



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, April 4, 2024  
6:30 P.M.

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1<sup>ST</sup> FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Commissioners Present : Brian Sheets, Vice Chairman  
Miguel Villafana, Commissioner  
Patrick Williamson, Commissioner  
Harold Nevill, Commissioner  
Matt Dorsey, Commissioner - Arrived at 6:34 PM

Staff Members Present: Sabrina Minshall, Director of Development Services  
Carl Anderson, Planning Supervisor  
Dan Lister, Principal Planner  
Debbie Root, Principal Planner  
Michelle Barron, Principal Planner  
Amber Lewter, Hearing Specialist

**Vice Chairman Sheets** called the meeting to order at 6:32 p.m.

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

**Item 1A:**

**Adopt amended agenda continuing agenda item 3.B Case No. CU2022-0024 / BID, LLC.**

Director of Development Services Sabrina Minshall explained the proposed amended agenda is to continue Case No. CU2022-0024 / BID, LLC. to a day uncertain.

Commissioner Nevill asked clarification on continuing to a date uncertain vs certain. Director of Development Services explained the applicant asked for a continuance to address comments in the staff report, continuing to a date uncertain requires new noticing so everyone including the public has complete information and can provide comment.

Commissioner Williamson stated he will need to recuse himself from Case No. CU2022-0024 / BID, LLC.

**MOTION:** Commissioner Nevill moved to adopt the amended agenda. Motion seconded by Commissioner Williamson.

Roll call vote: 5 in favor, 0 opposed, motion passed.

Director of Development Services Sabrina Minshall asked anyone present for Case No. CU2022-0024 / BID, LLC. to put their email on the sign in sheet on the way out so Staff can email them the date when the case is rescheduled.

**Item 2A:**

**Case No. CU2023-0008 – Nampa Paving:** The applicant, Quadrant Consulting, Inc., representing Nampa

Paving, is requesting a conditional use permit modification to Case No. CU2022-0033 regarding a long-term mineral extraction use on parcels R34061 & R34144. The modification updates the site plan increasing the footprint of gravel extraction areas. The subject properties, approximately 138.9 acres, is located at 9016 Lincoln Road, Caldwell, also referenced as a portion of the SE¼ of Section 16, T4N, R2W and a portion of the NE¼ of Section 21, T4N, R2W, BM, Canyon County, Idaho.

On January 4, 2024, the Planning and Zoning Commission tabled the hearing to a date uncertain requesting the applicant to return once wetland mitigation approval was received.

*Continued hearing scheduled for March 21, 2024 recommended by Staff to table again to April 4, 2024.*

**Planner Dan Lister** reviewed the Staff report for the record.

No witnesses were present to testify.

**MOTION:** Commissioner Williamson moved to close public testimony on Case CU2023-0008, seconded by Commissioner Nevill, voice vote, motion carried.

**DELIBERATION:**

Commissioner Nevill stated they received the document they asked for previously and is in favor.

Vice Chairman Sheets stated the document from Army Corps of Engineers is what they asked for and based on that and the conditions, he is in favor.

Commissioner Williamson asked Planner Dan Lister if it is required to cover the loads. Planner Dan Lister explained there is no condition to cover the loads because the operation is already approved, this case is an expansion.

**MOTION:** Commissioner Nevill moved to approve Case CU2023-0008 based on the Findings of Fact and Conclusions of Law and the conditions of approval. Seconded by Commissioner Dorsey.

Roll call vote: 5 in favor, 0 opposed, motion passed.

**Item 3A:**

**Case No. CU2023-0013 – Knife River Corp – Mountain West:** The applicant, Knife River Corp.- Mtn. West, represented by Joseph Smith, is requesting a mineral extraction permit to include crushing, staging, hauling, concrete and/or asphalt batch plant operations on approximately 64.5 acres in an “A” (Agricultural) zone for a period not to exceed twenty (20) years. The proposed general hours of operation are 05:00 am to 07:00 pm, Monday – Saturday, hauling of materials may take place 24 hours a day, seven days per week to support construction activity that requires nighttime operations. The subject property is located approximately 1885 feet east of Notus Road on the south side of Red Top Road, Caldwell, Idaho, also referenced as parcel R36092010, a portion of the NE quarter of Section 15, T4N, R4W, BM, Canyon County, Idaho.

