages 34 and 38.

<sup>35</sup> See, Canyon County Comprehensive Plan, pages 34-36.

<sup>36</sup> See, Canyon County Comprehensive Plan, pages 59-65.

<sup>37</sup> See, Canyon County Comprehensive Plan, page 60.

<sup>38</sup> As provided in the Comprehensive Plan itself:

The Plan is not intended to and does not rezone any parcels or lots . . . . The Plan is not precise and merely shows the general location, character, and extent of land use patterns.

See, Canyon County Comprehensive Plan, page 5. See, also, Urrutia v. Blaine County, 134 Idaho 353 (2000); Evans v. Teton County, 139 Idaho 71 (2003).

Agricultural and identifies mineral extraction as a permitted use in this Agricultural zone with a conditional use permit.

The Idaho Supreme Court has consistently made its position clear that strict compliance with every element of a comprehensive plan is not a mandate under Idaho Code § 67-6512. Rather, a comprehensive plan is designed to be a guide for the future, and strict compliance with all provisions of the comprehensive plan is not required in connection with a conditional use permit application.<sup>39</sup>

Urrutia v. Blaine County<sup>40</sup> provides a good synopsis of the law. There, a board of county commissioners denied an application because it found the application did not comply with all provisions of the comprehensive plan. The Idaho Supreme Court reversed that local government decision. The Court explained that "[i]t is to be expected that the land . . . may not agree with all provisions in the comprehensive plan . . . ." While an application should "generally comport . . . with the overall goals of the comprehensive plan"<sup>41</sup>, non-compliance with every provision of the guiding comprehensive plan, as the reason for denying an application, would "elevate . . . the plan to the level of legally controlling zoning law"<sup>42</sup> and give the Board unbound discretion to allow "the Board to effectively re-zone land based on the general language in the comprehensive plan."<sup>43</sup> In Urrutia, the Court held that the comprehensive plan "does not operate as legally controlling zoning law, but rather serves to guide and advise the governmental agencies responsible for making zoning decisions."<sup>44</sup>

The present application is consistent with the Comprehensive Plan. The Future Land Use Map, one component of the Comprehensive Plan, guides future residential development toward this area of Canyon County within the Nampa Area of Impact. One can witness the spread of residential development with the annexation of Carriage Hill West Subdivision into the City of Nampa. Nonetheless, the area of Canyon County west of Nampa and Nampa's Area of Impact, including the Babcock Property, is zoned Agricultural, is used for agriculture, and the use of the portion of the Babcock Property for mineral extraction at the Proposed Facility is consistent with the overall goals and objectives of the Comprehensive Plan.

It is the wise use of the agriculturally-zoned Babcock Property for Mr. Babcock's continuing agricultural use, plus gravel extraction at the site of the gravel vein, that will ensure that gravel from this area of the County will assist the County realize future development where the County has planned according to the guidance of the Comprehensive Plan.

<sup>39</sup> See, Friends of Farm to Market v. Valley County, 137 Idaho 192, 200 (2002) ("This Court has held that a comprehensive plan does not operate as legally controlling zoning law, but rather serves to guide and advise); Urrutia v. Blaine County, 134 Idaho 353 (2000) (holding that the county board erred in relying on non-compliance with the comprehensive plan in denying an application); Love v. Board of County Com'rs of Bingham County, 108 Idaho 728 (1985) (holding that the county board of commissioners erred when its interpretation of "in accordance" with the comprehensive plan required exact conformance); Evans v. Teton County, 139 Idaho 71 (2003) (holding that a comprehensive plan does not require strict conformance to land use designations in the plan).

<sup>40</sup> 134 Idaho at 353 (2000).

<sup>41</sup> 134 Idaho at 358.

<sup>42</sup> 134 Idaho at 358.

<sup>43</sup> 134 Idaho at 359.

<sup>44</sup> 134 Idaho at 357-58.



**4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?<sup>45</sup>**

The Cope family has designed the Existing and Proposed Facilities to address concerns raised by neighbors in connection with the Existing Facility approval. We are optimistic that the Applicant's wise and neighborly use of the Existing Facility has been appreciated by both the neighbors and the County and will help lead to the approval of this conditional use permit request.<sup>46</sup>

**Sound Investigation**

In previous applications, the Board advised the Applicant that the Applicant could obtain a CUP if the Applicant demonstrated that the noise from the Proposed Facility would not cause injury or interfere with the use of property in the vicinity.

The Applicant made this demonstration in 2019 and can make this demonstration with this Application.

The crusher will remain at its existing location at the Existing Facility; no crusher is proposed to be located on the Proposed Facility. No additional access to public roads is proposed to be extended from the Proposed Facility; vehicles will use the existing access road already permitted by and used at the Existing Facility. No retail sales are proposed to be located at the Proposed Facility. Mining will be completed a minimum of 300 feet from any residence and the conveyor system will be located a minimum of 800 feet from the nearest residence.<sup>47</sup>

The details of the Sound Investigation study are found in **Tab 8.b** of the Application. The actual noise level readings and location of those readings are found in Table 1 and Figure 1 of the Sound Investigation. Readings were completed on July 25 and July 27, 2022. The following is a summary of the Sound Investigation results.

Evidence that the noise levels at both the Existing Facility and the Proposed Facility will not be not injurious or interfere with the use of other properties in the vicinity is found in the fact that noise levels at the Existing Facility meet federal noise standards for the protection of health, safety and welfare.<sup>48</sup> Next (and as described further below) the sound levels at the perimeter of the Existing Facility and the Proposed Facility are below 70 dB (i.e., EPA guideline for rural residential neighborhoods) and are below sound readings recorded for vehicular traffic on Lake Lowell Avenue, noise generated in nearby subdivisions by human activities, airplane traffic and the wind. Based on objective measurements,<sup>49</sup> the Cope Sand & Gravel operation is not

<sup>45</sup> See Canyon County Code § 07-07-05(4).

<sup>46</sup> See, Evans v. Teton County, 139 Idaho 71, 77 (2003). The Idaho Supreme Court has found that denial of an application based on objections of "personal opinion and emotion" is inconsistent with powers given to the governing body. Neighbor opposition, similar to the application described in Evans, has been anecdotal in connection with past Existing Facility hearings and was not supported by objective evidence of the complained-about negative impacts of noise, dust, or traffic coming from the Existing Facility's operation.

<sup>47</sup> See Site Plan notes for more information in **Tab 2**.

<sup>48</sup> Sound levels at the Existing Facility recorded during the noise tests in July 2022 meet MSHA permissible exposure levels as stated in 30 CFR 62.120. In addition, MSHA has completed sound tests on the crusher and operation at the Existing Facility as part of MSHA's facility inspections between 2004 and 2022. Cope Sand & Gravel has been in compliance with MSHA standards, including noise standards, over the life of its operation.

