



Planning and Zoning Commission
Canyon County Development Services Dept.
Conditional Use Permit: CU2023-0002

HEARING DATE: 06/15/2023

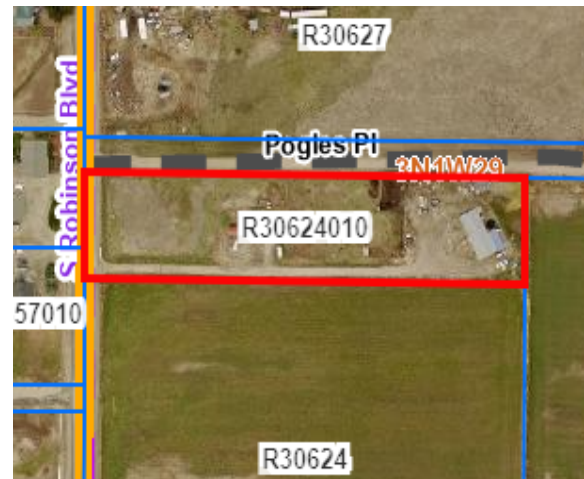
OWNER: Alejandro Jimenez

APPLICANT/REP: Juan Carlos Nieves

PLANNER: Samantha Hammond, Planner I

CASE NUMBER: CU2023-0002

LOCATION: 80 S Robinson Rd.
Parcel #: R30624010



PROJECT DESCRIPTION:

- The applicant, is requesting a Conditional Use Permit for a staging area, on parcel R30624010. The staging area is to be used for the applicant's excavation equipment for their business.

PARCEL INFORMATION: Exhibit A (*Parcel Tool Info*)

PROJECT OVERVIEW

- Juan Carlos Nieves, the applicant, is requesting a Conditional Use Permit to have a staging area on parcel R30624010, also referred to as 80 S Robinson Rd, Nampa ID.
- The proposed request as seen in the letter of intent/site plan (*Exhibit B Attachment 1a, 1b, 1c*) includes:
 - Staging Area Use: The staging area is for the storing of equipment and materials only. All work will take place off-site, the applicant states within their letter of intent
 - Hours of Operation: Monday through Friday 8:00 a.m. to 8:00 p.m.
 - Equipment: The following is the type of equipment that is utilized on this lot:
 - 8 Skid steers
 - 1 Loader
 - 8 Dump Trucks
 - 10 Flatbed Trailers
 - 8 Pickup Trucks
 - 2 Hydraulic Hammers
- Parking: The applicant shows there is adequate parking for all vehicles and employees.

Existing Conditions:

- The existing conditions are primarily Agricultural and Rural residential.

Surrounding Land Use Cases:

- Within the surrounding area there are nine approved subdivisions. Within 1 mile of the location, there are 50 Conditional Use Permits approved or active, these cases range from prior subdivisions/land division to higher intensity uses. The case maps show a lower number of CUPs as the maps are pulled from after 2018.
- Currently on Robinson Rd. other production businesses do not seem to be permitted by a CUP.

Access and Traffic:

- There will be no undue interference with the existing traffic patterns. The applicant states within their letter of intent, vehicles will be taken off-site as needed on the job sites, and can sometimes be left at the site. As conditioned the applicant must comply with Nampa Highway Districts requirements.
- The road is currently being used for access by other operations that require large trucks and machinery, these include allowed uses, agricultural operations, and unpermitted uses.

Facilities:

- The staging area does not require additional facilities on the parcel. All affected agencies were noticed and no comments were received regarding the application.
- A porta potty will be located at the site for the employees to utilize.

Essential Services:

- The request is not found to create a negative impact on essential services, all essential services were noticed, and no comments were received regarding the application.

COMPREHENSIVE PLAN ALIGNMENT:

Chapter 1: Property Rights	
G1.01.00	Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.
P1.01.01	No person should be deprived of private property without due process of law.
Chapter 2: Population	
G1.02.00	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.
G2.02.00	Promote housing, business, and service types needed to meet the demand of the future and existing population.
Chapter 3: Economic Development	
G3.01.00	Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.
P3.01.01	Direct business development to locations that can provide necessary services and infrastructure.
P3.01.02	Support suitable sites for economic growth and expansion compatible with the surrounding area.

P3.01.03	Support business development in opportunity zones, foreign trade zones, and urban renewal districts.
G3.05.00	Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.
Chapter 4: Land Use and Community Design	
G4.01.00	Support livability and high quality of life as the community changes over time.
P4.01.01	Maintain a balance between residential growth and agriculture that protects the rural character.
P4.01.02	Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.
G4.03.00	Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.
P4.03.01	Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.
P4.03.02	Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.
P4.03.03	Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and some instances may require conditions of approval to promote compatibility.
P4.04.01	Support development in locations where services, utilities, and amenities are or can be provided.

POTENTIAL IMPACTS:

- Potential impacts of the request are as follows:
 - Movement of large vehicles could affect the flow of traffic.
 - Dust created at the site by the movement of the heavy equipment, this can be mitigated through watering the roads and parking areas.
 - Visibility of equipment and materials, this can be mitigated through a berm or fence on the frontage of the lot.

COMMENTS:

- Agencies:
 - The City of Nampa, Exhibit B Attachment 3a
 - Nampa Highway District, Exhibit B Attachment 3b
- Public:
 - Barbara Harris #1, Exhibit B Attachment 4a
 - Barbara Harris #2, Exhibit B Attachment 4b
 - Tammy Shuyler, Exhibit B Attachment 4c

RECOMMENDATION:

- Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed Conditional Use Permit for a Staging Area.
- Staff is **recommending approval** of the request as provided in the draft Findings of Fact, Conclusions of Law, and Order found in *Exhibit B*.

DECISION OPTIONS:

- Planning and Zoning Commission may **approve** the Conditional Use Permit with conditions; or
- The Planning and Zoning Commission may **deny** the Conditional Use Permit and direct staff to make findings of fact to support this decision; or
- The Planning and Zoning Commission may **continue the discussion** and request additional information on specific items

ATTACHMENTS/EXHIBITS:

Exhibit A: Parcel Tool Report

Exhibit B: Planning and Zoning FCOs

Attachment 1: Submitted Application Materials

- a: Letter of Intent
- b: Letter of Intent #2
- c: Site Plan
- d: Land Use Worksheet
- e: Neighborhood Meeting Information

Attachment 2: Maps

- a: Aerial
- b: Vicinity
- c: Cases
- d: Zoning
- e: Canyon County Future Land Use
- f: City of Nampa Future Land Use
- g: Lot Report
- h: Gravel Pits, Dairies, Feedlots
- i: Soils
- j: Prime Farm Land
- k: Soils & Prime Farmland Report
- l: Plats & Subs

Attachment 3: Agency Comments

- a: City of Nampa
- b: Nampa Highway District

Attachment 4: Public Comments

- a: Barbara Harris #1
- b: Barbara Harris #2
- c: Tammy Shuyler

R30624010

PARCEL INFORMATION REPORT

6/5/2023 9:46:02 AM

PARCEL NUMBER: R30624010

OWNER NAME: JIMENEZ ALEJANDRO

CO-OWNER: LOZANO DORA LUZ MEZA

MAILING ADDRESS: 80 S ROBINSON RD NAMPA ID 83687

SITE ADDRESS: 80 S ROBINSON RD

TAX CODE: 0100000

TWP: 3N RNG: 1W SEC: 29 QUARTER: NW

ACRES: 2.26

HOME OWNERS EXEMPTION: No

AG-EXEMPT: No

DRAIN DISTRICT: NOT In Drain Dist

ZONING DESCRIPTION: AG / AGRICULTURAL

HIGHWAY DISTRICT: NAMPA HWY DIST

FIRE DISTRICT: NAMPA FIRE

SCHOOL DISTRICT: KUNA SCHOOL DIST

IMPACT AREA: NAMPA

FUTURE LAND USE 2011-2022 : Res

FLU Overlay Zone Desc 2030:

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: AG

IRRIGATION DISTRICT: BOISE PROJECT BOARD OF CONTROL

FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0403F

WETLAND: NOT In WETLAND

NITRATE PRIORITY: ADA CANYON

FUNCTIONAL Classification: Major Collector

INSTRUMENT NO. : 2022014687


SCENIC BYWAY: NOT In Scenic Byway

LEGAL DESCRIPTION: 29-3N-1W NW TX 18047 IN SWNW

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



DISCLAIMER:

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.

2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.

3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.

4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERIFFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.



PLANNING OR ZONING COMMISSION FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:
[Jimenez] – [CU2023-0002]

The Canyon County Planning and Zoning Commission considers the following:

- 1) Conditional Use Permit
[CU2023-0002, 80 S Robinson Rd, Nampa. (Parcel Number: R30624010), a portion of the NW¹/₄ of Section 29, T3N, R1W, BM, Canyon County, Idaho]

Parcel Size: 2.26 acres

Summary of the Record

1. The record is comprised of the following:

A. The record includes all testimony, the staff report, exhibits, and documents in Case File CU2023-0002.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-07 (Conditional Use Permits), Canyon County Code §07-02-03 (Definitions), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Canyon County Code §07-14 (Use Standards), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures), and Canyon County Code 09-11-25 (Area of City Impact Agreement).
 - a. Notice of the public hearing was provided pursuant to CCZO §07-05-01, Idaho Code §67-6509 and 67-6512.
 - b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.
 - c. Every use which requires the granting of a conditional use permit is declared to possess characteristics that require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance, or another detriment to persons or property in the vicinity. *See* CCZO §07-07-01.
 - d. Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development; (6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. *See* Idaho Code §67-6512, CCZO §07-07-17, and 07-07-19.
 - e. Use Standards – Staging Area: (1) All work shall be conducted off-site. (2) Business vehicles shall be operable and parked on site, not on a public or private road. (3) Persons not employed on the premises may visit the premises to pick up equipment and materials to be used elsewhere, including trucks offloading or transferring equipment and/or materials to other vehicles. (4) Employees may meet on the

premises to share rides to and from job sites. (5) Employees' vehicles shall be parked on-site and not on a public or private road. *See* CCZO §07-14-29.

2. The commission shall have those powers and perform those duties assigned by the board that is provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-07-01.
3. There are no mandates in the Local Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. Chambers v. Kootenai County Bd. of Comm'rs, 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).
4. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.
5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.
6. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application (CU2023-0002) was presented at a public hearing before the Canyon County Planning and Zoning Commission on (06/15/2023). Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Canyon County Planning and Zoning Commission decide as follows:

CONDITIONAL USE PERMIT HEARING CRITERIA – CCZO §07-07-05

1. Is the proposed use permitted in the zone by conditional use permit?

Conclusion: The proposed use is permitted within the current zoning designation.

Findings: (1) Per Canyon County Zoning Ordinance §07-10-27, a staging area is allowed in the “A” agricultural zone subject to an approved conditional use permit.

(2) The Conditional Use Permit was submitted to Canyon County Development Services, on February 09, 2023.

(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0002.

(4) Evidence includes associated findings and evidence supported within this document.

2. What is the nature of the request?

Conclusion: The request for the staging area is for the applicant's excavation business. This includes the capability to store the necessary materials and vehicles on site, allowing the employees to come and retrieve the proper equipment and materials daily. All work is to be done off-site.

Findings: (1) Letter of Intent seen in Exhibit B Attachment 1a, 1b.

