



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, October 5, 2023
6:30 P.M.

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

Commissioners Present : Robert Sturgill, Chairman
Brian Sheets, Commissioner
Patrick Williamson, Commissioner
Harold Nevill, Commissioner
Miguel Villafana, Commissioner
Geoff Mathews, Commissioner
Matt Dorsey, Commissioner

Staff Members Present: Sabrina Minshall, Director of Development Services
Michelle Barron, Planner
Madelyn Vander Veen, Planner
Ivan Kowalczyk, Associate Planner
Jennifer Almeida, Office Manager
Pam Dilbeck, Sr Administrative Assistant

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

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

Item 1A:

Case No. CU2023-0005: Shober & Sons., LLC. - Approval of revised FCO's.

MOTION: Commissioner Nevill moved to approve & sign the revised Findings of Facts. Motion seconded by Commissioner Sheets. Commissioner Dorsey abstained. Voice vote, motion carried.

Item 1B:

Case No. CU2022-0041- Randy Reams / Dobro LLC.- The applicant, Reams/Dobro LLC, is requesting a conditional use permit to allow a Church on parcel R36074011. The property is zoned "A" (Agricultural). The property is located at 21985 Dixie River Rd, Caldwell, ID. 83605; also referenced as a portion of the NE¼ of Section 14, T4N, R4W, Canyon County, Idaho.

Proposed to be tabled date certain of 11/02/2023.

Planner Barron explained she was traveling when the case was originally due and technical difficulties occurred, not allowing her to turn in the paperwork within the required 10 days for the Commissioners to review. She was initially asking that they table it to the next hearing, but after she spoke to the applicant, the applicant asked for the case to be tabled until the November hearing due to continued health reasons. A notice doesn't have to be resent if it is tabled to a date certain.

MOTION: Commissioner Nevill moved, seconded by Commissioner Williamson to postpone Item 1B, Margaret Person / Steve Law to a date certain of 11/02/2023. Voice vote, motion carried.

Item 2A:

Case No. CU2022-0040- Jody & Petra Hurst – Jay Gibbons, representing the Jody & Petra Hurst Family Trust, is requesting a conditional use permit for a Contractor Shop and Nursery (retail/wholesale) located on parcel R30364010. The requested use includes an office building, out buildings, and landscape material storage areas. The applicant has proposed 45 employees and hours of operation from 7am to 6pm. The parcel is zoned “A” (Agricultural). The subject property is located at 4663 Ustick Rd, Nampa; also referenced as a portion of the NW¼ of Section 5, Township 3N, Range 1W; BM; Canyon County, Idaho.

Planner Madelyn Vander Veen reviewed the Staff report for the record.

The proposed late exhibit G, is a record of the emails that were exchanged with Doug Critchfield from the City of Nampa in regard to the proposed condition requesting annexation and their responses.

Commissioner Nevill pointed out that on Exhibit B, page 2, the report says the public hearing is on September 21st and that needs updated to the correct date of October 5th. Commissioner Nevill asked if the wording occasional work on Saturday is an enforceable condition for Code Enforcement. Director Minshall stated that the term occasional is not enforceable and the intent was to not exclude weekend work. Director Minshall suggested while the Commissioners are considering conditions to strike the word occasional. Commissioner Nevill clarified with Planner Vander Veen that nothing is changing how the business is currently running, the request is to get the business up to compliance. Commissioner Nevill asked for clarification on Condition 4 if that the City of Nampa wants annexation and the County’s recommendation is to wait for services to be available before annexation. Planner Vander Veen stated that the City of Nampa would prefer that the Commissioners deny the case and that the applicant would have to annex in order to be approved for the use.

Commissioner Williamson asked Planner Vander Veen if she received his email stating on the paper packets he received for exhibits E5-E12 was missing Legends key and title information. Commissioner Williamson hadn’t had a chance to look at the electronic version but the paper version was missing information. Planner Vander Veen stated Exhibit E on the pdf version had the Legend information. Chairman Sturgill stated that the electronic version did have the Legend information. Planner Vander Veen displayed the Legend information in question. Commissioner Williamson reviewed the exhibits for the legend. Commissioner Williamson questioned if there will be a nursery onsite and if there is if it needs to be added to the conditions. Planner Vander Veen advised the proposed use of the application is the a staging area and contractor shop, the letter of intent does state a nursery but her understanding from visiting the property, speaking with the applicant, and the rest of the Letter of Intent it seems the adjacent property was used for a nursery previously, the business on this parcel is no longer affiliated with the adjacent property so there is no nursery use on the property of resale, wholesale of plant material. The only plants on the property are for the use on landscaping projects. Commissioner Williamson asked if the plants are the ones the applicants have bought and are storing there for a few days before the job. Planner Vander Veen stated that the applicant can better answer that question. Commissioner Williamson verified with Planner Vander Veen that there is nobody living on the property. Commissioner Williamson asked how far the city water and sewer are from the property. Planner Vander Veen stated the applicant will be able to answer that question.