<sup>49</sup> Sound or noise is subjective to the person hearing the sound. Sound is typically "too loud" to a person who does not like the type or duration of the sound. What might be "too loud" to one person might be "just right" to another.

generating, and will not generate, excessive noise that would be a detriment to the surrounding neighborhood, and the Proposed Facility will not appreciably add to the noise levels in the vicinity.

One hundred and eleven sound readings were completed at the Existing and the Proposed Facilities, including: around the crusher while in operation; within the existing pit and pit perimeter; at the area of the Proposed Facility; at Wild Rose Ranchettes; at Memory Lane; and at Two Towers Subdivision. "Sound test results completed in 2022 indicate that the [Proposed Facility] and the [Existing Facility] cannot be heard over background noise 215 feet from the [Proposed Facility] perimeter, and 315 feet from the [Proposed Facility] pit floor."<sup>50</sup>

The "sound attenuation line", shown in Figure 1 of the Sound Investigation. The Existing Facility's operation cannot be heard in the Babcock Property west of this sound attenuation line. Likewise, the Existing Facility's operation cannot be heard in Wild Rose Ranchettes subdivision, which is farther away.

The sound levels generated by the Existing and Proposed Facilities are well within EPA recommended guidelines at their perimeter let alone at distant neighborhoods. The Applicant has strongly demonstrated for the County that noise or sound emanating from the Proposed Facility will not cause injury or interfere with the use of other property in the vicinity.

Recommendations in the 2019 Sound Investigation included: (1) the use of visible strobe lights and (2) limiting the location of the crusher to its existing location at the Existing Facility. Both recommendations were included in the County-adopted Conditions of Approval in 2019. These same Conditions of Approval are proposed for the Proposed Facility and are included with the Application at **Tab 3.b**.

#### Dust

In previous applications, the Board advised the Applicant that the Applicant could obtain a CUP if the Applicant demonstrated that the dust from the Proposed Facility would not cause injury or interfere with the use of property in the vicinity.

The Applicant made this demonstration in 2019 and can make this demonstration with this Application.

To begin, the Existing Facility has operated in complete compliance with Federal Mine Safety and Health Administration requirements regarding dust emissions. No dust emission violations have occurred over the life of the operation. There is no reason to believe that the Cope family will operate the Proposed Facility any differently, and the Proposed Facility has been designed to ensure that any dust emissions are controlled. Fewer dust producing components will be located at the Proposed Facility that might contribute to dust emissions.

For example, no crusher is proposed to be located at the Proposed Facility. No additional access road is proposed to be extended to public roads from the Proposed Facility; vehicles will use the existing access road already permitted for the Existing Facility. Gravel extraction and gravel conveyor-related dust emissions will be contained with the use of water sprays on the gravel conveyor system, and with regular watering of internal haul roads and stockpile areas. Haul roads will be watered up to 5 times daily during dry periods, or more as required. Dust emissions

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A sound meter solely records the decibel level of the sound generated (i.e., the power of the sound) without not evaluating the type of sound generated.

<sup>50</sup> See, Sound Investigation page 4.

also will be limited by the physical location of the gravel operation below the natural ground elevation.

In addition to the Federal and State requirements in connection with air quality, in 2019 the Applicant proposed a strong condition of approval requiring adequate water misters in connection with the County's control of possible dust emissions. This same Condition of Approval is proposed for the Proposed Facility and is included with the Application at **Tab 3.b**. The Applicant has strongly demonstrated for the County that dust emissions will be controlled at the Proposed Facility and will not cause injury or interfere with the use of other property in the vicinity.

#### Groundwater

When the Existing Facility was permitted in 2002, concerns were raised (especially by Wild Rose Ranchettes residents) about possible threats to groundwater. The geologic evidence today is the same as reported in 2002 and 2019: an approximately 15-foot thick layer of clay lies under the gravel, which clay layer serves to confine the gravel from shallow groundwater. The details of the groundwater investigation is found in **Tab 8.c**.

In 2017, this geologic evidence was tested with an examination of water well logs available for wells located on Memory Lane, within Wild Rose Ranchettes, and homes along Iowa and Lake Lowell Avenues. A total of 17 well logs and 11 wells were examined. The results showed that the clay layer does, indeed, serve as a confining layer preventing the downward migration of surface water and any possible contaminants into aquifer water. Wild Rose Ranchette well owners routinely submit water samples to Southwest District Health Department to determine if contaminants, heavy metals and bacteria are present in the well water. Our understanding is that none have been found to be present.

In 2019, the Applicant's consultant, Geodysey, attempted to sample water wells in the vicinity. Letters were sent to the residents in Wild Rose Ranchettes and on Memory Lane stating that Geodysey was ready and willing to sample individual wells. No resident responded to the letter. Two other wells in the vicinity were sampled as part of the 2019 investigation. As found in previous groundwater investigations, there is no evidence that groundwater has been contaminated by the Cope family gravel operation.

A total of 12 wells, including the two wells tested in 2019, were examined as part of the 2022 groundwater investigation. Again, as found in previous groundwater investigations, there is no evidence of groundwater contamination.

The Cope family has operated the Existing Facility for many years as a safe and diligent neighbor with no contamination to the aquifer and will continue to operate the Proposed Facility area in a safe manner.

**5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?<sup>51</sup>**

This Proposed Facility will not require any services to be provided. The Existing Facility has a well that will provide water needed for the operation at the Proposed Facility.

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<sup>51</sup> See Canyon County Code § 07-07-05(5).



**6. Does legal access to the subject property for the development exist or will it exist at the time of development?<sup>52</sup>**

The Proposed Facility has access to Lake Lowell Avenue via the Existing Facility and the existing approved access onto Lake Lowell Avenue.

**7. Will there be undue interference with existing or future traffic patterns?<sup>53</sup>**

The short answer is "No." The Board previously found that, as conditioned, the use will not impact future or existing traffic patterns. The condition of approval adopted in connection with the 2019 CUP requires vehicles to use the existing access to Lake Lowell Avenue, and trucks leaving the site are limited to travelling eastbound on Lake Lowell Avenue. This condition of approval will remain in effect (see **Tab 3.b**).

This Application does not include any additional access to Lake Lowell Avenue; all vehicular access to and from the Proposed Facility will use the one existing access at the Existing Facility approved with the Existing Facility. The access road at the Existing Facility has been used by Cope since 2005, and the approach and turning radii constructed were approved by Canyon Highway District No. 4. There will not be additional employees using the Existing and Proposed Facilities, and no additional trucks will be accessing the Existing and Proposed Facilities.