(2) Site Plan seen in Exhibit B Attachment 1c

(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0002.

(4) Evidence includes associated findings and evidence supported within this document.

3. Is the proposed use consistent with the comprehensive plan?

Conclusion: The request is consistent with seven (7) goals and ten (10) policies from the 2030 Comprehensive Plan.

Findings: (1) Below are the following Goals and Policies found to be consistent with the 2030 comprehensive plan:

Chapter 1: Property Rights	
G1.01.00	Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.
P1.01.01	No person should be deprived of private property without due process of law.
Chapter 2: Population	
G1.02.00	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.
G2.02.00	Promote housing, business, and service types needed to meet the demand of the future and existing population.
Chapter 3: Economic Development	
G3.01.00	Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.
P3.01.01	Direct business development to locations that can provide necessary services and infrastructure.
P3.01.02	Support suitable sites for economic growth and expansion compatible with the surrounding area.
P3.01.03	Support business development in opportunity zones, foreign trade zones, and urban renewal districts.
G3.05.00	Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.
Chapter 4: Land Use and Community Design	
G4.01.00	Support livability and high quality of life as the community changes over time.
P4.01.01	Maintain a balance between residential growth and agriculture that protects the rural character.
P4.01.02	Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.
G4.03.00	Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.
P4.03.01	Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.
P4.03.02	Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.
P4.03.03	Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.
P4.04.01	Support development in locations where services, utilities, and amenities are or can be provided.

(2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No.CU2023-0002.

(3) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: Through the conditions of approval, the proposed use is not found to be injurious to other property owners in the immediate vicinity, or negatively change the essential character of the area.

- Findings:**
- (1) The area is a mix of agricultural production, residential, and scattered business making the request consistent with the area.
 - (2) Case map, Exhibit B Attachment 2c shows approved cases within the surrounding area.
 - (3) The site visit showed the surrounding area, is clustered with agricultural production and other unpermitted businesses that utilize similar equipment and materials.
 - (4) Notice of the public hearing was provided per CCZO §07-05-01.
 - Affected Agencies: February 23, 2023
 - Newspaper Publication: May 05, 2023
 - Property Owners (600' by mail): May 05, 2023
 - Full Political Notice: May 04, 2023
 - Property Posting: May 11, 2023
 - (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No.CU2023-0002.
 - (6) Evidence includes associated findings and evidence supported within this document.

5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?

Conclusion: Adequate sewer, water, drainage, irrigation, and utilities will be provided to accommodate the request.

- Findings:**
- (1) The request includes no increase or effect on the use of sewer, water, drainage, irrigation, and utilities. All the affected agencies were notified and no comments were received.
 - (2) Notice of the public hearing was provided per CCZO §07-05-01.
 - Affected Agencies: February 23, 2023
 - Newspaper Publication: May 05, 2023
 - Property Owners (600' by mail): May 05, 2023
 - Full Political Notice: May 04, 2023
 - Property Posting: May 11, 2023
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0002.
 - (4) Evidence includes associated findings and evidence supported within this document.

6. Does legal access to the subject property for the development exist or will it exist at the time of development?

Conclusion: As conditioned the request will need comply with Nampa Highway District requirements but the parcels do have legal access currently.

- Findings:**
- (1) According to the comment letter received from Nampa Highway District, the applicant will need to comply with all standards set forth by the highway district as seen in Exhibit B Attachment 3b.
 - (2) Notice of the public hearing was provided per CCZO §07-05-01.

- Affected Agencies: February 23, 2023
- Newspaper Publication: May 05, 2023
- Property Owners (600' by mail): May 05, 2023
- Full Political Notice: May 04, 2023
- Property Posting: May 11, 2023

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0002.
- (4) Evidence includes associated findings and evidence supported within this document.

7. Will there be undue interference with existing or future traffic patterns?

Conclusion: The request will not cause undue interference with existing or future traffic patterns.

- Findings:**
- (1) According to the comment letter received from Nampa Highway District, the applicant will need to comply with all standards set forth by the highway district as seen in Exhibit B Attachment 3b.
 - (2) Currently within the surrounding area, there are clusters of agricultural production as well as permitted and unpermitted uses that utilize heavy equipment and materials similar to this request.
 - (3) Notice of the public hearing was provided per CCZO §07-05-01.
 - Affected Agencies: February 23, 2023
 - Newspaper Publication: May 05, 2023
 - Property Owners (600' by mail): May 05, 2023
 - Full Political Notice: May 04, 2023
 - Property Posting: May 11, 2023
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0002.
 - (5) Evidence includes associated findings and evidence supported within this document.

8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, and irrigation facilities, and will the services be negatively impacted by such use or require additional public funding to meet the needs created by the requested use?

Conclusion: All essential services will be adequately provided to the request and will not negatively impact or require more public funding for the requested needs.

- Findings:**
- (1) All essential services were notified and no comments of concern or objection were received.
 - (2) Notice of the public hearing was provided per CCZO §07-05-01.
 - Affected Agencies: February 23, 2023
 - Newspaper Publication: May 05, 2023
 - Property Owners (600' by mail): May 05, 2023
 - Full Political Notice: May 04, 2023
 - Property Posting: May 11, 2023
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0002.
 - (4) Evidence includes associated findings and evidence supported within this document.

**Canyon County Code 09-11-25 (Area of City Impact Agreement) –NAMPA AREA OF CITY IMPACT
AGREEMENT ORDINANCE**

Conclusion: The property is located within the Nampa Area of City Impact. A notice was sent to the City of Nampa per Canyon County Code Section 09-11-25. The conditions applied require future development to work with the City of Nampa.

- Findings:**
- (1) Pursuant Canyon County Code Section 09-11-25.
 - (2) The City of Nampa provided comment on the request seen in Exhibit B Attachment 3a.
 - (3) Notice of the hearing was provided:
 - Affected Agencies: February 23, 2023
 - Newspaper Publication: May 05, 2023
 - Property Owners (600' by mail): May 05, 2023
 - Full Political Notice: May 04, 2023
 - Property Posting: May 11, 2023
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0002.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case # CU2023-0002, a conditional use permit of parcel R30624010 subject to the following conditions as enumerated:

Conditions of Approval

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. The applicant shall comply with Nampa Highway District access requirements.
3. The frontage of the property off Robinson Rd must have a privacy berm or fence. The berm/fencing shall be maintained and kept in good repair shall be kept weed free and/or maintained.
4. All exterior lighting, if installed, shall be downward facing and directed away from surrounding properties.
5. Signage shall meet CCZO §07-10-13 requirements.
6. The hours of operation shall be 8:00 a.m. to 8:00 p.m. Monday through Friday, as proposed in the applicant's letter of intent (Exhibit B Attachment 1a, 1b).
7. This conditional use permit must follow land use time limitation as stated in CCZO 07-07-23: "When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date.

DATED this _____ day of _____, 2023.

**PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO**

Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this _____ day of _____, in the year 2023, before me _____, a notary public, personally appeared _____, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

Notary: _____

My Commission Expires: _____

Dear, Canyon County

I Juan Carlos Nieves (owner) of JC Excavation LLC and Mario Nieves (manager) are currently applying for a conditional use permit, we are located at 80 S Robinson Road Nampa, Idaho. We are currently renting this place from Mr. Alejandro Jimenez and Mrs. Dora Luz Meza Lozano landlords of this place. Thanks to them I have all of my equipment at this place.

Currently I have 20 employees, working for me right now, a couple of them work from different place. Three of them live on the same property (a house in the back of the property). The rest of the employees come every day to the yard. Our start time is at 8:00 am and by 9:00 am most of my employees are gone to do their job. It is a little hard to tell you guys the time we get off because it all depends on the job. We may get back to the yard between 3-8pm daily, it all depends on how busy we are at the job site. The hours change from winter to summer. These hours change from summer to wintertime. Not all employees get back at the yard at the same time. We work Monday through Friday, rarely on Saturdays but we do have a few Saturdays here and there. Currently due to the economy currently we have been working two to three days per week.

Here is a quick description of all the equipment we have right now 2 bull dozers, 3 excavators, 5 skidsteers, 1 loader, 8 dump trucks, 10 flatbed trailers. 8 pickup trucks. 2 hydraulic hammers and some buckets.

Sometimes we leave equipment at the job sites, or some employees take some pickups with them to their house.

During this time, we held two neighborhood meetings as required when applying for the permit. We sent out 20 letters to the neighbors around the area on the first meeting. From those 20 letters only 4 people showed up husband and wife and a mother and her daughter. The couple lives across the street from our work yard. The purpose of the meeting is to inform them about our intention of applying for a permit and they do not like to listen. Since the first meeting all the do argue and yell as well as insulting people who don't agree with them. They insulted the home owner calling him stupid for buying the house for a lot more of money than what the property was worth. This happened during the first meeting on 1-25-23 in which the owner wasn't present. On the 2nd meeting, we also sent 20 letters to the neighborhood area and 6 people showed up. 2 couples husband and wife's and two other guys, again the same couple from last time started yelling causing a scene. They started arguing with an older gentleman who disagreed with them. Eventually we had the meeting until the older gentleman had enough and decided to leave. When he was pulling out the angry neighbor threw a piece of paper to his car. I as the owner I don't want any problems with any of the neighbors, I don't think we are doing anything wrong. We just get out car's trucks etc. and get going to our job site we are not there making any noise. We told them if they need anything they can count on us for any needs they might need. We also want to mention that here on the Robinson road there are a couple of businesses which they also have trucks and they are located at 96 s Robinson road and 415-419 s Robinson road. Also, behind our yard there is a guy who owns a company of big trucks. I hope you guys understand that it is not our intention to bother anyone other than do our job and get to work. All I want is a place to have my equipment without bothering anyone. We are really far away from the street to the closest neighbor to be able to hear the noise when we start up our cars and trucks in the morning. Thanks for your understanding.

Sincerely, JUAN CARLOS NIEVES (OWNER) 208-401-5246

Mario Nieves (manager) 208-405-3722

Dear Canyon County,

I Juan Carlos Nieves owner of JC Excavation LLC and Mario Nieves (manager) want to give you guys a description of what type of work we do. JC Excavation does all about excavation services (mainly residential), such as basements, foundation excavation, utilities (water, sewer power), backfill and gravel prep for concrete. We also do dirt work such as hauling dirt or hauling dirt off. We are located at 80 S Robinson road and this is the reason why we are applying for a permit to be able to stay here. The yard where we are located consists of 3 different divisions. The first one is by the entrance. Here is where we storage dirt from jobs where we have dirt left over. We do not bring dirt to the yard every day, it could be once a week or once a month or not bring any at all it all depends on the job. The second part of the yard, which is in the middle, it is where we have our small office where the employees' clock in and clock out. Outside the office employees park their vehicles from Monday to Friday. Here at the office is where we have our safety meetings as well, I Juan Carlos Nieves (owner) provide all my employees a portable restroom so they can use it whenever they want while they are at the yard, the restroom is maintained weekly. We also have a dumpster where we throw away all of our trash and it is picked up weekly as well. The 3rd part of the yard away from the street and all the houses we have our trucks and equipment. This is where we store all the sewer pipes, water line, power conduit and all the materials we use. On the north east of the property along the fence we have our equipment such as skid steers and excavators as well as attachments such as buckets and hydraulic hammers. All of these things we have them at 80 s Robinson road in Nampa, ID if you have any questions don't hesitate to ask.