Commissioner Villafana asked what prompted the application if it was the change of ownership with the new owners deciding upon purchasing the landscape company, if it didn’t have the appropriate conditional use permit and that’s when the administrative land division was also approved or if they got turned in by somebody. Planner Vander Veen advised that the staff requested the conditional use permit

be applied for because of a property boundary adjustment application. Planner Vander Veen stated that the Boundary Adjustment has been. Commissioner Villafana clarified that if the applicant had not applied for the Boundary Adjustment, they wouldn't have known they needed to do a Conditional Use Permit. Commissioner Villafana read the statement on page 1, it states, "while some of the requested and current uses are allowed in an agricultural zone other require a conditional use permit", Commissioner Villafana if what is current allowed is the nursery or landscape business.

Chairman Sturgill mentioned that 45 employees are a pretty heavy employee load for the traditional CUP's the Commissioners typically see. Chairman Sturgill asked with setting aside the CUP, what zone would be appropriate for this type of business. Planner Vander Veen stated a neighborhood commercial but there is no specific number of employees allowed per zoning. Chairman Sturgill stated that the number of employees was only brought up with relation to traffic so if the CUP didn't get approved for whatever reason Chairman Sturgill was looking for another route available for the applicant.

MOTION: Commissioner Nevill moved to accept late exhibit G. The motion failed for lack of a second.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

JAY GIBBONS- Applicant (Representative) – IN FAVOR – 2002 South Vista, Boise, ID

Mr. Gibbons began his testimony with providing the long history of Sterling Landscape. He explained last year when Jody and Petra bought into the company is when the bank requested for it to be all on one parcel, this is what originated the request for a property boundary adjustment. Within the process of the property boundary adjustment it was discovered by staff that a CUP needed to be completed.

Mr. Gibbons addressed the questions and concerns the Commissioners had brought up during the staff report. Mr. Gibbons stated that he spoke to Nampa City recently and attempted to explain that this is an existing business and will not be putting new buildings on it, although, the practices have changed. In the past the company grew their own plants which they no longer do. The plants that are stored on site are now ordered and stored for different amounts of time depending on if they ordered them ahead of time, the job, the season, and other factors. Mr. Gibbons addressed the need for 45 employees is due to having a large maintenance division, the employees have several tasks such as moving the lawn, laying mulch down, and planting the trees. Mr. Gibbons explained the request of the occasional weekend need. Not often, but occasionally, weekend work arises and Mr. Gibbons likes the flexibility of being able to work a weekend if there is a need. Mr. Gibbons used the example if it rained for two days and the employees weren't able to work, they will use the weekend to catch up. Mr. Gibbons doesn't believe there is a need to annex with the City of Nampa when they can't provide services, the services are currently 3 miles to the west. Previously there was a pre-app done on an adjacent property last January or February with the city and they were told it wouldn't work because services are 3 miles to the west. Mr. Gibbons anticipates annexation into the City of Meridian when services are available and the potential is there.

Commissioner Sheets asked the applicant if he did annex with the City of Nampa if he knew what the potential financial impact of the business might be. Mr. Gibbons explained during his conversation with the City the day prior they told Mr. Gibbons they would grandfather him in and rezone him to a Commercial District instead of an Agricultural District. Mr. Gibbons questioned the City of Nampa because the specific area plans for higher density in residential. Once that was questioned there was conversation between Mr. Gibbons and the City of Nampa about changing it to residential later. Commissioner Sheets asked follow up questions, if Mr. Gibbons was annexed, if he would be paying additional property taxes

to the City of Nampa and if after paying the City if he would receive services. Mr. Gibbons stated he is not sure what the difference in taxes between the City and the County are, but he is sure he would be paying the City and he would not be getting services even when paying them. Commissioner Sheets asked if they were to address condition 4, how would Mr. Gibbons like it to be addressed. Mr. Gibbons stated they could leave condition 4 as is because he plans to work with the City once services are available. Commissioner Sheets clarified it would be a condition regarding how Mr. Gibbons operates his business. Commissioner Sheets proceeded with asking Mr. Gibbons if he could choose to decide when or if he annexes with the City or the County and City deciding for Mr. Gibbons, which would he prefer. Mr. Gibbons would want to make the decision regarding annexing with the City or not, but he isn't opposed either way.

Commissioner Villafana asked Mr. Gibbons to point on the map with the laser showing where Highway 16 is going to pass through. Mr. Gibbons showed that it would be east of the school.

Commissioner Nevill addressed the word occasional in the condition regarding weekend work and if Mr. Gibbons had any issue with dropping the word occasional. Mr. Gibbons had no objections. Commissioner Nevill asked if Mr. Gibbons had issues with any of the other conditions, which Mr. Gibbons did not.