The Proposed Facility will not change the existing traffic pattern in any way. In 2019, because of the consistent pattern of use on the public roads, Canyon Highway District #4 did recommend that truck traffic leaving the Existing Facility be limited to travelling eastbound on Lake Lowell Avenue. The Applicant included the Highway District's recommendation in the proposed conditions of approval adopted by the Board in connection with the 2019 CUP and this same Condition of Approval would be applied to the Proposed Facility. Our understanding is that the traffic in the vicinity of the Existing and Proposed Facility is much the same as in 2019.<sup>54</sup>

The traffic associated with the Proposed Facility will be no different than the traffic associated with the Existing Facility. The Applicant has strongly demonstrated for the County that the Proposed Facility will not interfere with existing or future traffic patterns. Traffic associated with the use will not cause injury or interfere with the use of other property in the vicinity.

**8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergence medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?<sup>55</sup>**

There are no additional services required to accommodate the Proposed Facility. As demonstrated throughout the Application narrative, the services that exist in this area of the County will not be negatively impacted by the Proposed Facility and no additional public funding is needed in connection with the Proposed Facility.

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<sup>52</sup> See Canyon County Code § 07-07-05(6).

<sup>53</sup> See Canyon County Code § 07-07-05(7).

<sup>54</sup> Personal communication with Canyon Highway District No. 4.

<sup>55</sup> See Canyon County Code § 07-07-05(8).

## **Additional County Standards<sup>56</sup>**

The County has additional specific standards applicable in connection for mineral extraction as follows:

### **(A) Compatibility with the surrounding properties.<sup>57</sup>**

The surrounding properties are primarily agricultural uses, with scattered residential uses. The zone for this area is Agricultural. Gravel extraction is an allowed agricultural use with a conditional use permit and, especially with the applicable conditions of approval, is compatible with the surrounding uses.

In 2002, when the Existing Facility was granted a conditional use permit by the County, there were two subdivisions within ½ mile of the Existing Facility: Long View Acres and Wild Rose Ranchettes. Some of these residents opposed the 2002 conditional use application based on their fears regarding possible threats to groundwater, noise, dust, and a potential lowering of property values. As provided elsewhere in this narrative, those concerns have proven to be unfounded. There is no reason to believe the Cope family will operate the Proposed Facility in any different manner than the Existing Facility has been operated.

In 2002, the Board, in approving the Existing Facility, reminded those in opposition, that this was an agricultural area, that gravel pits are common in agricultural areas of the County, and the Existing Facility would not be out of character for the area.

In 2004, when the developer of Two Towers Subdivision asked the County for a conditional use permit to create that subdivision, the County strongly reminded that developer and future residents that this area of Canyon County is agricultural in nature and includes gravel operations.

Two Towers' request for a conditional use permit for a residential subdivision was originally denied as being incompatible with the agricultural and gravel operations in the area, including Cope Sand & Gravel ½ mile to the south. The record for Two Towers notes that the proposed residential subdivision was inharmonious with many policies of the Comprehensive Plan. Two Towers subdivision was reluctantly approved by the County but only with the requirement that a strong statement be placed on the Two Towers plat on a page other than the signature page:

All properties shown on this plat are located in an agricultural zone. This is an area in which agricultural operations are ongoing and may include, but are not limited to, aerial spraying, the production of crops, the operation of feedlots, hog farms, dairies, and/or gravel pits All of these activities may result in the production of noise and other inconveniences. They may involve lights or the use of machinery in the nighttime hours or other inconveniences. All owners of property identified on this plat are prohibited from challenging the aforementioned operations if they are lawfully conducted.<sup>58</sup> (emphasis added)

In summary, this area of the County is zoned Agricultural, and the Agricultural zone allows mineral extraction with a conditional use permit. The Comprehensive Plan may guide future

<sup>56</sup> See, Canyon County Code § 07-14-19(1).

<sup>57</sup> See Canyon County Code § 07-14-19(1)A.2(A).

<sup>58</sup> See, Two River Subdivision plats recorded in Canyon County as Instruments Nos. 200519889 and 200687188. As noted in the Right to Farm statement on the Two Towers subdivision plats, agricultural operations on any one property may include the production of crops and the feeding of cattle right alongside the mining of gravel. The western portion of Mr. Babcock's property, that portion between the Proposed Facility and Wild Rose Ranchettes, is used, and will continue to be used, as a cattle feedlot.

development toward residential use, especially in Nampa's Area of Impact, which is located east of the Existing and Proposed Facilities, but such guidance cannot be used to take away the property rights that exist for property already zoned Agricultural.

The County is keenly aware that many people in this area of the County have spoken at public hearings in support of continuing agricultural uses in this area of the County and in opposition to any expansion of the Nampa Area of City Impact. In opposing any expansion of the Areas of City Impact in this area of the County, people stated they feared urbanization, possible annexation and continued residential development in this area of the County.<sup>59</sup>

The fact that agriculture and gravel operations exist in this area of the County has clearly not been a detriment to increased residential growth in the area. Carriage Hill West Subdivision located immediately east of the Cope family's Existing Facility, east of Midway Road has been approved for residential development.<sup>60</sup> The developer of Carriage Hill West Subdivision is aware of the County's agricultural and gravel operations and those activities have not deterred the residential development.

**(B) Duration of proposed use.**<sup>61</sup>

The character of, and zone for, the area is agricultural, which zone allows gravel operations with a conditional use permit. The Existing Facility as a gravel pit will continue operations per its approved 2002 CUP (until 2032) and 2019 CUP (until 2030). This Application proposes the term for the Proposed Facility terminate at the same date the 2019 CUP terminates; that is, February 12, 2030.

**(C) Setbacks from surrounding uses.**<sup>62</sup>

The required setbacks are 30 feet.<sup>63</sup> As shown in **Tab 2**, the Proposed Facility's mining operation will be limited to approximately 8.65 acres of the 34.6-acre Babcock Property. The Applicant is proposing a significant setback of over 200 feet to Wild Rose Ranchettes on the western side of the Proposed Facility. The existing feed lot and natural tree boundary on the Babcock Property will remain. The northern portion of the Babcock Property will be fenced and landscaped consistent with the existing landscape plan for the Existing Facility that was approved by the County in 2019.

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<sup>59</sup> It should not be lost on the County that unsupported neighbor opinion testimony often seems to come from both sides of the mouth. Against gravel operations and in favor of continued residential development when it seems to do so would encourage the County to deny an agricultural use, and against residential development when it seems to do so would encourage the County to deny the expansion of Areas of City Impact.

<sup>60</sup> See, e.g., Nampa City File No. ANN 102-13 (cross ref SPP 029-18)

<sup>61</sup> See Canyon County Code § 07-14-19(1)A.2(B).