Sincerely, Juan Carlos Nieves (owner) 208-401-5246

Mario Nieves (Manager) 208-405-3722



LAND USE WORKSHEET**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11th Avenue, #140, Caldwell, ID 83605www.canyonco.org/dsd.aspx

Phone: 208-454-7458

Fax: 208-454-6633

**LAND USE WORKSHEET**

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: _____
- ☐ How many Individual Domestic Wells are proposed? 2

- 2. SEWER (Wastewater)** ☒ Individual Septic ☐ Centralized Sewer system
- ☐ N/A – Explain why this is not applicable: _____

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 Road User's Maintenance Agreement Inst # _____

7. FENCING

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

Type: _____ Height: _____

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)

N/A

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED:

- ☐ Residential _____ ☐ Commercial _____ ☐ Industrial _____
☐ Common _____ ☐ Non-Buildable _____

2. FIRE SUPPRESSION:

- ☐ Water supply source: well

3. INCLUDED IN YOUR PROPOSED PLAN?

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

NON-RESIDENTIAL USES

1. SPECIFIC USE: _____

2. DAYS AND HOURS OF OPERATION:

- ☐ Monday 8:00 to 8:00
☐ Tuesday 8:00 to 8:00
☐ Wednesday 8:00 to 8:00
☐ Thursday 8:00 to 8:00
☐ Friday 8:00 to 8:00
☐ Saturday _____ to _____
☐ Sunday _____ to _____

3. WILL YOU HAVE EMPLOYEES? ☒ Yes If so, how many? 20 ☐ No

4. WILL YOU HAVE A SIGN? ☒ Yes ☐ No ☒ Lighted ☐ Non-Lighted

Height: 3.3 ft Width: 6.6 ft. Height above ground: 2 ft

What type of sign: Tarp Wall Freestanding _____ Other _____

5. PARKING AND LOADING:

How many parking spaces? For employees 20 For the company 20 or more

Is there is a loading or unloading area? Yes

ANIMAL CARE RELATED USES

1. MAXIMUM NUMBER OF ANIMALS: N/A

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?

☐ Building ☐ Kennel ☐ Individual Housing ☐ Other N/A

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: N/A

NEIGHBORHOOD MEETING SIGN-UP**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11th Avenue, #140, Caldwell, ID 83605www.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>80 S Robinson Rd</u>	Parcel Number: <u>R30624010</u>	
City: <u>Nampa</u>	State: <u>Idaho</u>	ZIP Code: <u>83686</u>
Notices Mailed Date: <u>01-27-2023</u>	Number of Acres:	Current Zoning:
Description of the Request:		

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: <u>Juan Carlos Nieves</u>		
Company Name: <u>JC EXCAVATION LLC</u>		
Current address: <u>80 S Robinson Rd</u>		
City: <u>Nampa</u>	State: <u>Id</u>	ZIP Code: <u>83686</u>
Phone:	Cell: <u>(208) 401-5246</u>	Fax:
Email:		

MEETING INFORMATION

DATE OF MEETING: <u>01-25-2023</u> <u>02-04-2023</u>	MEETING LOCATION: <u>80 S Robinson Rd</u>	
MEETING START TIME: <u>5:00 pm</u> <u>5:30 pm</u>	MEETING END TIME: <u>5:15 pm</u> <u>6:00 pm</u>	
ATTENDEES: <u>2 Neighbors (first meeting)</u> <u>6 Neighbors (second meeting)</u>		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. <u>Grant Peterson</u>	<u>Grant Peterson</u>	<u>74 S. Robinson Rd</u>
2. <u>Michael Koehn</u>	<u>Michael Koehn</u>	<u>87 S Robinson Rd</u>
3. <u>Nicole Koehn</u>	<u>Nicole Koehn</u>	<u>81 S. Robinson Rd</u>
4. <u>Danara Harris</u>	<u>Danara Harris</u>	<u>86 S Robinson Rd</u>
5. <u>Harvey Robinson</u>	<u>Harvey Robinson</u>	<u>73 S. Robinson Rd</u>
6.		
7.		
8.		
9.		

Notice of Neighborhood Meeting
Conditional Use Permit
Pre-application requirement for a Public Hearing

Date

Dear Neighbor,

We are in the process of submitting an application for a Conditional Use Permit (*or variance, zoning ordinance map amendment, expansion or extension of nonconforming uses, etc.*) to Canyon County Development Services (DSD). 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 Zoning Ordinance § 07-01-15).

This meeting is for informational purposes and to receive feedback from you as we move through the application process. This is **not** a Public Hearing before a governing body of the County. Once our application has been submitted and processed, a public hearing date will be scheduled. Prior to the scheduled date you will receive an official notification from Canyon County DSD regarding the Public Hearing via postal mail, newspaper publication, and/or a display on the property for which the Conditional Use Permit (or other case type) is applied.

The Neighborhood Meeting details are as follows:

Date: 01-25-2023

Time: 5:00 pm

Location: 80 S Robinson Road

Property description:

First meeting

The project is summarized below:

Site Location:

Proposed access:

Total acreage:

Proposed lots:

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

Please do **not** call Canyon County Development Services regarding this meeting. This is a PRE-APPLICATION requirement and we have not submitted the application for consideration at this time. The County currently has no information on this project.

If you have any questions prior to the meeting, please contact me at (phone, email, written correspondence).

Sincerely,

`01-23-23

From: Juan Carlos Nieves

Owner JC EXCAVATION LLC 80 S Robinson Road Nampa ID 83687

To: All Neighbors

Dear Neighbors

My Name is Juan Carlos owner of JC Excavation LLC, my managers name is Mario and we both would like to inform you about our move to the neighborhood at 80 S Robinson Road. We are submitting an application for a conditional use permit to Canyon County Development services. We would like to have a neighborhood meeting for information purposes and to receive feedback from you as we moved on with the application process. We would like to explain what type of work we do, and what our schedule looks like. We will be discussing our employees' and introducing ourselves to all of you. We want to explain what JC Excavation is all about. We hope to see you there on Wednesday January 25th at 5:00 PM

This was our first meeting

Sincerely,

Juan Carlos Nieves

Owner of JC EXCAVATION LLC

**Notice of Neighborhood Meeting
Conditional Use Permit
Pre-application requirement for a Public Hearing**

Date

Dear Neighbor,

We are in the process of submitting an application for a Conditional Use Permit (*or variance, zoning ordinance map amendment, expansion or extension of nonconforming uses, etc.*) to Canyon County Development Services (DSD). 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 Zoning Ordinance § 07-01-15).

This meeting is for informational purposes and to receive feedback from you as we move through the application process. This is **not** a Public Hearing before a governing body of the County. Once our application has been submitted and processed, a public hearing date will be scheduled. Prior to the scheduled date you will receive an official notification from Canyon County DSD regarding the Public Hearing via postal mail, newspaper publication, and/or a display on the property for which the Conditional Use Permit (or other case type) is applied.

The Neighborhood Meeting details are as follows:

Date: 02-07 2023
Time: 5:30 pm
Location: 80 S Robinson Road
Property description:

Second meeting

The project is summarized below:

Site Location:
Proposed access:
Total acreage:
Proposed lots:

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

Please do **not** call Canyon County Development Services regarding this meeting. This is a PRE-APPLICATION requirement and we have not submitted the application for consideration at this time. The County currently has no information on this project.

If you have any questions prior to the meeting, please contact me at (phone, email, written correspondence).

Sincerely,

01/27/23

80 S Robinson Road
Nampa ID 83686

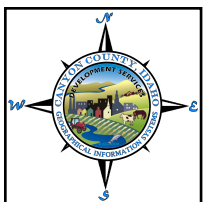
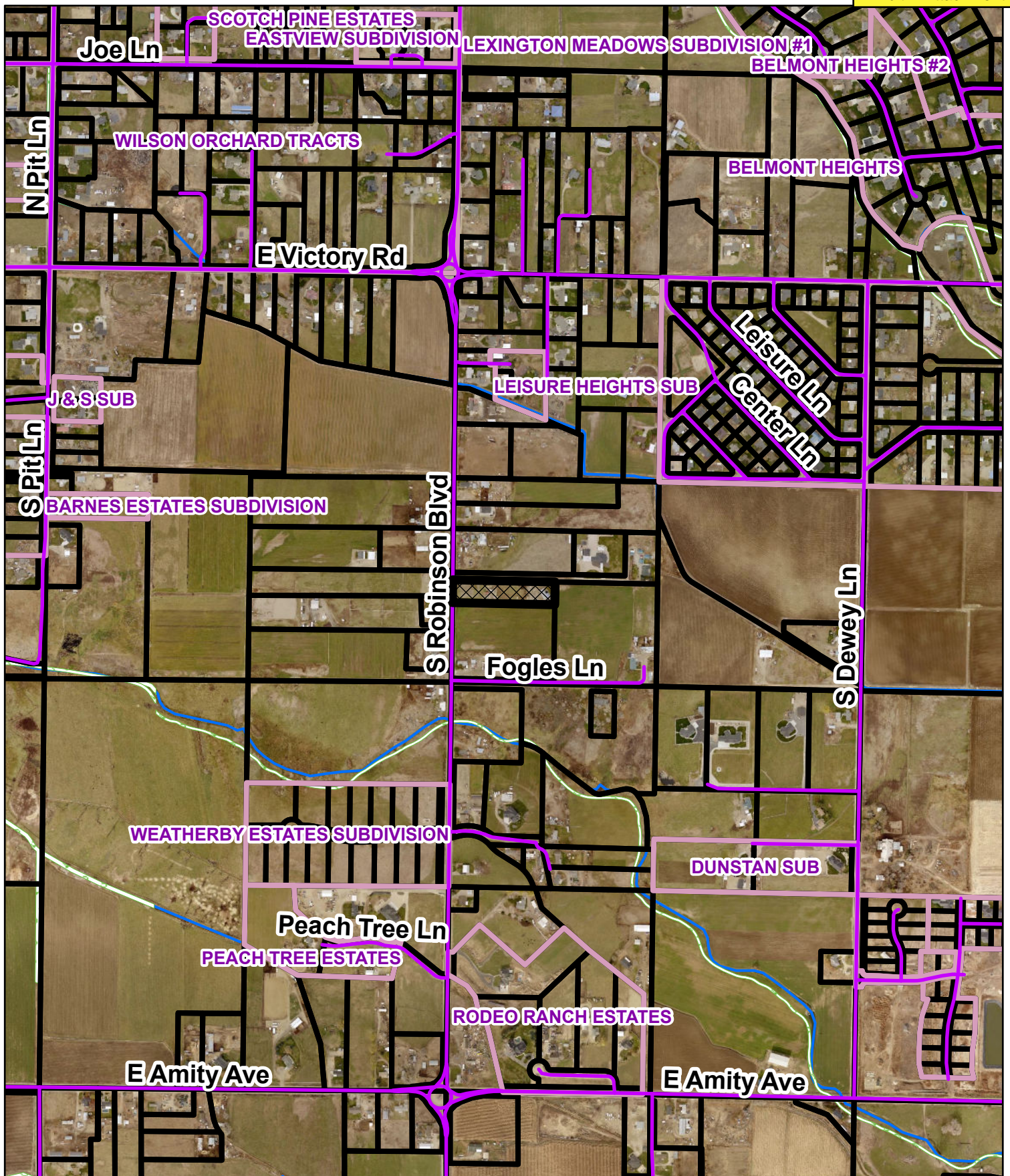
Dear Recipient:

We will be having another neighborhood meeting at 80 S Robinson Road on Tuesday February 7th. We made a mistake during the first letter we sent out, we needed to give 10 days' notice instead of two. This meeting is for the pre-application requirements for a public hearing. We are applying for a conditional use permit with the Canyon County development services and are required to have this meeting. This meeting is to inform you about our company and any questions you may have for us. We want to receive feedback from you as well. Juan Carlos, owner of JC Excavation, will be there as well as Mario, his manager, to answer all your questions. Please feel free to join us if you have time and we will see you there.