Commissioner Williamson questioned if anyone was living on site. Mr. Gibbons stated that nobody is living on site.

Commissioner Dorsey inquired how the business plans for the future and the growth of the surrounding area. Mr. Gibbons explained that if in the future they need to move further out of town, they will at that time.

Director Minshall clarified that with our area of impact agreement with the City of Nampa, there are no requirements that just because a property is contiguous it is not required to annex. Director Minshall made a note to have a conversation with the City of Nampa to make sure we are all coordinating better to each other. She believes there may not have been a full understanding despite very clear emails back and forth with planner Madelyn Vander Veen. There is nothing with our agreement with Nampa or state law that drives the Commissioners to change the condition that would be a recommendation of the Commission.

MOTION: Commissioner Sheets moved to close public testimony on Case CU2022-0040, seconded by Commissioner Williamson, voice vote, motion carried.

DELIBERATION:

Chairman Sturgill suggested that they start with discussing if any of the conditions of approval need to be changed to keep the conversation streamlined.

Commissioner Matthews suggested to strike condition number 4.

Commissioner Williamson agreed to strike condition number 4 as well as to strike the word occasional in condition number 3.

Commissioner Sheets stated condition 4 is a suggestion by the City of Nampa and based on the testimony that was received from the applicant stating he would not be getting any additional benefits if annexed; Commissioner Sheets does not agree with having condition 4. Commissioner Sheets suggested to strike the findings on page 6 of 7, findings number 1 that states "City of Nampa sent a comment

stating they are not opposed to the application.” Also striking the word occasional. Commissioner Sheets would feel comfortable making a motion with those changes.

Commissioner Nevill would strike condition 4 as well as the word occasional. Commissioner Neville would also add during testimony from staff and applicant it was discovered that city services are 3 miles to the west so city services are not going to be available and that this is an existing business that has been around a long time, not asking to change anything, just getting the paperwork up to date. Commissioner Nevill suggested to make the changes and move forward with approval.

Chairman Sturgill senses a consensus growing to approve the CUP and asked if anyone wanted to speak up on opposition. Chairman Sturgill stated there was a few changes on conditions and findings that were proposed and that Commissioner Sheets was willing to offer a motion. He asked if anyone would like to second or offer any comments.

Commissioner Williamson piggybacking off of what Commissioner Nevill was saying, would suggest to make changes to number 5 and findings 5 on page 5 of 7. In that section it speaks of using a private well, Commissioner Williamson believes this would be a good place to add the location of the city water.

Chairman Sturgill invited Commissioner Sheets to make his motion.

MOTION: Commissioner Sheets moves to approve Case CU2022-0040 to modify findings of fact under the Canyon County code 09-11-25 Area of City Impact agreement, modify findings 1 to read the “The City of Nampa said a comment saying they are not opposed to the application.”, modifying conditions of approval number 3, striking the work occasional and capitalizing weekend, striking condition number 4, leaving a total of four conditions. Commissioner Dorsey Seconded.

Discussion on the motion:

Planner Madelyn Vander Veen asked about the discussion of adding more supporting evidence to the area of city impact findings or the findings for conclusion number 5, clarifying if they wanted to add anything.

Commissioner Sheets directed the question towards Commissioner Williamson to elaborate on the addition to findings number 5.

Commissioner Williamson stated it was based on what Commissioner Nevill had suggested in regard to adding in how far the city services are, Commissioner Williamson believes number 5 would be a good place to add it because it is discussing water. Commissioner Williamson stated he doesn’t need the findings added.

Commissioner Sheets believes there is enough evidence to support the conditional use application without adding the location of the services.

Commissioner Sheets and Planner Madelyn Vander Veen corroborated on the proposed changes on findings number 1.

Director Minshall conveyed that changes to how the City of Nampa responded cannot be made. Instead, Director Minshall recommended that a note is added that their response was considered.

Commissioner Sheets modified his motion in modifying finding number 1 to strike 'this has been added' to condition 4 and reinserting 'the Commission has evaluated attachment A and disagrees with the proposed condition.'

Chairman Sturgill established that Planner Madelyn Vander Veen was comfortable with the changes Chairman Sturgill confirmed with Commissioner Dorsey that his second still stands with the amended motion.

Roll call vote: 7 in favor, 0 opposed, motion passed.

Item 2B:

Case No. CU2023-0006- Babcock/Cope Sand & Gravel –John Babcock Testamentary Trust, represented by Cope Sand and Gravel, is requesting a Conditional Use Permit for the continued extraction of minerals from approximately 8.65 acres of the 34.60-acre Agricultural parcel. The subject property is located at 12475 Lake Lowell Rd, also referenced as Parcel R33106, a portion of the NE quarter of Section 36, T3N, R3W, BM, Canyon County, Idaho.