<sup>62</sup> See Canyon County Code § 07-14-19(1)A.2(C).

<sup>63</sup> See, Canyon County Code § 07-14-19(1)A.



**(D) Reclamation plan as approved by Idaho Department of Lands.**<sup>64</sup>

The reclamation plan, contained in **Tab 8.a** of the Application, has been approved by Idaho Department of Lands. The current reclamation plan is to build a campground with walking trails, which would be desirable due to the proximity of recreational activities at Lake Lowell.

Pit walls will be sloped at a 3:1 slope from the natural ground surface to the floor of the pit. Sand from the gravel operation will be used to form hills, construct hiking paths, and a camping area. Topsoil will be placed over the regraded and disturbed areas at a minimum of one-foot thick. These areas will be reseeded with a mixture of Crested Wheatgrass and Ranger Alfalfa.

**(E) The locations of all proposed pits and any accessory uses.**<sup>65</sup>

The site plan in **Tab 2** of the Application shows the location of the extraction activities as phased over the term of the conditional use permit.

**(F) Recommendations from applicable government agencies.**<sup>66</sup>

The appropriate government agencies will have been notified of this Application by Canyon County and their recommendation noted. The one government agency the Applicant is required to notify prior to making application to Canyon County is the Idaho Department of Lands. As required by Canyon County Code, the Applicant made application for a reclamation plan to IDL prior to submitting the Application to the County for conditional use permit. The Idaho Department of Lands has approved the reclamation plan application.<sup>67</sup>

**Proposed Conditions of Approval**

The Cope family has always desired to be a good neighbor and operate a well-run gravel operation. For this reason, the family is proposing that the Conditions of Approval adopted by the County for the Existing Facility be applied to the Proposed Facility. Clear conditions of approval can provide clear expectations for the County, Cope, and neighbors. The proposed conditions of approval are found in **Tab 3.b** of the Application.

**Conclusion**

The Applicant has compiled an extensive analysis of the facts in connection the Application consistent with the direction of Canyon County Code. This factual analysis will provide the basis for the County to reach the conclusions of law that this conditional use permit Application meets all the general and specific conditional use criteria contained in Canyon County Code. Accordingly, we respectfully request that the County grant the conditional use requested subject to the proposed Conditions of Approval.

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<sup>64</sup> Canyon County Code § 07-14-19(1)A.2(D).

<sup>65</sup> See County Code § 07-14-19(1)A.2(E).

<sup>66</sup> See County Code § 07-14-19(1)A.2(F).

<sup>67</sup> See **Tab 8.a** of the Application

### **Proposed Conditions of Approval – Cope Sand & Gravel Inc. – 2023**

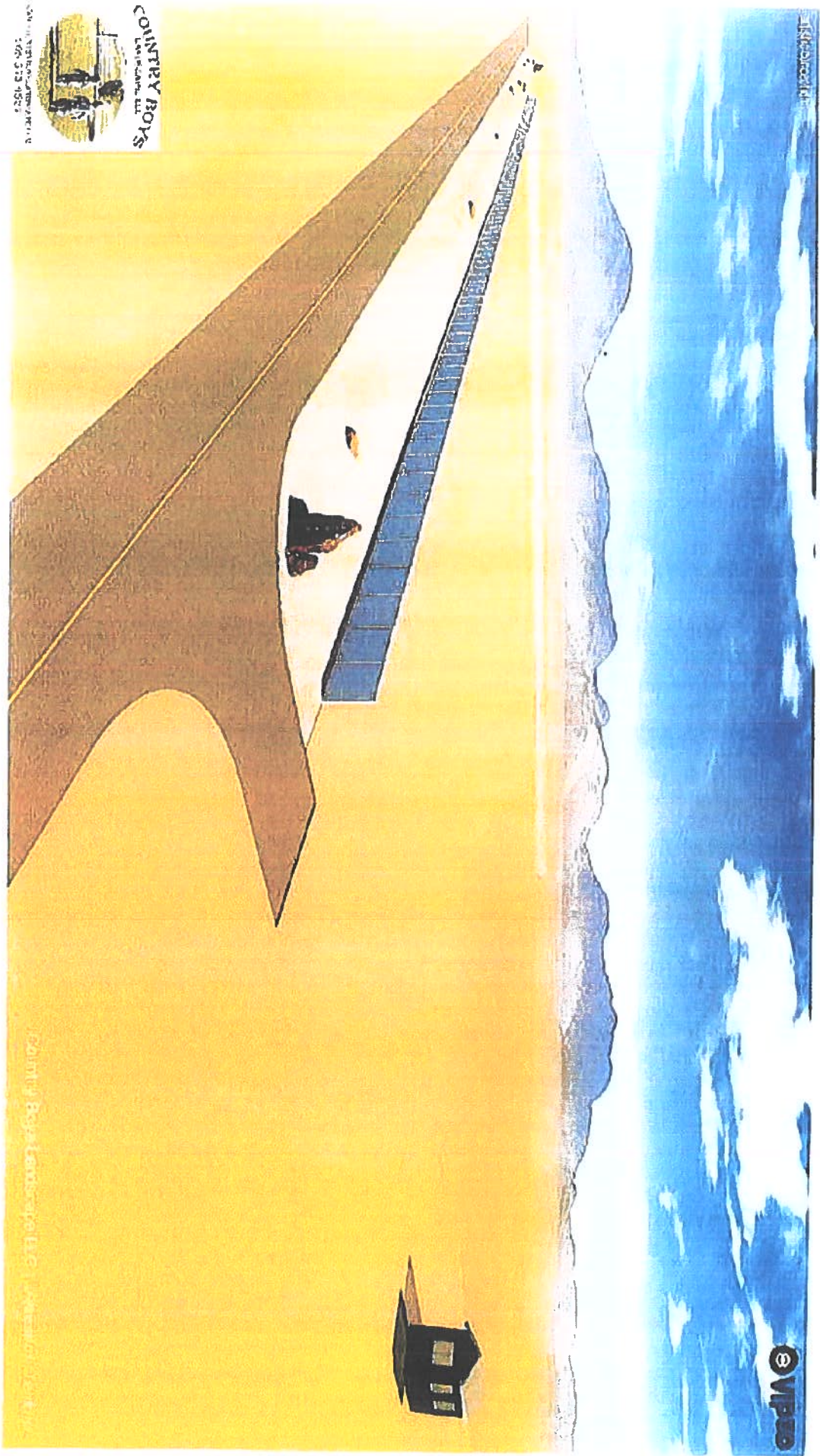
1. The Applicant/Operators shall comply with all applicable federal, state and county laws, ordinances, rules, and regulations that pertain to the site and use.
2. Diesel fuel and petroleum products will be stored and handled in accordance with IDOT and Federal DOT, OSHA, DEQ, EPA, MSHA standards and as described in the Spill Prevention Plan developed for the site.
3. No toxic, hazardous materials or explosives in violation of applicable laws will be stored on site or used in the operation of the site.
4. The Operator has obtained an access permit from Canyon Highway District #4, and shall meet any applicable requirements of Canyon Highway District #4 prior to commencing the proposed expansion.
5. Vehicles entering or exiting the site will use the existing access from Lake Lowell Avenue on the existing Cope Sand & Gravel site. Access to the public highway system for truck trips leaving the existing Cope Sand & Gravel site will be limited to travelling eastbound on Lake Lowell Avenue.
6. The Operator shall provide appropriate facilities for the purpose of disposing of human generated wastewater in accordance with Southwest District Health requirements.
7. The Applicant/Operators shall comply with the Reclamation Plan as approved by the Idaho Department of Lands. The Applicant/Operator shall provide Canyon County Development Services Department with copies of the approved Reclamation Plan and any required bonds prior to the commencement of operation on the site.
8. Duration of this conditional use permit shall not exceed February 12, 2030. If the Applicant seeks to continue operation after that time, then the Applicant will need to reapply to Canyon County.
9. Normal day-to-day business hours for the gravel extraction on the site shall be Monday through Friday, 7:00 a.m. to 6:00 p.m., and Saturday from 7:00 a.m. to 1:00 p.m. Equipment maintenance and repair shall be done during normal, day-to-day operation hours, Monday through Friday.
10. Operation of machinery and equipment, shall be in accordance with all applicable, federal, state, and county laws, ordinances, rules, and regulations that pertain to operations.
11. The Applicant/Operators shall control dust emissions on the site and comply with DEQ's best management practices (BMP) for dust control. Adequate dust control watering devices (mistors) will be installed over the extraction and loading areas to reduce dust. The Applicant shall take steps to remedy dust emissions such as watering the work areas until dust emissions can be prevented.
12. Noise emissions shall follow the regulations and standards of OSHA and/or MSHA. Visible strobe lights and motion sensor backup alarms will be used whenever safely possible to eliminate unnecessary noise.
13. Development shall not impede, disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way.
14. The Applicant/Operator shall ensure the use will maintain a buffer from transmission towers and overhead transmission lines. The buffer shall be approved by Idaho Power prior to commencement of expansion.
15. A landscaped buffer substantially similar to the landscape buffer at the existing Cope Sand & Gravel site west of the site entry along the Thacker Lateral. The landscape buffer shall be maintained in good condition.