This was our second meeting

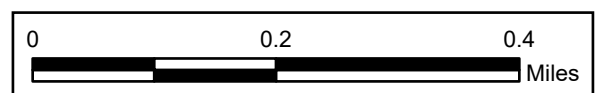
Sincerely,

Juan Carlos Nieves (OWNER)

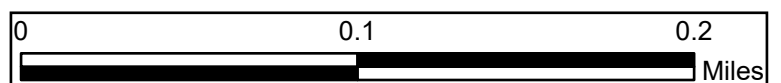
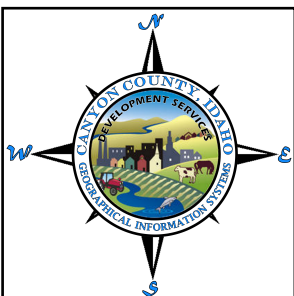
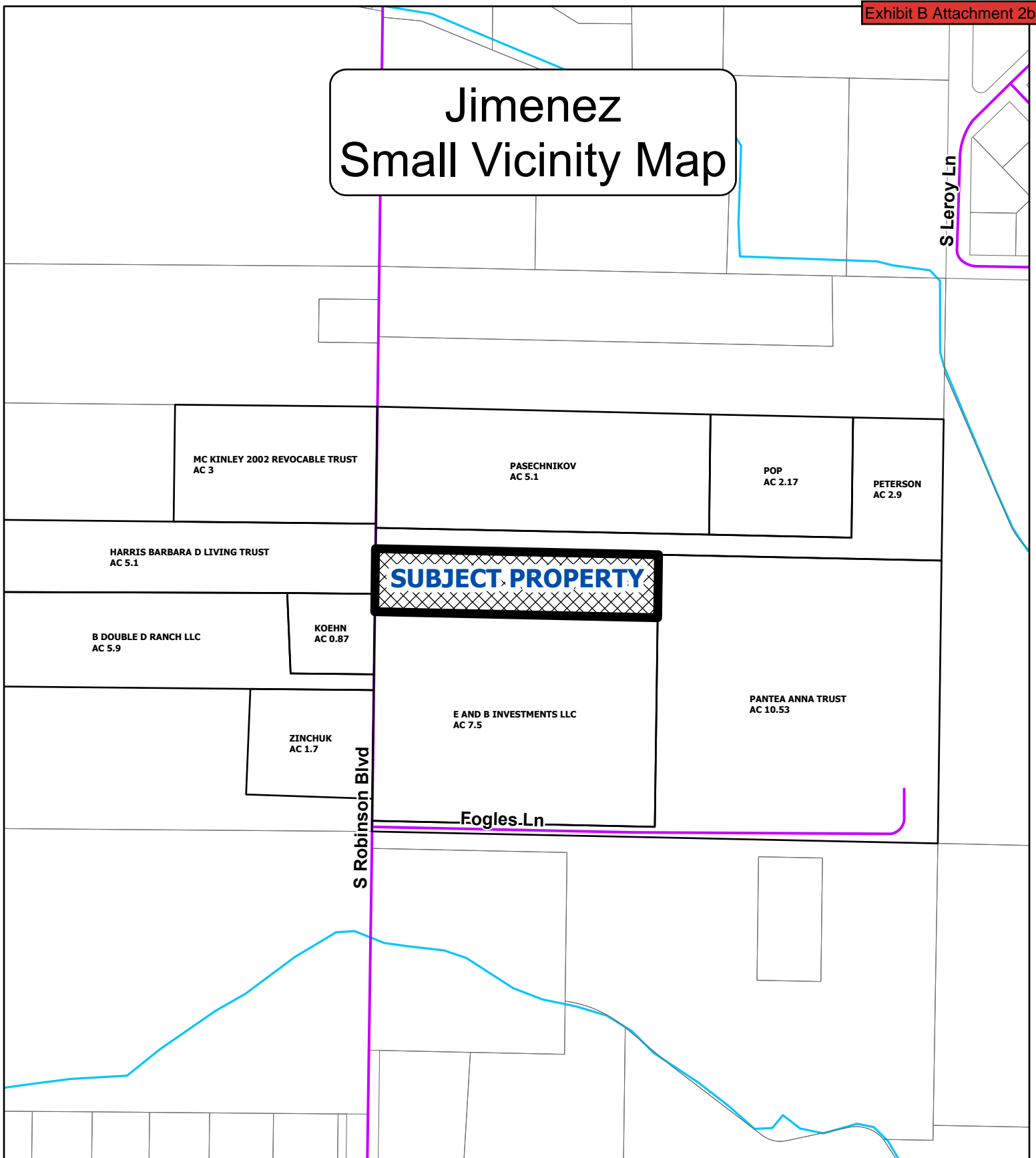


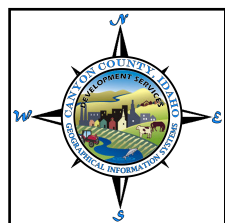
Legend

-  Wetlands
-  City_Limits



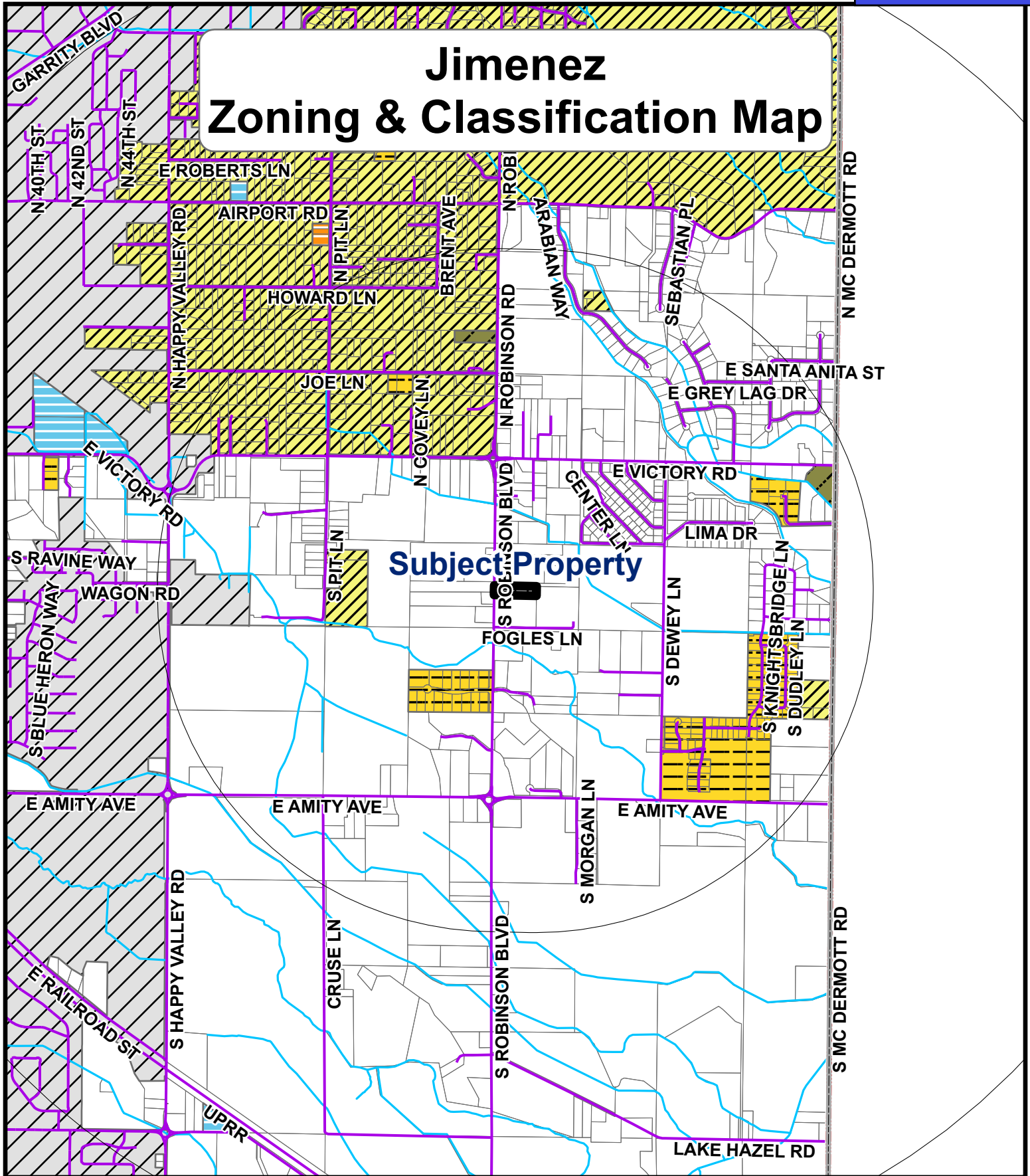
Jimenez Small Vicinity Map



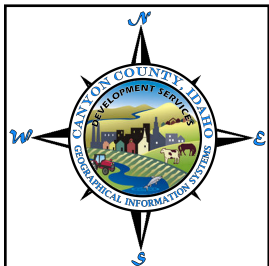


A horizontal scale bar with a black border. It is divided into two equal segments by a vertical line. The left segment is labeled '0' at its left end and '0.5' at the dividing line. The right segment is labeled '1' at its right end. Below the bar, the word 'Miles' is written to the right of the '1' mark.