Commissioner Dorsey declared that he has known the Cope's for many decades but he has not discussed the case with them or looked at it and feels like he can be unbiased and be able to make a good judgement. No commissioners challenged.

Chairman Sturgill disclosed he had a brief discussion with the applicant when the applicant arrived earlier. The applicant relayed that he has been seen before planning and zoning on a couple other occasions. Chairman Sturgill and applicant did not get into the details of this particular case.

Planner Ivan Kowalczyk viewed the Staff report for the record.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

ELIZABETH KOKORITS (Representative) – IN FAVOR – 601 BANNOCK ST, BOISE ID 83702

Ms. Kokorits had a presentation prepared for testimony. Discussion occurred between Commissioners and Director Minshall with regards to accepting the presentation as a late exhibit. Consensus was reached that the presentation can be viewed without having to accept it in as a late exhibit.

Ms. Kokorits provided the information that Cope Sand & Gravel is privately owned and operated by the Cope family and has been in business for approximately 50 years. They have been in the current location since 2002 with 10 employees. Cope Sand & Gravel sell locally to private land owners and businesses, including the County, City of Nampa, and all the local highway districts. Over 90% of their product is used within 8 miles of their location. Ms. Kokorits stated in 2002, 2017 and 2019 the Commission made the finding that Cope Sand & Gravel was best used for this property and not typical agricultural purposes. Originally, in 2002 they received approval to mine the gravel on the southwest corner, Ms. Kokorits explains that is where the crusher and all the heavy equipment are located and have remained located. The original 2002 CUP approved mining gravel until the year 2032. In 2017 an expansion area was approved by the Commissioners, which included the area in question. Ms. Kokorits expressed the approval was appealed and reversed. When Cope Sand and Gravel came forward in 2019 they scaled back the expansion they were requesting, during that time, conditions on the property were made that made mining gravel compatible with the surrounding neighborhood. Ms. Kokorits proclaimed that Cope Sand

and Gravel are now coming forth with expanding the business on the last 8 acres of land and completing the final mining with the same exact terms of conditions of approval that were initiated in 2019 with the same termination date of 2030. Ms. Kokorits explained that by the time the expansion gets up and running they will be mining for about 5.5-6 years. Ms. Kokorits stressed the importance of completing the expansion now because there are only a few veins left of gravel in the Treasure Valley region, and this property is one of them. Ms. Kokorits explained that the veins are rapidly being developed with residences on top of it, once that is done you will never be able to get to the gravel underneath. Once the extraction is complete in 2030 the area can continue to be developed, the gravel pit will not prevent the development for the future and Ms. Kokorits provided an example that the Red Tail Golf Course was previously a gravel pit. Ms. Kokorits addressed that there are usually 4-5 areas of concern people have when it comes to gravel, such as, dust, air quality, noise, traffic and aesthetics. Ms. Kokorits stated that M.S.H.A. (Mine Safety Health Administration) and the E.P.A. have recommended ranges for noise levels within the mine and within the surrounding areas, none of these noise levels whether in the pit or adjacent to the pit exceed or even come close to exceeding M.S.H.A noise levels, in fact they are significantly under all the noise levels. While completing the testing in the subdivision it was music interference in the subdivision, not the gravel pit.

Testimony time of 10 minutes ended. Ms. Kokorits requested an additional 3-4 more minutes.

MOTION: Commissioner Williamson moves to give an additional 3 minutes for testimony. Seconded by Commissioner Mathews, voice vote, motion carried.

Ms. Kokorits reiterated that most of the noise was coming from music onsite than from the mine when testing for noise in the subdivision. Ms. Kokorits provided information that the dozer and heavy machinery will never get closer than 300 ft from the edge of the boundaries. The traffic was addressed that traffic is always an issue and with this expansion it is going to be the same traffic and access points that it is now including access points coming in and out of the mine. Ms. Kokorits addressed the water and air quality concern by explaining that Cope Sand and Gravel is a dry extraction mine and, in the past, there has been no issues with the water. Cope Sand and Gravel offered to do testing of the water and there were trace amounts of molybdenum, that was far below the clean water drinking standards. As far as dust goes per the last approval they have been using a lot more water misters to keep the dust down, additionally they are down 50-60 feet so there is less dust on the property. There have been no complaints or any significant violations within the last 20 years. In regards to aesthetics they have had a lot of positive feedback from the fence along the lateral canal. The property is higher than other locations so you can't see the mine much. Ms. Kokorits states that the expansion meets numerous comprehensive goals, including protecting, enhancing and restoring natural resources. Ms. Kokorits provided examples of camp grounds that have been approved on gravel pits because in 6 years, once the mining is complete they are going to start the reclamation plan of a camp ground. Ms. Kokorits stated that Cope Sand and Gravel agree with all conditions of approval, they have a track record of meeting conditions with no complaints and ask for approval for the expansion.