16. Existing trees along Thacker Lateral shall be maintained as visual buffers from Lake Lowell Avenue. Any loss of any existing tree during the life of the permit shall be replaced with additional tree(s) to maintain the existing natural visual buffer.
17. The crusher on the existing Cope Sand & Gravel site shall not be located closer than 300 feet from the east of the parcel boundary for Canyon County parcel number R3310701000.
18. The gravel operation shall be setback a minimum of 200 feet from the western boundary of Canyon County parcel number R3310600000.









Landscape Plan - Submitted and Approved, 2019 - 1





Landscape Buffer - April, 2023 - 4





Landscape Buffer - April, 2023 - 3





Landscape Buffer - April, 2023 - 2





Landscape Buffer - April, 2023 - 1



## LAND USE WORKSHEET

### CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605

[www.canyonco.org/dsd.aspx](http://www.canyonco.org/dsd.aspx) Phone: 208-454-7458 Fax: 208-454-6633



Required for Conditional Use Permit, Comprehensive Plan and Zoning Ordinance Amendment Applications

**PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:**

#### GENERAL INFORMATION

1. **DOMESTIC WATER:** ☐ Individual Domestic Well ☐ Centralized Public Water System ☐ City

☒ N/A – Explain why this is not applicable: No human habitation.

☐ How many Individual Domestic Wells are proposed? \_\_\_\_\_

2. **SEWER (Wastewater)** ☐ Individual Septic ☐ Centralized Sewer system

☒ N/A – Explain why this is not applicable: No human habitation.

3. **IRRIGATION WATER PROVIDED VIA:**

☐ Surface ☒ Irrigation Well ☐ None

4. **IF IRRIGATED, PROPOSED IRRIGATION:**

☐ Pressurized ☒ Gravity

5. **ACCESS:**

☒ Frontage ☐ Easement Easement width \_\_\_\_\_ Inst. # \_\_\_\_\_

6. **INTERNAL ROADS:**

☐ Public ☒ Private <sup>Haul Roads</sup> Road User's Maintenance Agreement Inst # \_\_\_\_\_

7. **FENCING**

☒ Fencing will be provided (Please show location on site plan)

Type: Vinyl on top of berm Height: 12' average

8. **STORMWATER:**

☒ Retained on site ☐ Swales ☐ Ponds ☐ Borrow Ditches

☐ Other: \_\_\_\_\_

9. **SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY:** (i.e. creeks, ditches, canals, lake)

Thacker lateral Ditch

**RESIDENTIAL USES - N/A****1. NUMBER OF LOTS REQUESTED: N/A**

- ☐ Residential \_\_\_\_\_ ☐ Commercial \_\_\_\_\_ ☐ Industrial \_\_\_\_\_  
☐ Common \_\_\_\_\_ ☐ Non-Buildable \_\_\_\_\_

**2. FIRE SUPPRESSION: N/A**

- ☐ Water supply source: \_\_\_\_\_

**3. INCLUDED IN YOUR PROPOSED PLAN? N/A**

- ☐ Sidewalks ☐ Curbs ☐ Gutters ☐ Street Lights ☐ None

**NON-RESIDENTIAL USES****1. SPECIFIC USE: Gravel Extraction****2. DAYS AND HOURS OF OPERATION:**

- ☐ Monday 7AM to 6PM  
☐ Tuesday 7AM to 6PM  
☐ Wednesday 7AM to 6PM  
☐ Thursday 7AM to 6PM  
☐ Friday 7AM to 6PM  
☐ Saturday 7AM to 1PM  
☐ Sunday Closed to \_\_\_\_\_

**3. WILL YOU HAVE EMPLOYEES? ☒ Yes If so, how many? 10 ☐ No**

- 4. WILL YOU HAVE A SIGN?** ☐ Yes ☒ No ☐ Lighted ☐ Non-Lighted  
Height: \_\_\_\_\_ ft Width: \_\_\_\_\_ ft. Existing Sign will remain. No new Sign.  
Height above ground: \_\_\_\_\_ ft  
What type of sign: \_\_\_\_\_ Wall \_\_\_\_\_ Freestanding \_\_\_\_\_ Other \_\_\_\_\_

**5. PARKING AND LOADING:**

How many parking spaces? 3

Is there Is a loading or unloading area? Just the pit.