Jimenez Zoning & Classification Map

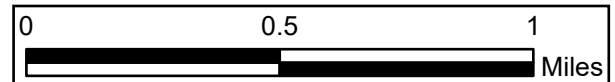


Subject Property



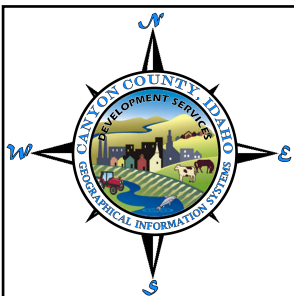
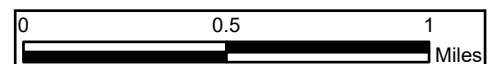
ZONING

	RR		R2		C2		M2
	CR-RR		C		CR-C2		AG
	R1		C1		M1		
	CR-R1		CR-C1		CR-M1		





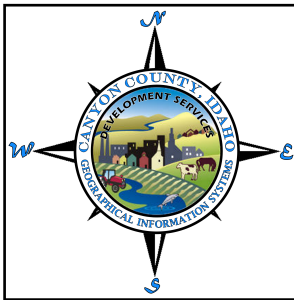
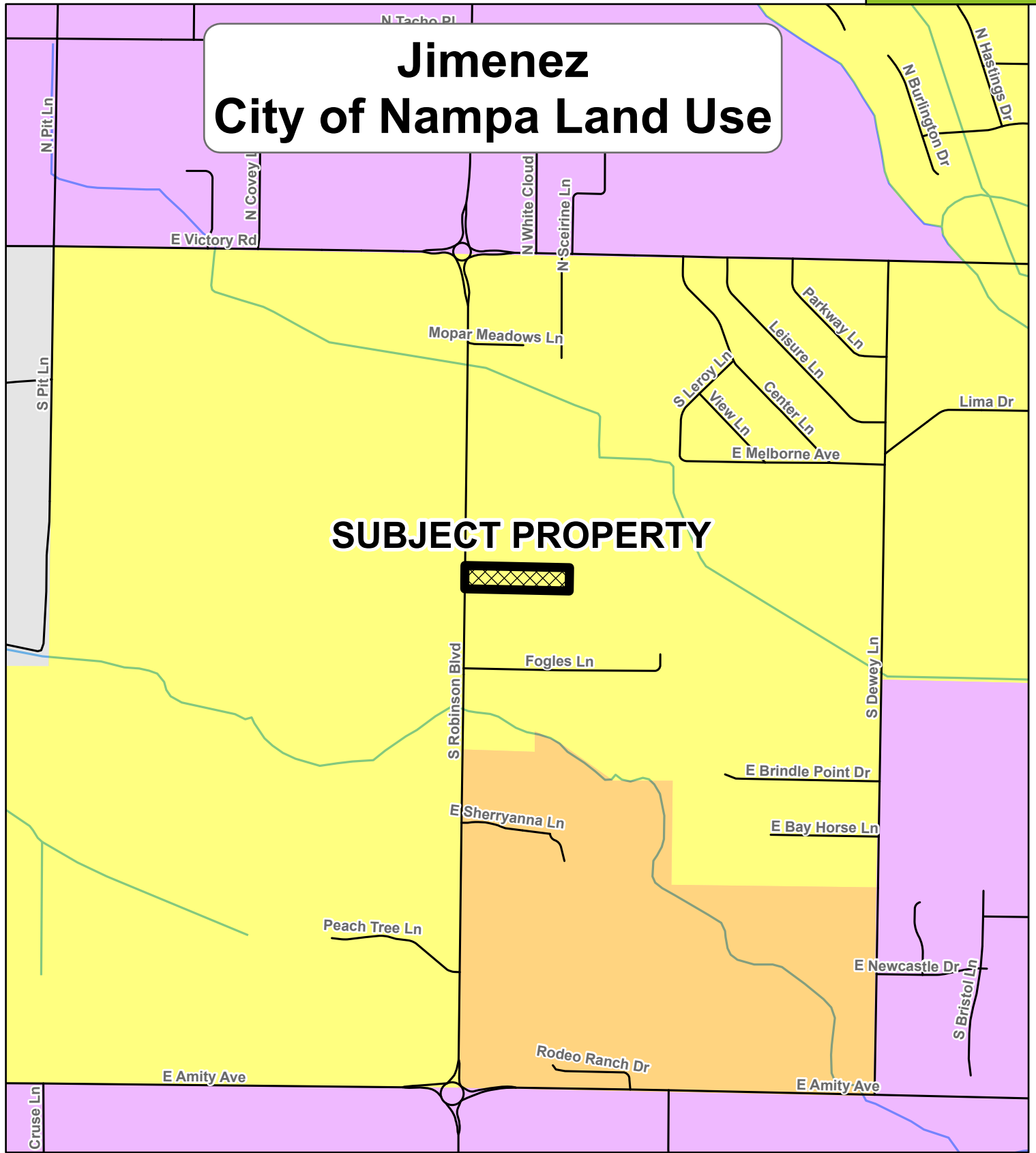
-  COMMERCIAL
 INDUSTRIAL
 RESIDENTIAL



Jimenez

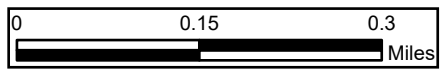
City of Nampa Land Use

SUBJECT PROPERTY



NampaCompPlan

- Agricultural
- Airport
- Commercial
- Downtown
- Education, Public Administration, Healthcare and Other Institutions
- Industrial
- Parks
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Residential Mixed Use
- Community Mixed Use



SUBDIVISION & LOT REPORT

NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
39	888.43	771	1.15	
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
0	0	0	0	
NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM	MAXIMUM
20	5.87	5.10	0.33	20.14
NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM
0	0	0	0	0

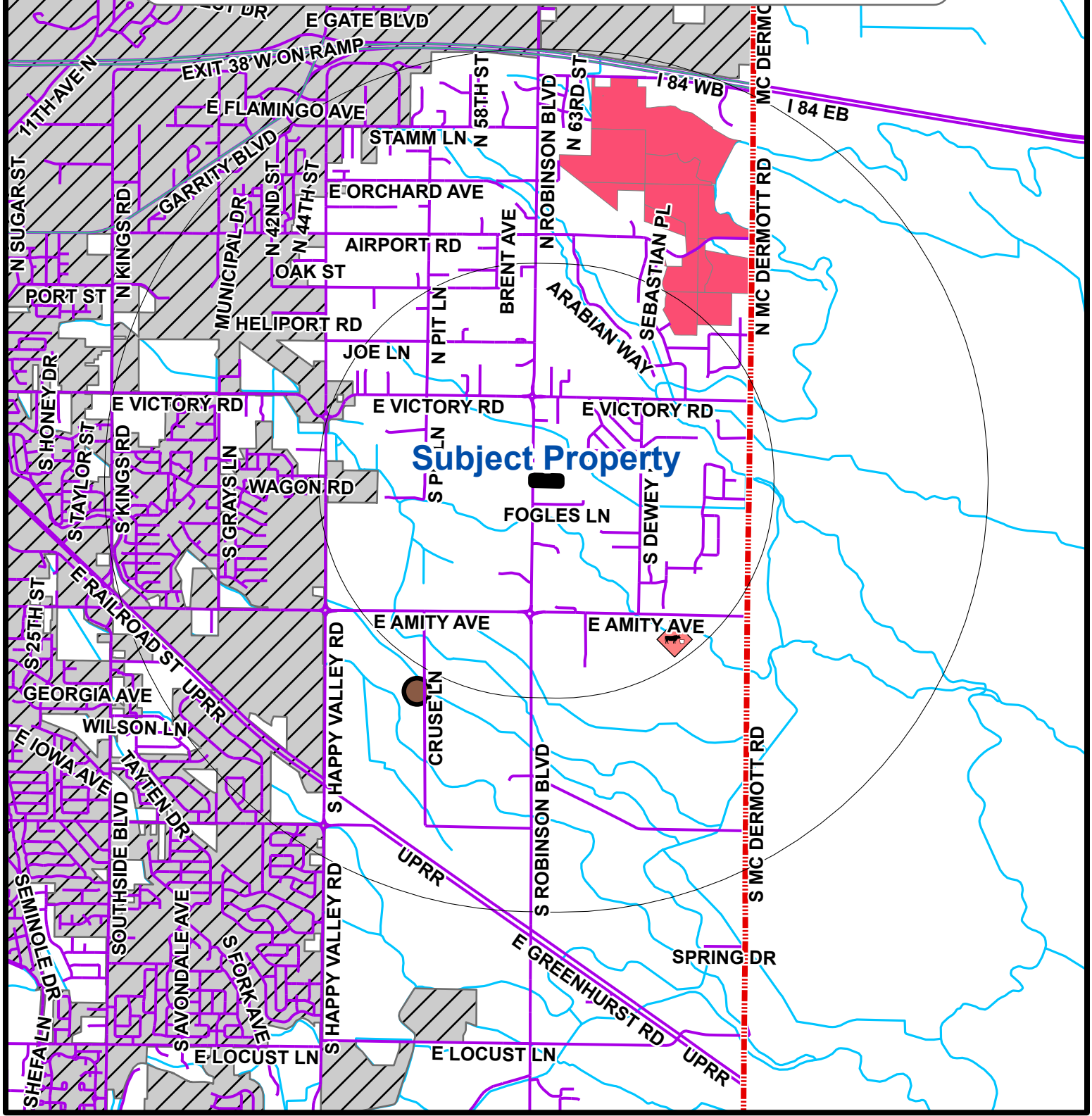
PLATTED SUBDIVISIONS

SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF...	Year
RODEO RANCH ESTATES	1	3N1W29	22.54	7	3.22	COUNTY (Canyon)	2001
SCOTCH PINE ESTATES	2	3N1W19	4.20	4	1.05	COUNTY (Canyon)	2004
SUNSET PARADISE SUB	3	3N1W29	2.76	2	1.38	COUNTY (Canyon)	2002
VICTORY HEIGHTS SUB	4	3N1W29	38.36	29	1.32	COUNTY (Canyon)	1970
WAR EAGLE MEADOWS	5	3N1W30	11.36	9	1.26	COUNTY (Canyon)	1997
BELMONT HEIGHTS #2	6	3N1W20	39.53	22	1.80	COUNTY (Canyon)	2002
BELMONT HEIGHTS #3	7	3N1W20	51.05	42	1.22	COUNTY (Canyon)	2004
CLARK THEURER REPLAT	8	3N1W19	9.49	11	0.86	COUNTY (Canyon)	1972
CLARK THEURER #2	9	3N1W19	20.03	45	0.45	COUNTY (Canyon)	1977
COUNTRY MEADOWS	10	3N1W19	6.69	19	0.35	COUNTY (Canyon)	1992
EAGLE HEIGHTS 1ST DIV	11	3N1W19	76.50	64	1.20	COUNTY (Canyon)	1909
J & S SUB	12	3N1W30	1.99	2	1.00	COUNTY (Canyon)	2004
LEISURE HEIGHTS SUB	13	3N1W29	40.70	78	0.52	COUNTY (Canyon)	1972
PEACH TREE ESTATES	14	3N1W30	7.73	2	3.86	COUNTY (Canyon)	1998
DUNSTAN SUB	15	3N1W29	10.24	2	5.12	COUNTY (Canyon)	2006
WAYNE RUSSELL SUB	16	3N1W30	19.08	4	4.77	COUNTY (Canyon)	2005
EASTVIEW SUBDIVISION	17	3N1W19	4.76	4	1.19	COUNTY (Canyon)	2006
LEXINGTON MEADOWS SUBDIVISION #1	18	3N1W20	30.93	29	1.07	COUNTY (Canyon)	2006
SCHWISOW POINTE SUB	19	3N1W20	8.67	2	4.34	COUNTY (Canyon)	2005
BELMONT HEIGHTS	20	3N1W20	32.40	29	1.12	COUNTY (Canyon)	2001
JAIALDI ESTATES SUBDIVISION	21	3N1W20	18.36	14	1.31	COUNTY (Canyon)	2007
BRITTANIA HEIGHTS SUBDIVISION	22	3N1W29	35.86	34	1.05	COUNTY (Canyon)	2008
HILL AND PETTY ESTATES SUB	23	3N1W19	3.47	2	1.73	COUNTY (Canyon)	2005
SUNSET PARADISE SUBDIVISION NO. 2	24	3N1W35	7.24	3	2.41	COUNTY	2010
WHISPERING PINES GLEN SUBDIVISION	25	3N1W29	2.92	2	1.46	COUNTY (Canyon)	2011
BRITTANIA HEIGHTS SUBDIVISION NO. 2	26	3N1W29	13.30	26	0.51	COUNTY (Canyon)	2017
BASIN VIEW SUBDIVISION	27	3N1W29	7.78	3	2.59	COUNTY (Canyon)	2018
BRITTANIA HEIGHTS SUBDIVISION NO. 3	28	3N1W29	10.21	23	0.44	COUNTY (Canyon)	2018
WILSON ORCHARD TRACTS	29	3N1W19	221.59	128	1.73	COUNTY (Canyon)	1917
NAMPA ORCHARD TRACTS	30	3N2W25	60.51	22	2.75	COUNTY (Canyon)	1909
BRITTANIA HEIGHTS SUBDIVISION NO. 4	31	3N1W29	10.80	26	0.42	COUNTY (Canyon)	2019
BARNES ESTATES SUBDIVISION	32	3N1W30	2.39	1	2.39	COUNTY (Canyon)	2020
BRITTANIA HEIGHTS SUBDIVISION NO. 5	33	3N1W29	4.75	13	0.37	COUNTY (Canyon)	2021
BRITTANIA HEIGHTS SUBDIVISION NO. 6	34	3N1W29	0.73	2	0.36	COUNTY (Canyon)	2021
BRITTANIA HEIGHTS SUBDIVISION NO. 4	35	3N1W29	10.80	26	0.42	COUNTY (Canyon)	2019
BRITTANIA HEIGHTS SUBDIVISION NO. 7	36	3N1W29	5.39	13	0.41	COUNTY (Canyon)	2022
WINDMILL RANCH SUBDIVISION	37	3N1W29	10.72	7	1.53	COUNTY (Canyon)	2022
RED COW FOLD SUBDIVISION	38	3N1W20	2.47	2	1.23	COUNTY (Canyon)	2023
WEATHERBY ESTATES SUBDIVISION	39	3N1W30	20.14	18	1.12	COUNTY (Canyon)	2023