Commissioner Villafana wondered if they had a conversation with the City of Nampa about the proposed expansion. Ms. Kokorits explained that to her knowledge they have not, she knows at this time the property isn't right for annexation. Ms. Kokorits stated that although it is not ready for annexation, the City of Nampa did recommend denial, saying this was on their future land use map for agricultural use. However, Ms. Kokorits reviewed City of Nampa's code and with property that is designated agriculture you are allowed mineral extraction with a conditional use permit.

Commissioner Sheets wanted clarification on M.S.H.A.'s noise limits, if they are noise limits for the workers safety or people outside the operation. Ms. Kokorits clarified that it is for both. The noise limits

are standards and recommendations, M.S.H.A have not set any clear level guidelines as of yet. Ms. Kokorits described testing next to the crusher in the mine and still being below the noise limits. The other testing is on the edge at 200 feet, there was really no noise due to the fact they are 50-60 feet under the surface and then 200 feet out. Ms. Kokorits expressed that the owners plan on keeping those same practices and keeping 200 feet or more as a buffer so there continues to be no noise. Commissioner Sheets questioned if this is going to be a new pit where they are working at surface level or if it is going to continue to be 50-60 feet under the surface. Ms. Kokorits believes it is both but will have the owner speak on that exactly. Ms. Kokorits provided the fact that Cope Sand and Gravel currently uses the motion sensors that do not beep when backing up, and plan on continuing this practice. With that information, Commissioner Sheets addressed condition 12 to more specifically describe where it says motion sensor backup alarm put specialty. Commissioner Sheets directed clarification towards the reclamation plan because a development for a campground was mentioned and so was residential development. Ms. Kokorits advised the reclamation plan that has been approved is for a camp ground and the site is close to Lake Lowell. Commissioner Sheets questioned if they would be opposed to adding a condition that says the reclamation plan intent to have future land use be for recreational purposes. Ms. Kokorits stated she believes they would be ok with that condition.

Commissioner Nevill wanted to clarify that during the testimony it was stated that in 2019 the operation was getting closer to the neighbors, when in fact, the neighbors are getting closer to the mining property. Ms. Kokorits agreed with Commissioner Nevill and explained the people that were most opposed to the 2019 expansion were owners that lived in the subdivision to the west, which pre-dates the mine. Commissioner Nevill inquired if there is any opposition now and if there have been any complaints to the east. To Ms. Kokorits knowledge the answer is no. Ms. Kokorits disclosed that there is a subdivision that is further to the north that was in Canyon County, Canyon County had them put on their plat that they are buying homes next to an agricultural area and there are active gravel pits in the area.

DAVE COCKRUM - IN FAVOR – 4650 MALAD ST, BOISE, ID 83705

Mr. Cockrum announced his title of Chief Geologist. Mr. Cockrum began with providing more details of the proposed expansion, explaining the proposal has a 50-foot undisturbed buffer against the north side of the property, a 50-foot buffer against the perimeter on the south side, and a 215-foot undisturbed buffer against the property boundary on the west. Mr. Cockrum addressed Commissioner Sheets previous question on the location of mining and with the proposed expansion, the mining will begin on the south east corner of the expansion area and it will proceed along with the existing pit bottom that is 50 feet below the surface. The mining will then move to the north and proceed to the west, as the mining progresses they will have to cut a 3:1 slope. As explained the majority of the mining operation is below ground level where there is no crusher or no gravel trucks. Mr. Cockrum educated that the gravel mining will be done with a dozer, pushing it over to a land conveyor, as it expands the gravel will be moved place to place. Cope Sand and Gravel will not be closer than 400-feet from the property boundary with the land conveyor or 300-feet for the dozer and actual mining operation. The top soil will be stripped from the proposed expansion area and will be placed along the south and west borders, to provide safety. The top soil will be used when it is completed to form the 3:1 slope, adding 1 ft of top soil and reseeding it. The gravel is going to be mined and transferred to the original site.

Testimony time of 3 minutes ended. Mr. Cockrum requested an addition 5 more minutes.

MOTION: Commissioner Sheets moves to give an additional 5 more minutes for testimony. Seconded by Commissioner Dorsey, voice vote, motion carried.