**ANIMAL CARE RELATED USES** - N/A

**1. MAXIMUM NUMBER OF ANIMALS:** \_\_\_\_\_

**2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?**

☐ Building    ☐ Kennel    ☐ Individual Housing    ☐ Other \_\_\_\_\_

**3. HOW DO YOU PROPOSE TO MITIGATE NOISE?**

☐ Building    ☐ Enclosure    ☐ Barrier/Berm    ☐ Bark Collars

**4. ANIMAL WASTE DISPOSAL**

☐ Individual Domestic Septic System    ☐ Animal Waste Only Septic System

☐ Other: \_\_\_\_\_

February 27, 2023

Dear Neighbor:

Cope Sand and Gravel, Inc. are in the process of submitting an expansion for a Conditional Use Permit. One of the requirements necessary prior to submitting the application is to hold a "neighborhood meeting" and provide information to our surrounding neighbors. (Canyon County Ordinance 07-01-15)

This meeting is for informational purposes and to receive feedback from you as we move through the application process.

The neighborhood meeting details are as follows:

DATE: March 20, 2023  
TIME: 5:30 p.m.  
LOCATION: Lake Lowell Park  
12996 Iowa Ave.  
Nampa, ID 83686

**PROPERTY DESCRIPTION:**

Parcel No. R33106 is proposing to expand 8.65 acres to extract gravel.

We look forward to the neighborhood meeting and encourage you to attend. At that time we will answer any questions you may have.

Sincerely,

Cope Sand & Gravel, Inc.



# Neighborhood Notification Map

## Parcel No. R33106

### Buffer Distance 600 Feet

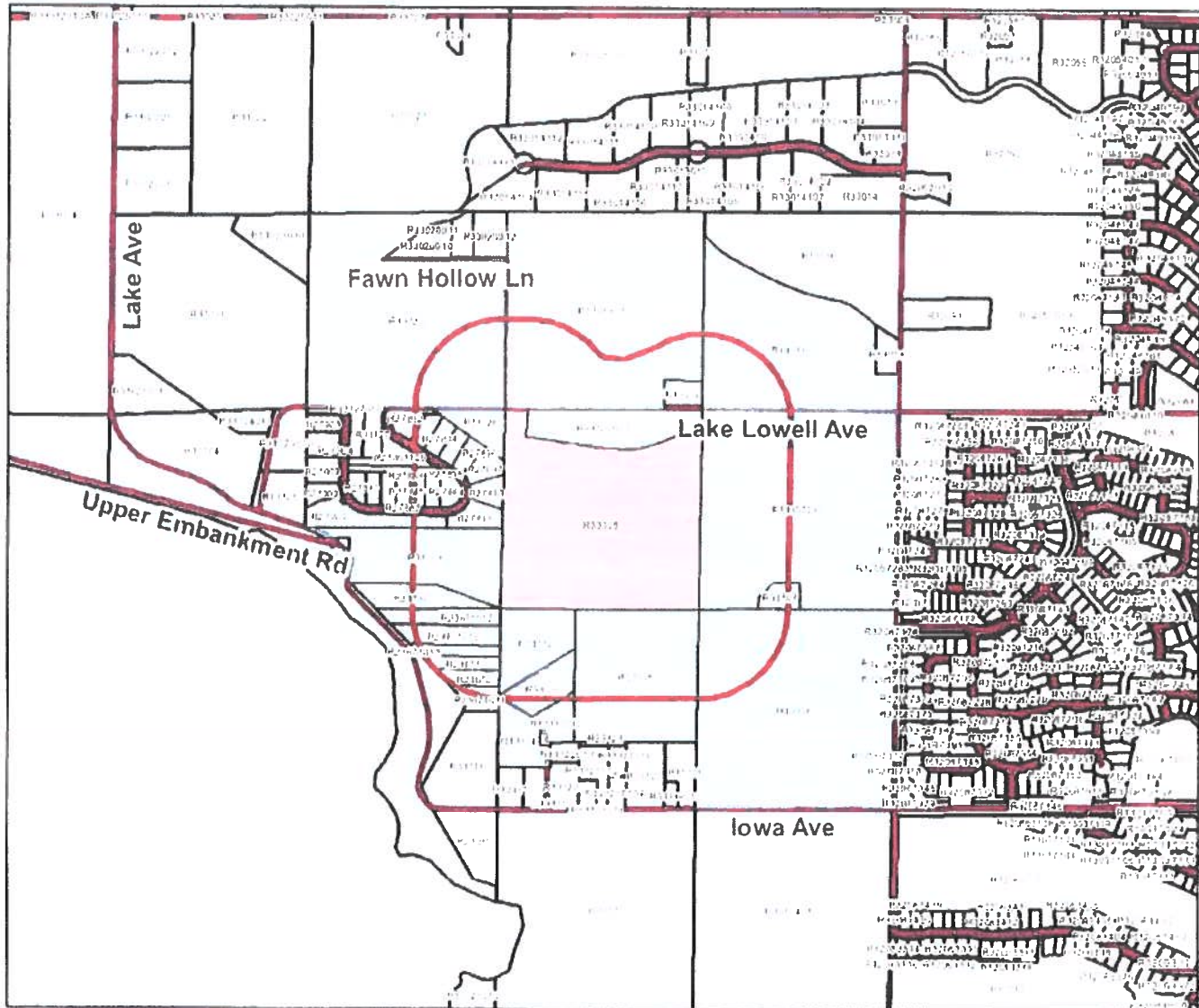
Canyon County  
Development Services  
111 North 11th Ave, #140  
Caldwell, ID 83605



This map is for informational purposes only and does not suggest approval of the project.

Date: 2/24/2023  
By: SHuggins

The neighborhood meeting shall be conducted prior to acceptance of the application. The neighborhood meeting shall not be conducted earlier than six (6) months prior to the acceptance of the application, and shall be held no sooner than ten (10) calendar days from the mailing of the notice of the neighborhood meeting.



#### Legend

- NOTIFICATION BUFFER
- SUBJECT\_PROPERTY
- NOTIFIED PARCELS
- TAX PARCELS
- Highway
- Interstate
- Local Road

SCALE 1 in = 1,000 feet  
Map Scale 1:12,000

This map is for informational purposes only and does not suggest approval of the project. The map is based on the latest available data and is subject to change without notice. The map is not a warranty of any kind and is not to be used as a basis for any legal action. The map is not a warranty of any kind and is not to be used as a basis for any legal action. The map is not a warranty of any kind and is not to be used as a basis for any legal action.