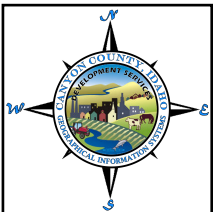
SUBDIVISIONS IN PLATTING

SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE

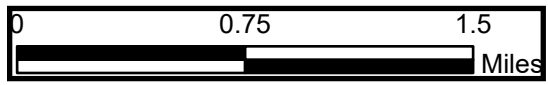
Jimenez Dairy, Feedlot, and Gravel Pit Map



Subject Property

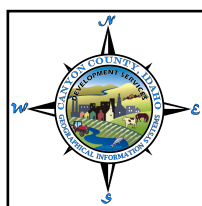
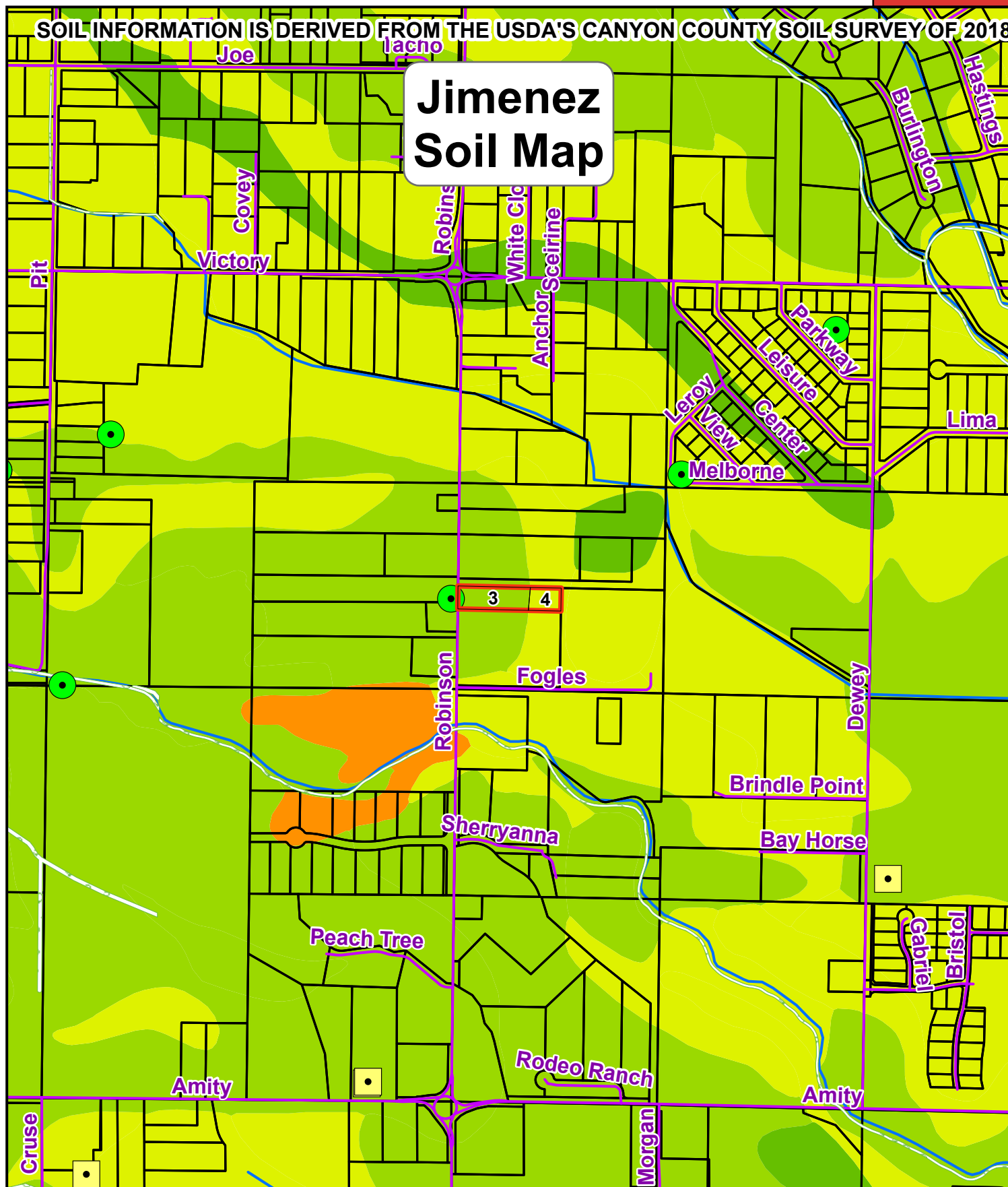


	FEEDLOTS
	DAIRIES
	GRAVELPITS

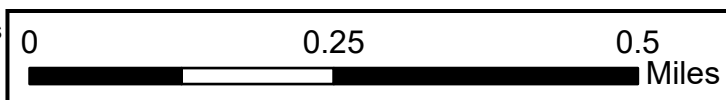


SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

Jimenez Soil Map

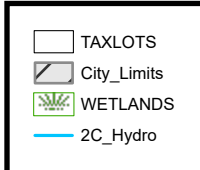
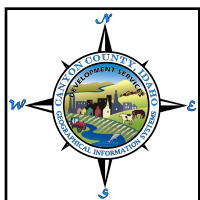
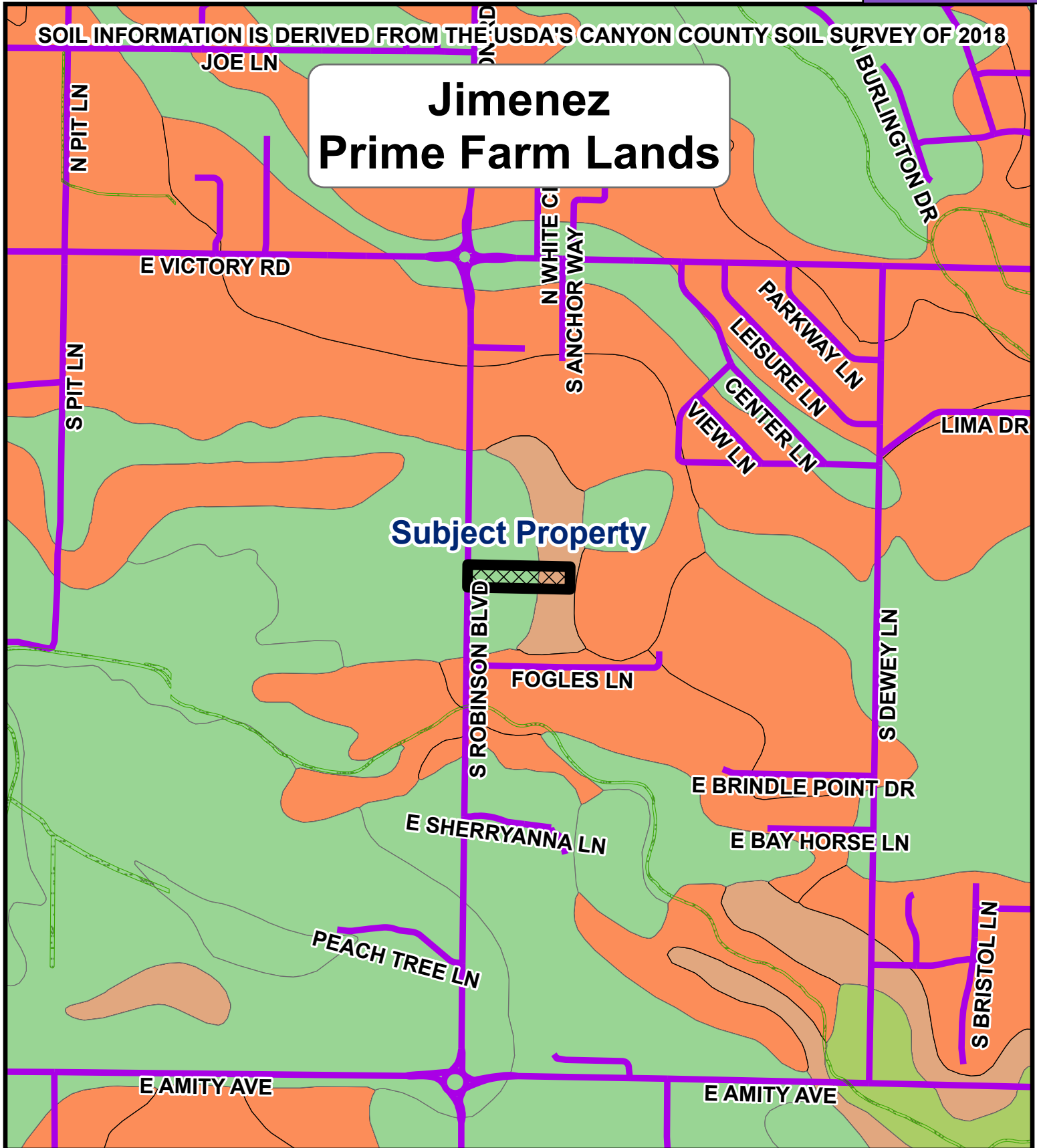


- 0.005000 - 2.000000
- 2.000001 - 5.000000
- 5.000001 - 10.000000
- ▲ 10.000001 - 49.800000
- GEO-THERMAL LOCATIONS
- Wetlands



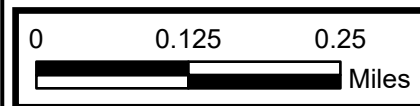
SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

Jimenez Prime Farm Lands



FARMLAND

- Farmland of statewide importance
- Farmland of statewide importance, if irrigated
- Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
- Not prime farmland
- Water/Gravel Pit/ Rock outcrop/ Riverwash/ Terrace Escarpments
- Prime farmland if irrigated
- Prime farmland if irrigated and drained
- Prime farmland if irrigated and reclaimed of excess salts and sodium