Mr. Cockrum continued testimony explaining once the gravel is transferred to the original site the gravel

is moved to the gravel crusher if it is going to be crushed or stock piled if it is going out. The original site has the only access road for the facility. Mr. Cockrum explained this is a dry pit so therefore the mining will not generate process water or any discharge water from the facility. The storm water that is generated will be allowed to evaporate into the ground water system in the area. Mr. Cockrum went into more detail with the final reclamation plan addressing that Cope Sand and Gravel will produce a 3:1 stope that will be vegetated with grass seed, the pit floor will be left flat and a few gravel stock piles will be left for the campground benefit as well as building a few hiking trails. Mr. Cockrum stated they have completed a sound investigation on the Cope Sand and Gravel operation in 2022 to validate the noise investigation results from the 2017 and the 2019 noise test, the purpose was to see if the existing sound levels compared to M.S.H.A. and E.P.A. noise standards and determine the recommended setback distances from the west property boundary in terms of the proposed expansion area. The sound levels that were recorded within the site do not exceed M.S.H.A. standards or E.P.A recommended noise standards, the operation does not generate excessive noise that would result in hearing loss, annoyance, activity interference, or cause detriment to the surrounding neighborhood, in fact the sound levels recorded at Cope Sand and Gravel are very similar to what you would hear in a residential indoor and outdoor activity. The investigation results indicate the operation cannot be heard over background noise at a distance of 215-feet. Mr. Cockrum addressed the concern of water quality, explaining the ground water investigation of Cope Sand and Gravel in 2018 and 2022 had a total of 12 water wells investigated within the general vicinity of Cope Sand and Gravel. They were analyzed for the geology, the depth to water, casing debts and location of the well to the operation. The sample results from 2018 indicate that petroleum in the form of oil range organics and cadmium were below detection limits. Molybdenum was barely detectable but not at a level that will affect human health, same is true in 2022. Four samples have been taken within the last 5 years and they indicate that Cope Sand and Gravel operation have not spilt petroleum or metal in the ground water in the area of the mine operation so they have concluded that the ground operation contamination should be considered to be low. Mr. Cockrum stated that the Cope Sand and Gravel operation is one of two operations within Nampa and there are other operations to the south. In general, there are less gravel operations in Nampa and the surrounding area as the years go by, yet the population of Nampa is growing and the need for gravel continues.

Testimony time of an extra 5 minutes ended. Mr. Cockrum requested an addition 1 minute.

MOTION: No motion was made. Mr. Cockrum stood for questions.

Commissioner Nevill wanted clarification on the reclamation plan that the campground is going to be at the bottom of the pit. Mr. Cockrum confirmed that was correct that the mine is going to become one giant pit and the highwall will be a 3:1 stope.

JOHN BABCOCK – Applicant– IN FAVOR – 12497 MIDWAY RD, NAMPA, ID 83686

Mr. Babcock began by using the laser pointer to give details on the property, providing the location of the wells. Mr. Babcock explained that they use the wells to water down the roads in order to keep the dust down. As explained earlier, none of the wells have had any issues with water as a result of the gravel pit. Mr. Babcock discussed his family history on the property, the property was originally purchased by Mr. Babcock's grandparents back in about 1908 and at that time it was farmed, Mr. Babcock also farmed the property when he was younger. Mr. Babcock explained that previously there were complaints from neighbors with concerns of water and noise. At that time the Commissioners gave a list of conditions for approval, part of the conditions was putting a half mile of vinyl fence up, they also made the mining area smaller; which is why they are looking for an extension now, the conditions also put in a conveyer belt instead of moving the crusher closer. To meet the conditions, they spent 80k of their own money, which they did and since, there has been no complaint. Mr. Babcock explained that at the bottom of the pit

which is about 60-feet down, there is a layer of clay which prevents water or anything else getting into the ground water. Mr. Babcock stated that with the reclamation plan it required the Copes to not sell any top soil, the idea is to put the top soil back down to grow trees, put a pond in the middle and have a road that goes around the pond with campsites between the trees. Mr. Babcock wants to make a great recreational place for the locals. Mr. Babcock explained that Cope Sand and Gravel provide a huge number of gravel products such as road mix, sand, drain rock, mortar sand and about 10 other products to all the local businesses that construct and work on the homes in the area.

PAUL COPE- IN FAVOR – 12373 MOSS LN., NAMPA ID 83651

Mr. Cope stated that in central and south canyon county, gravel sources are getting really hard to find, there are two reasons why; most of the gravel pits have already been depleted from years past and two, homes have been built on the gravel veins and once this is done they can't get the veins back. That is the main reason they are asking for the expansion, they know how good the gravel is at the current operation, it would be viable for the community and everyone else.

Commissioner Sheets wanted explanation in regard to the specialty motion sensor back up alarm vs normal back up alarms. Mr. Cope explained the difference is you have to have a person or vehicle behind it will set off the alarm vs putting it in reverse you will get the beeping. Mr. Cope stated in the original area they do use backup alarms for safety reasons and they have to have them but with the expansion they have the motion sensor backup alarms. Commissioner Sheets commented on condition 12 having noise emissions. Commissioner Sheets asked if where it says visual strobe lights and specialty motion sensor backup alarms will be used whenever safely possible to eliminate unnecessary noise, if that is something Mr. Cope's is comfortable with. Mr. Cope's is comfortable with condition 12. Commissioner Sheets addressed the reclamation plan especially for condition 7 adding "and this conditional use shall include reclamation to the planned recreational use". The reasoning is Commissioner Sheets wants to fulfill the plan placed forth of the reclamation plan. Commissioner Sheets asked if by the time the gravel is reclaimed in 2030 if the reclamation plan will be placed. Mr. Cope explained that it would be in phases so the reclamation plan would not be completed by 2030 but started and at that time working with the department of lands.