**Planner Deb Root** reviewed the Staff report for the record.

Commissioner Williamson asked if the conditions proposed by Greenleaf are enforceable. Planner Deb Root advised they are not enforceable by Canyon County, although they will need to meet requirements for Southwest District Health that would cover some of the proposed conditions. Commissioner

Williamson asked about exhibit 5 that the parcel number doesn't match and wants to make sure the current residents were noticed. Planning Supervisor Carl Anderson suggested Staff has time to research and will come back to provide an answer.

Commissioner Nevill asked about the case number difference. Planner Deb Root clarified it is Case No. CU2023-0013. Commissioner Nevill asked about the dewater when it is being discharged if they need a permit. Planner Deb Root stated they will have to continue to work with the irrigation district during discharge and must meet the Federal and State requirements for dewatering.

Commissioner Villafana asked if there is a requirement to widen Red Top Rd and Notus Rd. Planner Deb Root stated Golden Gate Highway District did not require any additional improvements.

Vice Chairman Sheets asked about the Dixie Slough on the south side if there has been discussion about crossing it or piping it. Planner Deb Root stated the current reclamation plan shows a crossing. At the time of extraction, they will need to meet the requirements and can choose to either have a crossing or move it. Vice Chairman Sheets asked if the parcel has water rights. Planner Deb Root stated she isn't sure about water rights. Vice Chairman Sheets asked if there is a history on the parcel of being split. Planner Deb Root stated there has been a spit on the property and the split was sold to Knife River.

Planner Deb Root addressed Commissioners' concern, exhibit 5 was a map from the neighborhood meeting and that was from the incorrect parcel, the Counties notifications to the property owners was from the correct parcel.

Commissioner Dorsey asked about exhibit 25 an email on the second paragraph. Planner Deb Root explained that was in response to her concerns, the applicant offered to not locate crushing operations closer than 200 ft from property line. Planner Deb Root explained there isn't a current condition but the Commissioners could choose to add it as a condition.

**Vice Chairman Sheets** affirmed the witnesses to testify.

Commissioner Dorsey disclosed he knows Don Couch from a retail store he purchases from and has not discussed the case.

#### **Testimony:**

##### **Joe Smith (Applicant) – IN FAVOR – 5450 W Gowen Rd, Boise, ID, 83709**

Mr. Smith stated according to the 2030 comprehensive plan Canyon County is forecasted to have a 27% increase in population. With the growth there is a need for high quality gravel to make high level asphalt for public and private needs. Gravel needs to be mined where it is located and locally sourcing helps with keeping costs down for affordable housing. Mr. Smith stated this is a replacement for their current gravel pit to the north so he does not foresee an increase in traffic in the area. Mr. Smith stated they generally cover their loads and complies with ITD and CDL permits. Mr. Smith explained that any batch plant would be temporary, there will be an excavator to the south, a crusher to the northeast corner, 15-foot berms, and a 150-foot setback, the location will be mined wet so dust will be minimal.

Commissioner Williamson asked if Mr. Smith would be ok with a condition that he notifies the County with a site map prior to the batch plant. Mr. Smith stated that adding that condition would be adequate.

Commissioner Nevill asked Mr. Smith if he is ok with all the conditions of approval listed by Staff. Mr. Smith stated he is fine with all the conditions. Commissioner Nevill asked what the berms would look like.

Mr. Smith stated that berms are hard to keep alive and maintain so he is proposing rock. They take the topsoil from when they clear the site and use that to create the berms and if the rocks onsite are suitable they will use those for the berm, otherwise they have to import rocks from a different site. Commissioner Nevill asked for clarification of the location for the 150-foot setback. Mr. Smith advised the furthest west property line. Conversation between Commissioner Nevill and Planner Deb Root ensued regarding the setback information being added to the conditions. Commissioner Nevill asked if dewatering operations have to run frequently. Mr. Smith stated they receive a discharge permit from IDWR and have a 3<sup>rd</sup> party contractor to complete monitoring to ensure they are in compliance. They put a filter at the end of the hose so the discharge is clean water into the canal.

Commissioner Williamson asked if the water discharge is year-round. Mr. Smith stated they will only discharge if the water in the pond needed lowered to mine more material. Typically, it is high water during Spring and Summer.

Vice Chairman Sheets asked Mr. Smith what verbiage he would prefer on the condition that operations will not begin until operations end at the Notus Pit. Mr. Smith stated he recommends using the verbiage once mineral extraction has been completed.