SOIL REPORT

SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
4	MODERATELY SUITED SOIL	30317.76	0.70	30.78%
3	MODERATELY SUITED SOIL	68171.40	1.57	69.22%
		98489.16	2.26	100%

FARMLAND REPORT

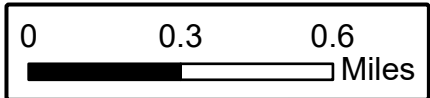
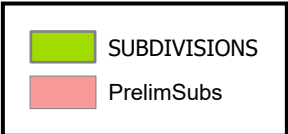
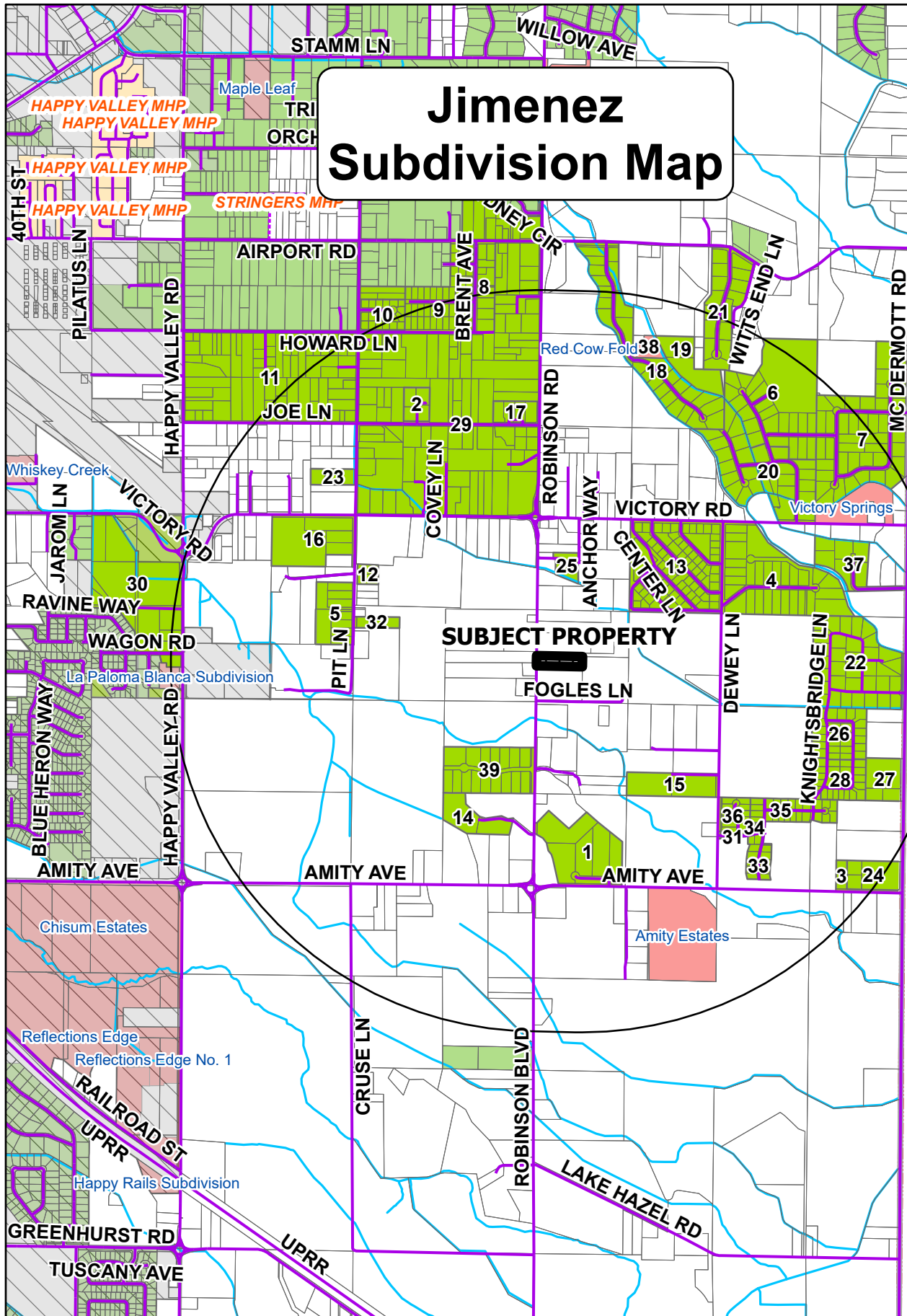
SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
EvC	Farmland of statewide importance, if irrigated	30317.76	0.70	30.78%
EhB	Prime farmland if irrigated	68171.40	1.57	69.22%
		98489.16	2.26	100%

SOIL INFORMATION IS DERIVED FROM THE USDA's CANYON COUNTY SOIL SURVEY OF 2018

GRADE	SOILTYPE
1	BEST SUITED SOIL
2	BEST SUITED SOIL
3	MODERATELY SUITED SOIL
4	MODERATELY SUITED SOIL
5	LEAST SUITED SOIL
6	LEAST SUITED SOIL
7	LEAST SUITED SOIL
8	LEAST SUITED SOIL
9	LEAST SUITED SOIL

I 84 EB

Jimenez Subdivision Map



Samantha Hammond

From: Doug Critchfield <critchfieldd@cityofnampa.us>
Sent: Thursday, February 23, 2023 4:18 PM
To: Samantha Hammond
Cc: Rodney Ashby; Caleb Laclair
Subject: [External] RE: [External]Agency Notice Jimenez / CU2023-0002

Follow Up Flag: Follow up
Flag Status: Flagged

Samantha - The subject property is located at 80 S Robinson Rd in Nampa. It is within the Nampa Area of City Impact. This area is designated as "Low Density Residential" on the Nampa Future Land Use Map. Staging and storage of large construction equipment is inconsistent with the Low Density Residential Land Use designation as described in the 2040 Nampa Comprehensive Plan.

Nampa Planning and Zoning requests denial of this proposal.

Sincerely,

Doug

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Sent: Thursday, February 23, 2023 3:24 PM
To: Robyn Sellers <sellersr@cityofnampa.us>; Caleb Laclair <laclairc@cityofnampa.us>; Kristi Watkins <watkinsk@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Addressing <Addressing@cityofnampa.us>; Doug Critchfield <critchfieldd@cityofnampa.us>; Nathan Haveman <havemann@cityofnampa.us>; Char Tim <timc@cityofnampa.us>; Danielle Horras (drhorras@kunaschools.org) <drhorras@kunaschools.org>; Brian Graves Kuna SD <bgraves@kunaschools.org>; Robbie Reno Kuna SD <rreno@kunaschools.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; Jack Nygaard <jack.nygarrrd@phd3.idaho.gov>; Ron Johnson <johnsonrl@nampafire.org>; johnsonre <johnsonre@nampafire.org>; 'eddy@nampahighway1.com' <eddy@nampahighway1.com>; 'TRitthaler@boiseproject.org' <TRitthaler@boiseproject.org>; 'gashley@boiseproject.org' <gashley@boiseproject.org>; 'd3development.services@itd.idaho.gov' <d3development.services@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; 'mstowell@ccparamedics.com' <mstowell@ccparamedics.com>; Joe Huff <huffj@cityofnampa.us>
Subject: [External]Agency Notice Jimenez / CU2023-0002

Caution: This email originated from outside of the City of Nampa domain. Do not click on links or open attachments unless you recognize sender email or are sure content is safe. Highlight the suspect email and send using your Phish Button or call the helpdesk at 208-468-5454

Good afternoon;

Please see the attached agency notice. The hearing date has not yet been set, however **the due date for comments is March 27, 2023**. Please direct your comments or questions to Planner Samantha Hammond at Samantha.hammond@canyoncounty.id.gov.

Thank you,

Samantha Hammond

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Thursday, April 20, 2023 3:40 PM
To: Samantha Hammond
Subject: [External] FW: Agency Notice Jimenez / CU2023-0002
Attachments: CU2023-0002 Agency Notification Packet.pdf; Commercial Approach Spec..pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Samantha,

Here is the email I sent you on Feb. 23.

Thank you,

Eddy

Eddy Thiel
ROW
eddy@[nampahighway1.com](mailto:eddy@nampahighway1.com)
4507 12th Ave. Rd. • Nampa, id 83686
TEL 208.467.6576 • FAX 208.467.9916

From: Eddy Thiel
Sent: Thursday, February 23, 2023 3:46 PM
To: Samantha Hammond <Samantha.Hammond@canyoncounty.id.gov>
Subject: FW: Agency Notice Jimenez / CU2023-0002

Good Afternoon Samantha,

According to the information provided, it appears the patron is wanting to use this property for a commercial staging lot with heavy equipment going in and out of the property frequently.

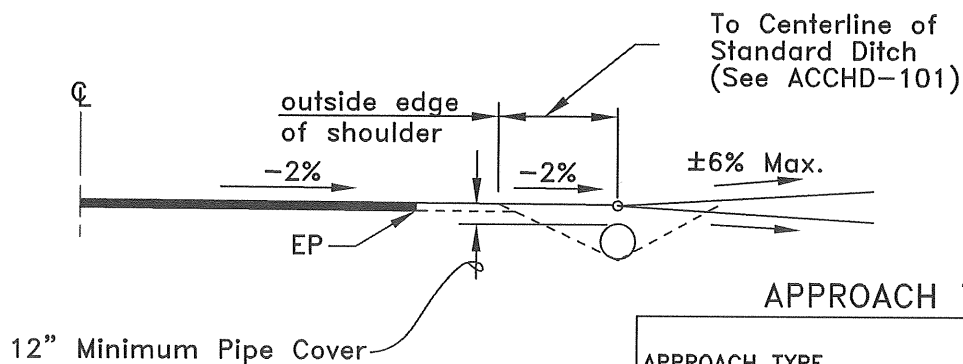
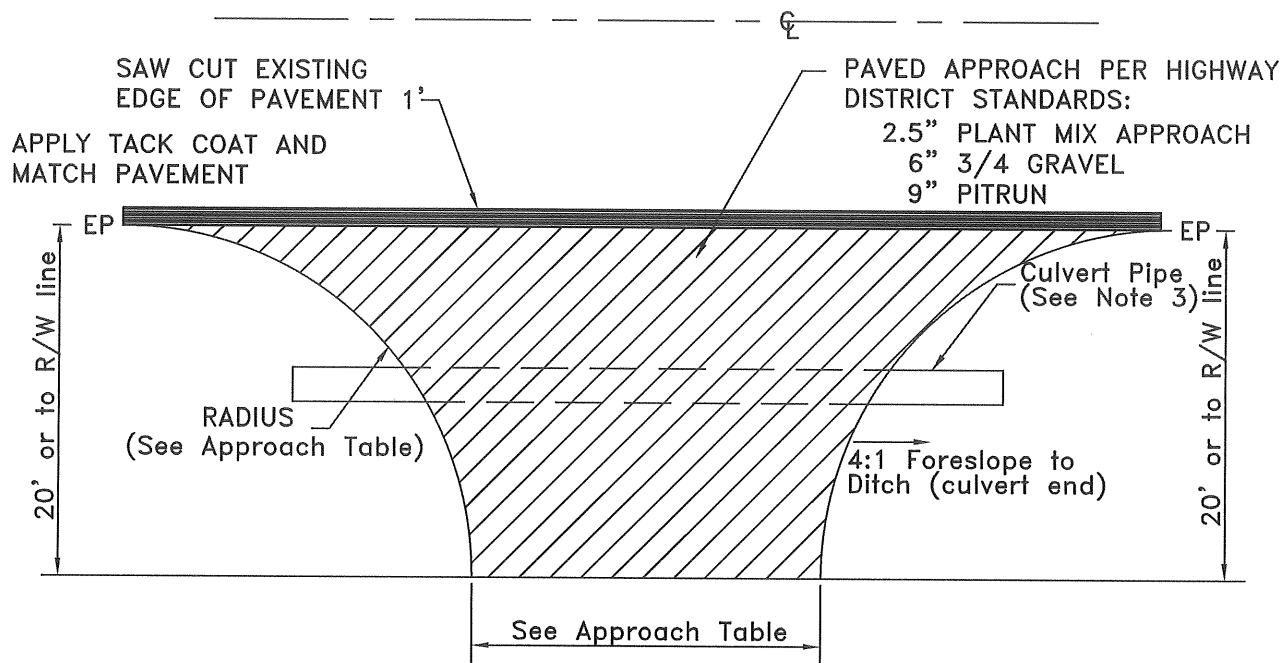
For a commercial approach we require a paved apron per ACCHD Standards. I have attached a copy of our spec sheet that we require the approach be built to. They would need to permit for any improvement to the access. No new points of access would be allowed as Robinson Rd is classified as a Principal Arterial. Per ACCHD Standards there is no new direct access to arterial roadways.