PARCEL_NO	OwnerName	Address	City	State	ZipCode
R23672	✓ PARSONS JULIE TRUST	12638 IOWA AVE	NAMPA	ID	83686
R27891100	✓ CURTIS PARKER	12718 WILD ROSE LN	NAMPA	ID	83686
R27893	✓ GOODMAN JEREMY	12654 WILD ROSE LN	NAMPA	ID	83686
R33019	✓ SCHAFER LAUNA	12256 LAKE LOWELL AVE	NAMPA	ID	83686
R33106	✓ BABCOCK JOHN R TESTAMENTARY TRUST	12497 MIDWAY RD	NAMPA	ID	83686
R33107	✓ HERBST TREVOR LONDON	12753 MIDWAY RD	NAMPA	ID	83686
R33128	✓ NICLEY HILLER DAWN	12527 LAKE LOWELL AVE	NAMPA	ID	83686
R27897	✓ GIBBONS TIMOTHY SCOTT	12670 WILD ROSE LN	NAMPA	ID	83686
R27899	✓ VAN DOMELN JEFFREY LEE	12680 WILD ROSE LN	NAMPA	ID	83686
R33109	✓ CANYON COUNTY	1115 ALBANY ST	CALDWELL	ID	83605
R33118	✓ MCGLINSKY ALFRED M AND LEE ANN FAMILY TRUST	12713 MEMORY LN	NAMPA	ID	83686
R33117010	✓ GAMMEL WAYNE B	12606 MEMORY LN	NAMPA	ID	83686
R23671	✓ PARSONS RON R	5215 W SAGUARO DR	EAGLE	ID	83616-6254
R27885	✓ HARRY GABRIEL J	12686 WILD ROSE LN	NAMPA	ID	83686
R33017	✓ MRCT LLC	13063 MIDWAY RD	NAMPA	ID	83686
R27884	✓ EVANS DALE N	12682 WILD ROSE LN	NAMPA	ID	83686
R27895	✓ PEDRAZA VALENTIN R	12662 WILD ROSE LN	NAMPA	ID	83686
R27886	✓ BREIER BERT	12690 WILD ROSE LN	NAMPA	ID	83686
R27898	✓ BARTORIUS WILLIAM S	12674 WILD ROSE LN	NAMPA	ID	83686
R33115	✓ ANDERSON KAREN LEA	12529 S MIDWAY RD	NAMPA	ID	83686
R27892	✓ MITCHELL STEVE O E	12650 WILD ROSE LN	NAMPA	ID	83686
R33106010	✓ WEAVER GARY L	12421 LAKE LOWELL AVE	NAMPA	ID	83686
R33110	✓ PARSONS RONALD R	12894 IOWA AVE	NAMPA	ID	83686
R23671010	✓ PARSONS JULIE TRUST	12638 IOWA AVE	NAMPA	ID	83686
R23671012	✓ PARSONS DONALD D	12892 IOWA AVE	NAMPA	ID	83686
R23671011	✓ PARSONS JULIE TRUST	12638 IOWA AVE	NAMPA	ID	83686
R27894	✓ BEHYMER BRANDON	12658 WILD ROSE LN	NAMPA	ID	83686
R27896	✓ CAMPERUD LLOYD D	12668 WILD ROSE LN	NAMPA	ID	83686
R23671013	✓ PARSONS RON R	5215 W SAGUARO DR	EAGLE	ID	83616-6254
R33108	✓ ANDERSON KAREN LEA	12529 S MIDWAY RD	NAMPA	ID	83686
R33114	✓ HUSTON ELMER AND WILMA TRUST	12649 MEMORY LN	NAMPA	ID	83686
R33116	✓ BUSTOS THEODORE	12732 MEMORY LN	NAMPA	ID	83686
R33020	✓ BABCOCK JOHN R TESTAMENTARY TRUST	12497 MIDWAY RD	NAMPA	ID	83686
R27900	✓ SCHOLTEC ALAN	12699 WILD ROSE LN	NAMPA	ID	83686
R33107010	✓ COPE SAND AND GRAVEL INC	12360 MOSS LN	NAMPA	ID	83651
R27891101	✓ WILD ROSE PROP OWNERS ASSN INC	12670 WILD ROSE LN	NAMPA	ID	83686
R33019010	✓ MRCT LLC	13063 MIDWAY RD	NAMPA	ID	83686

## NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605

[www.canyonco.org/dsd.aspx](http://www.canyonco.org/dsd.aspx) Phone: 208-454-7458 Fax: 208-454-6633



### NEIGHBORHOOD MEETING SIGN UP SHEET

CANYON COUNTY ZONING ORDINANCE §07-01-15

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

#### SITE INFORMATION

Site Address: <u>12241 Lake Lowell Ave.</u>	Parcel Number: <u>R 33106</u>
City: <u>Nampa</u>	State: <u>ID</u> ZIP Code: <u>83686</u>
Notices Mailed Date: <u>2-27-2023</u>	Number of Acres: <u>8.65</u> Current Zoning: <u>A9</u>
Description of the Request: <u>An expansion of 8.65 acres to extract gravel.</u>	

#### APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: <u>Paul Cope</u>		
Company Name: <u>Cope Sand &amp; Gravel Inc.</u>		
Current address: <u>12360 Moss Ln.</u>		
City: <u>Nampa</u>	State: <u>ID</u>	ZIP Code: <u>83651</u>
Phone: <u>(208) 455-1601</u>	Cell:	Fax:
Email:		

#### MEETING INFORMATION

DATE OF MEETING: <u>3-20-2023</u>	MEETING LOCATION: <u>Lake Lowell Park</u>	
MEETING START TIME: <u>5:35 p.m.</u>	MEETING END TIME: <u>6:15 p.m.</u>	
ATTENDEES:		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. <u>Brent Cope</u>	<u>Brent Cope</u>	<u>12357 Moss Ln. Nampa</u>
2. <u>Paul Cope</u>	<u>Paul Cope</u>	<u>12373 Moss Ln. Nampa</u>
3. <u>John Butler</u>	<u>John Butler</u>	<u>967 E. Parkcenter Blvd. Boise</u>
4. <u>Dave Cookman</u>	<u>Dave Cookman</u>	<u>4650 Malad St Boise ID</u>
5. <u>John Anderson</u>	<u>John Anderson</u>	<u>12445 SCARLETT BLVD 83686</u>
6.		
7.		
8.		
9.		



10.
11.
12.
13.
14.
15.
16.
17.
18.
19.
20.