Commissioner Williamson wanted clarification of the backup sensor if the person behind it has to be moving for it to alarm. Mr. Cope's stated that yes something has to move behind it while backing up for the sensor to alarm.

Commissioner Dorsey questioned how much product per linear foot is or will be extracted. Mr. Cope stated the yardage is 700-800 thousand yards rough estimate will be extracted.

BRETT COPE – IN FAVOR – 12359 MOSS LN., NAMPA ID 83651

Mr. Cope stated most of his testimony had already been covered and offered to stand for questions.

Commissioner Dorsey addressed as that a small business owner, Mr. Cope has a small amount of time to extract before additional approvals are required. In the process, Nampa states that no, we don't want to approve that. How would you see that moving forward or how would you mitigate that? Mr. Cope stated with the demand he sees no issue with completing the task in the time frame they have asked for and in 2030 they will be completely done with the extraction.

Commissioner Nevill inquired what Mr. Cope's long-term plan was after 2030, if Cope Sand and Gravel are going to close shop or move to a different site. Mr. Cope stated he has been looking for other places to extract gravel after this site but the gravel veins are diminishing and the areas he has found hasn't had

very good gravel. Mr. Cope explained they want to stay local but will need to find a good source.

SCOTT GIBBONS – IN NEUTRAL – 12670 WILD ROSE LN., NAMPA, ID 83686

Mr. Gibbons provided his location, it is the property next to the western edge of Mr. Babcock's property and the proposed expansion. Mr. Gibbons apologized for not submitting questions before the deadline and has a couple questions and a comment. Mr. Gibbons stated that the video that was shown earlier for the noise in the neighborhood was closer to the park than it is to the proposed expansion. Mr. Gibbons explained he moved in after the most recent expansion in 2019 and by talking to the neighbors he discovered there were concerns about ground water, dust and noise at that time, but they have been addressed. Mr. Gibbons expressed those aren't his concerns, in fact he doesn't have concerns he just wants some clarification. Mr. Gibbons asked for clarification on the 215-foot buffer, if it is going to be from the property line or from the house. Mr. Gibbons was also wondering why a vinyl fence cannot be placed between the proposed expansion and the neighborhoods for dust, noise, and aesthetics. Mr. Gibbons was concerned that the expansion looks like it is going to extend into Mr. Babcock's grandmothers' property and would like confirmation that it isn't.

Commissioner Sheets asked if there is anything in the line of sight between Mr. Gibbons property and the proposed expansion. Mr. Gibbons explained there is a feed lot, haystack and some cows.

Commissioner Williamson asked if Planner Kowalczyk can look at the condition requirements they had previously for the vinyl fence if it was just to the original site or if it is supposed to wrap around.

Chairman Sturgill asked Mr. Gibbons on his views of the conditions to see if he believes the current conditions that were put in place have been successful. Mr. Gibbons stated he has lived on his property for two years and he does have a lot of dust but he is also surrounded by agricultural land so Mr. Gibbons cannot say if the dust is from the cattle or gravel pit. Mr. Gibbons declared he has never heard any noise nor has he ever had any issues. Mr. Gibbons expressed he is surprised because when talking to his neighbors who were so adamantly against the expansion last time that nobody showed up tonight. Mr. Gibbons cannot say why no one else came to the hearing and if it could have been from the conditions being met, but he personally has had no issues with the gravel pit.

ELIZABETH KOKORITS (REBUTTAL) – IN FAVOR – 601 BANNOCK ST, BOISE ID 83702

Ms. Kokorits began with responding to the questions that were raised by Mr. Gibbons. Ms. Kokorits stated the buffer is 215-feet from the property boundary. Ms. Kokorits explained is not a need for a fence at this location because of the slope upwards and the feed lot in between and there are no plans at this time to add a fence to that edge.

Commissioner Nevill wanted clarification if the Babcock's grandmothers' property was going to be disrupted. Ms. Kokorits clarified that the grandmothers' property would not be included in the expansion. Commissioner Nevill inquired if a condition was added for the vinyl fence if the applicants would be ok with it. Ms. Kokorits stated they don't see any reason to need a vinyl fence just with how difficult it would be to view the property already. Ms. Kokorits declared if it was a vinyl fence or denial they would put the fence up but they would prefer to not have that condition.

Commissioner Williamson asked for clarification in regard to the condition from 2019 regarding the vinyl fence to see if it will follow the public road easement or if it is supposed to follow the edge of the active pit. Ms. Kokorits stated it is only along the northern boundary and eastern boundary. It will not turn down the west.