If you have any questions or comments feel free to contact us.

Thank you,

Eddy

Eddy Thiel
ROW



APPROACH TABLE

APPROACH TYPE	Apr. Width*		Min.** Radius
	Min.	Max.	
Residential, Three or More	24'	30'	20'
Commercial (One Way)	20'	30'	20'
Commercial (Two Way)	24'	40'	20'

* Does not include 2' gravel shoulder on each side of approach.

** Or based on applicable commercial design vehicle.

NOTES:

1. APPROACHES SPACING SHALL CONFORM TO SECTION 3000 OF THE ACCHD MANUAL.

2. INGRESS/EGRESS BY FORWARD MOTION ONLY.

3. CULVERT PIPE SHALL BE 12" MIN. DIAMETER. CULVERT PIPE SHALL EXTEND TO THE INTERSECTION OF THE DITCH LINE AND THE 4:1 APPROACH FORESLOPE. PIPE MATERIAL SHALL BE EITHER 0.064" THICK CORRUGATED STEEL, 0.060" CORRUGATED ALUMINUM OR CLASS V REINFORCED CONCRETE.

COMMERCIAL APPROACH AND ACCESS SERVING 3 OR MORE PROPERTIES

N.T.S.

STANDARD DRAWING No. ACCHD-106
CANYON COUNTY HIGHWAY DISTRICTS
CANYON COUNTY, IDAHO

REVISED 12/08

Samantha Hammond

From: Barbara Harris <bdeaneusa@yahoo.com>
Sent: Tuesday, February 14, 2023 12:19 PM
To: Samantha Hammond
Subject: [External] 80 so Robinson Road, JC EXcavation

Follow Up Flag: Follow up
Flag Status: Completed

The neighborhood meeting with the occupant of the property above, JC Excavation, was held on Feb 7. Several residents came to the meeting to express their concerns about the location of this type of business in the middle of a residential area. (there are 11 homes within 600 feet of the property)

With the exception of one neighbor who thought everyone should be able to do whatever they wanted on their property, all others objected to having a very active excavation business located on the property.

Most of the neighbors have filed complaints with your office already and an enforcement officer has investigated and issued a cease and desist order, I understand.

Neighbors were mystified that the occupant was quite confident that his application for a Conditional Use permit would be granted based on his conversations with you. He indicated that you had informed him that he could ignore any notices of violation of the code and just apply and all would be fine. He said that you had told him that all he had to do was maybe build a fence. But that he could continue to operate in violation of the code.

None of us in attendance were clear on how you could authorize the ignoring of your own rules. Has the zoning plan changed and no one told us?

There are a variety of reasons this business poses a problem in locating on 80 So Robinson. The business has 23 employees that come and go all day. Very heavy trucks and trailers go in and out all day and dump and reload dirt and gravel and refuse construction material on the property. Robinson Road is already carrying more traffic than it was designed to carry and will be carrying more when the McDermitt overpass is completed. The road is narrow and people go very fast. Fifty miles per hour is the speed limit, however, that appears to be the minimum not the maximum. These heavy trucks pose a serious traffic hazard going in and out of the property. I have watched many "near misses" already. It is only a matter of time until a major accident occurs.

We as residents have the right to quiet enjoyment of our homes, however, if this business is approved it will drastically (has already) the nature of our neighborhood. It will be converted from a residential area to an industrial area. Already one of the other neighbors, seeing the activity on 80 So Robinson has decided he can store large trailers on his property as well.

I actually own 2 properties within 600 feet of 80 So Robinson, my home at 73 So Robinson directly across the road, within 75 feet of the piles of rubble and another 6 acres at 85 So Robinson.

I understand that there is a process and that the P&Z board will make the decision, however, based on the conversation with the occupant of the property, and the fact that he has been given so many assurances by you, it appears the process and authority has been usurped.

I think we as property owners and neighbors deserve an explanation to this issue.



Date May 23, 2023

Canyon County Development Services
Planning and Zoning Commission
111 North 11th Avenue, Suite 310
Caldwell, Idaho 83605

RE: Case No. CU2023-0002, Parcel R30621010
Juan Nieves, applicant

Dear Commission members:

My name is Barbara Harris, I live with my husband at 73 So Robinson Road which is located directly across Robinson Road from the property in question at 80 S Robinson. The front window of my home is less than 110 feet from the property in question. I also own the property located at 83 S. Robinson.

I strenuously object to granting the conditional use permit being considered for 80 So. Robinson and JC Excavation.

JC Excavation operation has severely impacted me and my property. It is noisy, dusty and poses an extreme traffic hazard in front of my home. I have been informed by a realtor that this operation across from my home has a negative affected my property value.

The one-mile stretch between Victory and Amity on Robinson where the property is located is zoned agricultural/residential. It is a neighborhood in transition, in that at one time it was clearly a "farm" area. It is now far more residential than agricultural. There are over 32 residences independent of the newly developed Wetherby Estates Subdivision located on the road. Most of the properties are small acreages of 5 to 10 acres or less with homes sites. Agricultural activities being small groups of animals, horses, sheep, and a few cattle.

Wetherby Estates subdivision which is located less than ¼ mile from 80 So Robinson is a clear indication that the neighborhood is moving rapidly to an even more dense residential.

First let me say, I have no particular problem with JC Excavation other than it is located in the wrong place for its activities. The JC Excavation operation is completely inconsistent and incongruent with this neighborhood. The proposal for the Conditional use Permit states that it is being proposed under the allowed exception of "Staging" of equipment. I was not able to find any definition of the word "staging". However, since this is zoned as Agricultural area, I would assume that the original definition of "staging" would have been intended to apply to agricultural equipment used in farming activities. The only relationship between JC Excavation and agriculture is dirt. JC Excavation is strictly a heavy construction equipment business.

I have attached many pictures of the operation being conducted by JC Excavation on the property so that you might see the extent of the activity. Every morning 10+/- employees arrive at the property and park their cars for the day. Large trucks and trailers with excavation equipment move out of the property then return in the evening. During the day large dump trucks (15 CU FT and larger) come and go from

the property. The trucks dump dirt and gravel on the ground near Robinson Road, a loader then loads the dirt onto other dump trucks to move it. There are now large piles of dirt drying out and dust is blowing across the road into my home and weeds growing on the piles. The trucks make acceleration and braking noise, the loader's backup alarm beeps and the tail gates of the dump truck bang several hours a day.

Along with storing dirt, the business is currently storing cars, trucks, trailers and construction equipment of all shapes and conditions on the property along with piles of tires, scrap lumber and other miscellaneous metal and other materials. This is not something anyone wants to or should have to look at through their front room window. I also do not believe that is what was intended by the term "staging".

Robinson road is still a rather narrow two-lane road with a speed limit of 50 miles per hour, (there is no turn lane) with large dump trucks, and heavy equipment trailers going in and out of the drive-way all day, the opportunity of a serious accident is extremely high. I have witnessed more than one "near miss".

Although I have no specific information about the issue, I do have concerns about my well water as well with the dumping of miscellaneous materials just 100 feet from my well head. I have no information about the septic system; however, I think it is likely that it is not sized for a commercial operation with multiple employees.

The responsibility of the Planning and Zoning Commission is very important. Its function ensures community consistency so that property and homes are protected from disruptive and destructive activities. When someone purchases property in any area, the zoning rules for use are very clear and available. Minor exceptions to zoning are essential but should only be approved if the exception does not pose a negative impact to the other property owners in the area or change the basic nature of the area. In fact, exceptions should be granted only to benefit community members who are in compliance with the zoning restrictions (or at least do no harm)

This property was leased to and occupied by JC Excavation last Fall over the objections of me and my neighbors. (Please see the files) It was inspected by an enforcement officer at the time, who found it in violation of the zoning ordinance. In spite of that finding JC has been allowed to operate unobstructed since that time. I am puzzled about that. Seems that zoning exceptions should be applied for and granted in advance of the occupation of the property violating the zoning not after. Particularly if neighbors have lodged complaints.

I personally have always considered Planning and Zoning as the "rural homeowner's association", enforcing appropriate use and condition of property consistent with the stated zoning. There is no reason that my property and that of my neighbors should be degraded by granting of the exception being considered for 80 S. Robinson and JC Excavation.

I want to also make it clear that I am not ignoring the fact that Scott Excavation at 96 S Robinson Rd is operating just about ¼ mile from the site under consideration. That Conditional Use was granted several years ago. Scott also operates very differently, in that the activity level is much less on a daily basis. I would not support that Conditional Use today either. It perhaps is a great demonstration as to how one exception is like a cancer that spreads quite easily to change the nature of an area. Once others see a pile of junk and scrap accumulating on a property they assume that it must be just fine to do the same.

I formally request that the application for Conditional Use for the property at 80 So Robinson Rd, Nampa, Idaho 83687 be denied.

Sincerely

Barbara Harris
Harry Robinson

Barbara Harris

Harry Robinson

See Attached picture book











This photo is
just to show
these
ts















Samantha Hammond

From: Tammy Shuyler <tammyshuyler@gmail.com>
Sent: Wednesday, May 24, 2023 9:24 PM
To: Samantha Hammond
Cc: Tammy Shuyler; Tony Shuyler
Subject: [External] Case No. CU2023-0002 Public Hearing written testimony

Follow Up Flag: Follow up
Flag Status: Flagged

Canyon County Commission:

We write regarding the upcoming public hearing for the above referenced case. We are neighbors just south of 80 S Robinson at 415 S Robinson Blvd. We are asking that the Commission recommend a 6' privacy fence to be installed around the perimeter of the staging. Additionally, we would like to see a reasonable buffer area between the fence and Robinson Road.

Thank you,

Tammy and Tony Shuyler
415 S Robinson Blvd
208-484-9278
TammyShuyler@gmail.com