**NEIGHBORHOOD MEETING CERTIFICATION:**

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

Paul Cope

APPLICANT/REPRESENTATIVE (Signature):

Paul Cope

DATE: 3 / 20 / 2023









RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

Todd M. Lakey  
Borton Lakey Law Offices  
141 E. Carlton Ave.  
Meridian, ID 83642

<b>2021-041074</b>	
RECORDED	
<b>06/09/2021 10:28 AM</b>	
CHRIS YAMAMOTO	
CANYON COUNTY RECORDER	
Pgs=2 MKEYES	\$15.00
TYPE: DEED	
BORTON-LAKEY LAW OFFICES	
ELECTRONICALLY RECORDED	

---

(Space Above for Recorder's Use)

### PERSONAL REPRESENTATIVE'S DEED

THIS DEED is made and executed by John Babcock, as Personal Representative of THE ESTATE OF CLARA BABCOCK, DECEASED, hereinafter referred to as the ("Grantor"), to John Babcock as Trustee of the JOHN R. BABCOCK TESTAMENTARY TRUST, ("Grantee"), whose current address is 12497 Midway Road, Nampa, ID 83686.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Probate Case Number CV2013-3493C in Canyon County, Idaho;

THEREFORE, in accordance with the provisions of Uniform Probate Code as set forth in Title 15 of the Idaho Code, Grantor hereby grants, sells, transfers and conveys to Grantee all of the Grantor's interest in the following described real property in Canyon County, Idaho:

*The SE1/4 of the SW1/4 of Section 25, Township 3 North, Range 3  
West, Boise Meridian, Canyon County, Idaho;*

*The NW1/4 of the NE1/4 of Section 36, Township 3 North, Range 3  
West, Boise Meridian, Canyon County, Idaho.*

TO HAVE AND TO HOLD, all and singular the said real property, together with all appurtenances, tenements, hereditaments, reversions, remainders, rents, issues, profits, rights-of-way, and water rights in anywise appertaining to the real property herein described, as well in law as in equity, unto Grantee, and to Grantee's heirs and assigns forever.



950368

# WARRANTY DEED

For Value Received CLARA BABCOCK, the duly appointed and acting personal representative of the estate of John R. Babcock, deceased,

the grantor, do as hereby grant, bargain, sell and convey unto JOHN BABCOCK, trustee under the testamentary trust set forth in the Last Will and Testament of John R. Babcock, deceased, said will being admitted to probate in the District Court of the Third Judicial District of the State of Idaho, in and for the County of Canyon, on the 25th day of June, 1980, ADDRESS: Route 1, Box 1449, Nampa, Idaho, 83651, the grantee, the following described premises, to-wit:

An undivided one-half interest in the following described real property, to-wit:

The E½ of the SE¼ of Section 36, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho;

The SE¼ of the SW¼ of Section 25, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho;

The NW¼ of the NE¼ of Section 36, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

RESERVING, however, the other undivided one-half interest in and to the said real property, which stays vested in Clara Babcock, a widow, as her sole and separate property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that she is the owner in fee simple of said premises; that said premises are free from all incumbrances, save and except current taxes and assessments,

and that she will warrant and defend the same from all lawful claims whatsoever.  
Dated: June 21, 1982.

Clara Babcock  
Personal Representative of the  
estate of John R. Babcock, deceased

STATE OF IDAHO, COUNTY OF CANYON ) ss  
On this 21 day of June, 1982,  
before me, a notary public in and for said State, personally  
appeared CLARA BABCOCK, known to me  
to be the duly appointed and acting  
personal representative of the  
estate of John R. Babcock, deceased,  
and also:  
known to me to be the person who is  
acknowledging the foregoing instrument, and acknowledged to  
me that she executed the same,  
on behalf of said estate.

Notary Public  
Canyon County, Idaho

STATE OF IDAHO, COUNTY OF  
I hereby certify that this instrument was filed for record at  
the request of

at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock p.m.,  
this \_\_\_\_\_ day of \_\_\_\_\_,  
1982, in my office, and duly recorded in Book  
of Deeds at page \_\_\_\_\_

Ex-Officio Recorder

By \_\_\_\_\_  
Pres & \_\_\_\_\_ Deputy.  
Mail to:

INSTRUMENT NO.

950368

JUN 22 1 50 PM '02

RECEIVED  
JUN 22 1 50 PM '02

*U Chung*

REQUEST

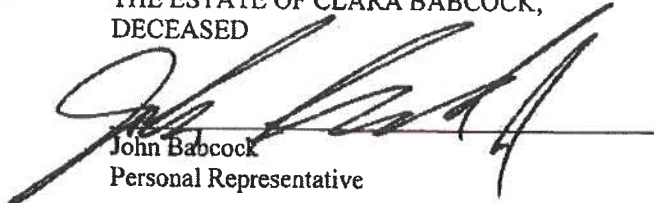
*Schiller & Schiller*

TYPE

*Real* FEE *2.00*

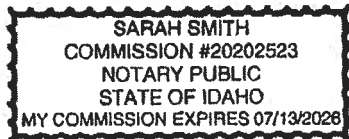
WITNESS the hand of said Grantor this 8 day of June, 2021.

THE ESTATE OF CLARA BABCOCK,  
DECEASED

  
John Babcock  
Personal Representative

STATE OF IDAHO                     )  
  :ss  
County of Ada                     )

On this 8 day of June, 2021, before me, a notary public, personally appeared John Babcock, known to me to be the person whose name is subscribed to the within instrument as personal representative of THE ESTATE OF CLARA BABCOCK, DECEASED, and acknowledged to me that he executed the same as such personal representative.



Sarah Smith  
NOTARY PUBLIC FOR IDAHO  
Residing at Caldwell  
My Commission Expires 07/13/2028



**Canyon County Development Services**

111 N. 11th Ave. Room 310, Caldwell, ID 83605  
(208) 454-7458

**Building Division Email:** buildinginfo@canyoncounty.id **Planning Division Email:** zoninginfo@canyoncounty.id

**Receipt Number:** 78819

**Date:** 4/18/2023

**Date Created:** 4/18/2023

**Receipt Type:** Normal Receipt

**Status:** Active

**Customer's Name:** Paul Cope

**Comments:** CU2023-0006

**CHARGES**

<u>Item Being Paid For:</u>	<u>Application Number:</u>	<u>Amount Paid:</u>	<u>Prevs Pymnts:</u>	<u>Unpaid Amnt:</u>
Planning - Conditional Use Modification	CU2023-0006	\$600.00	\$0.00	\$0.00

**Sub Total:** \$600.00

**Sales Tax:** \$0.00

**Total Charges:** \$600.00

**PAYMENTS**

<u>Type of Payment:</u>	<u>Check/Ref Number:</u>	<u>Amount:</u>
Check	15141	\$600.00

**Total Payments:** \$600.00

**ADJUSTMENTS**

**Receipt Balance:** \$0.00

**Issued By:** pdilbeck

Page 1 of 1