Commissioner Matthews referred to the map and the area between the red line and the property line. Commissioner Matthews questioned if that is the feed lot. Commissioner Matthews made the statement if that is the feed lot then putting a vinyl fence there the cattle would more than likely tear it up. Ms. Kokorits confirmed it is the feed lot.

Planner Kowalczyk discussed the 2019 conditions and confirmed the vinyl fence only has the northern property line mentioned and does not mention the western side of the property.

MOTION: Commissioner Williamson moved to close public testimony on Case CU2023-0006, seconded by Commissioner Mathews. Voice vote, motion carried.

DELIBERATION:

Commissioner Nevill stated condition 12 had already been discussed during testimony with inserting the word specialty before motion sensor. Commissioner Nevill suggested that condition 7 to go to Commissioner Sheets for wordsmithing to have the final reclamation plan being a part of the condition.

Commissioner Sheets read proposed condition number 7, it states 'applicant operator shall comply with the reclamation plan as approved by Idaho Department Lands' and Commissioner Sheets suggested including "and this conditional use shall include the reclamation to the planned recreational use."

Planner Kowalczyk clarified that condition 12 it will now be "specialty" motion sensor and no other changes.

Commissioner Dorsey wanted clarification on the planned recreational use being added to condition 7 entails. Commissioner Sheets explained the condition will require the reclamation plan be followed and it explicitly states it is for recreational use. It does not authorize any other uses beyond the conditional use permit it explains the intended result of the reclamation plan.

Discussion ensued between the Commissioners if a finding needed to be referenced for the addition to condition 7. Commissioner Mathews noted on page 12 exhibit B is where it mentions the reclamation plan. Commissioner Sheets does not believe that will be adequate. He would add a finding under criteria 4 number 12 that the reclamation plan includes final use of this gravel extraction to be reclaimed into recreational use.

Commissioner Nevill suggested adding a finding of the condition as well, to support the addition to condition 7. Commissioner Sheets explained it only needs to be found in the findings.

MOTION: Commissioner Sheets moved to approve Case CU2023-0006 based on the Findings of Fact and Conclusions of Law as amended with the addition to criteria 4 sub 12, add the revision on condition 7 and the revision of condition 12. Seconded by Commissioner Dorsey.

Roll call vote: 7 in favor, 0 opposed, motion passed.

APPROVAL OF MINUTES:

MOTION: Commissioner Nevill moved to approve the minutes from 8/17/2023 with the approved revisions done via email, seconded by Commissioner Matthews. Voice vote, motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Director Minshall provided a few updates in the departments staffing. Director Minshall stated October

16, 2023 is planner Ivan's last day and the County Engineer, Devin is moving to the private sector. Director Minshall discussed that the county still intends on hiring their own engineer but there will just be a time that the county will be using outside engineers. Office Manager Jennifer Almeida announced a New Hearing specialist is starting October 16th. Director Minshall stated that Dan Lister has chosen to step back from planning official assistant manager to a principle planner role. In the meantime, Director Minshall will be playing both roles until the roles are filled. Director Minshall announced the Building Official promoted one of his inspectors for Assistant Building Official position and that Mr. Hogaboam, who was City of Nampa's chief of staff, got hired on as our contingent affairs director. Director Minshall stated that the second workshop with the Board occurred about private roads and during that time Highway District 4 did a brief presentation for the Board on what they do and what their interactions are. Director Minshall provided the information that the presentation will be available on the Board of Canyon County Commissioners website. Director Minshall explains that Canyon County is involved in a Pell study on Highway 44, which is a start over from the studies that have been done for the last 20 years, the study is covering the scope of the corridor, what the improvements are and how the improvements will be happening. Director Minshall will make sure the Commissioners are aware of the public meetings and information.

Director Minshall explained a Fire Operational Permit is directly related to the type of use related to hazardous materials, that it depends what class it is for the hazards under their authorities of the international fire code adopted by state law and a condition they pass on.

Director Minshall went into detail with the private roads workshop. The first workshop was making sure everyone was on the same page on why we have private roads. The second workshop was a flowchart and examples of how it would work. A general consonance was made with the Board. The next step is revising the flow chart based on what was heard from the Board and afterwards it will come in front of the Commissioners.

Chairman Sturgill's stated that the private road discussion is very complex and he thinks it will be very difficult for the commissioners to absorb in one hour he strongly suggests to download the presentations and listen to them in their own time.

Director Minshall added that it is a policy update so it is legislated. The commissioners can discuss it, talk to others, get feedback, etc.

ADJOURNMENT:

MOTION: Commissioner Sheets moved to adjourn, seconded by Commissioner Villafana. Voice vote, motion carried. Hearing adjourned at 9:29 pm.

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

Approved this 16th day of November, 2023



Robert Sturgill, Chairman

ATTEST


Amber Lewter – Hearing Specialist