**Terry Martin – IN OPPOSITION – 19751 Red Top Rd, Caldwell, ID, 83607**

Mr. Martin stated across his property he has an operating gravel pit and the noise and dust is intrusive but they cover their loads, have good working hours and are good neighbors. Mr. Martin is opposed to this proposal because of the hours of operation. His other concern is traffic impact on Hwy 19, Mr. Martin doesn't believe they should use Hwy 19. He would also like them to cover the loads.

Commissioner Nevill confirmed the hours of operation that Mr. Martin would rather see. Mr. Martin stated 7am-5pm / 5 days a week. Commissioner Nevill asked how far can he hear the crusher when it is at the bottom of the pit. Mr. Martin stated 100 yards.

Commissioner Williamson asked if the 24/ hour time frame was a limited duration if that would be acceptable to Mr. Martin. Mr. Martin confirmed it would.

**Mike Rippey – IN OPPOSITION – 21826 Notus Rd, Greenleaf, ID, 83626**

Mr. Rippey stated he has the same concerns as Mr. Martin as well as requesting the batch plant be at a different location.

**Don Couch – IN OPPOSITION – 20024 Red Top Rd, Caldwell, ID, 83607**

Mr. Couch stated he is opposed to the hours of operation and would like to see the hours to be 6am – 6 pm. Another concern is how they are going to filter the water before dumping it into the canal. Mr. Couch suggested they pave the exit to minimize the dust. He would like to see the crusher more in the middle of the property and no compression brakes to minimize noise.

Commissioner Nevill confirmed Mr. Couch is asking for a condition of no compression breaks.

**Joe Smith (Applicant) – REBUTTAL – 5450 W Gowen Rd, Boise, ID, 83709**

Mr. Smith stated he tries to work closely with the neighbors and offered to speak to any of them one on one after the hearing. Mr. Smith addressed the concerns he heard; the 24-hour operations is required on certain ITD jobs for public safety, they can take material to the Nampa Plant before nightfall. They can use white noise backup alarms on the equipment onsite to limit noise. He isn't sure about the compression brakes but will look into limiting them. They will not be operating and crushing year-round, that is season,

and Mr. Smith is willing to change the hours for the crushing equipment to 6am-6pm. Mr. Smith stated he is willing to pave the entrance into the pit. In regards to the water into the canal Mr. Smith stated they let the water settle and then filter while they are putting the water into the canal.

Commissioner Williamson asked if ITD gives an estimated timeframe so Mr. Smith can notice the neighbors of the project. Mr. Smith stated that would be a possibility.

Commissioner Nevill asked Mr. Smith about possible conditions. Conversation ensued in regards to the additional conditions to be added.

The Commissioners and Planner Deb Root conversated over the proposed conditions to be added.

**MOTION:** Commissioner Williamson moved to close public testimony on Case CU2023-0013, seconded by Commissioner Villafana, voice vote, motion carried.

**DELIBERATION:**

Commissioner Williamson recommended a condition 26 to pave the entrance in total of 100 ft and wide enough for two trucks or meet the apron width. During nighttime having white noise back up alarms. Vice Chairman Sheets recommended using the verbiage of non-beeping backup alarms.

Vice Chairman Sheets went through each proposed condition and the additional conditions to be added. Conversation ensued between the Commissioners and Planner Deb Root wordsmithing the conditions.

**MOTION:** Commissioner Williamson moved to approve Case CU2023-0013 based on the Findings of Fact and Conclusions of Law and the modified and added conditions of approval. Seconded by Commissioner Dorsey.

Roll call vote: 5 in favor, 0 opposed, motion passed.

**ACTION ITEM – APPROVAL OF MINUTES**

**MOTION:** Commissioner Williamson moved to approve March 7, 2024 minutes. Seconded by Commissioner Villafana. Voice vote, motion carried.

**MOTION:** Commissioner Williamson moved to approve March 21, 2024 minutes. Seconded by Commissioner Villafana. Voice vote, motion carried.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Planning Supervisor Carl Anderson provided information for the future hearings.

Vice Chairman Sheets expressed the importance to be thorough with the changes to FCO’s especially the findings.

**ADJOURNMENT:**

**MOTION:** Commissioner Dorsey moved to adjourn, seconded by Vice Chairman Sheets. Voice vote, motion carried. Hearing adjourned at 9:14 PM.

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

Approved this 2<sup>nd</sup> day of May, 2024



Robert Sturgill, Chairman

ATTEST



Amber Lewter – Hearing Specialist