



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, June 20, 2024
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
 Geoff Mathews, Commissioner
 Miguel Villafana, Commissioner

Staff Members Present: Sabrina Minshall, Director of Development Services
 Jay Gibbons, Assistant Director of Development Services
 Michelle Barron, Principal Planner
 Arbay Mberwa, Associate Planner
 Doug Exton, Associate Planner
 Amber Lewter, Hearing Specialist

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:

CU2023-0007 / Firefly Ranch, LLC – The applicant, Firefly Ranch LLC/Rebekah Kinghorn Bent, represented by Chris Bent, is requesting a Conditional Use Permit of approximately 10.14 acres in an Agricultural Zone for a Special Events Center to host weddings, birthdays and other events for a maximum of 250 people. The property is known as parcel R31801 and is addressed as 3614 Amity Ave, Nampa, ID, 83687. The property is located in the SW ¼ of Section 25, Township 3N Range 2W. This property is within the Area of City Impact for Nampa. It is serviced by individual wells and septic with city sewer and water stubbed at the nearby S. Queens Dr. The Special Events Center will be available to clients for 15 days a month. Scheduled hours are to be from 9am with events ending around 11pm and clean up to be finished before midnight. Clients provide their own food, tables, chairs, etc. Events will be serviced by porta-potties that will be brought in from local contractors. The applicant intends to have parking space for 60 vehicles.

On May 16, 2024 the Planning and Zoning Commission continued the case to a date certain of June 20, 2024.

Commissioner Villafana was absent on May 16, 2024. Commissioner Villafana stated he listened to the audio and read the minutes, he is comfortable moving forward.

Planner Michelle Barron reviewed the addendum for the Staff report for the record.

Commissioner Williamson asked about the condition for 15 working days a month on the original FCO's and not on the current ones. Planner Michelle Barron advised the condition is still in the current FCO's in condition 2.

Commissioner Nevill asked if the conditions clear all the County's building concerns. Planner Michelle Barron advised the applicant still needs to take care of those items and that is in condition 7.

Commissioner Sheets would like a modification to condition 8 stating if annexation is required by the City of Nampa it will not invalidate the CUP.

Commissioner Williamson stated he would like to hear from the applicant about the amplified sound time shutoff.

Commissioner Mathews stated with the property being in a residential area he agrees with the 9pm shutoff time.

MOTION: Commissioner Williamson moved to open public testimony for condition 2 and condition 11, seconded by Commissioner Sheets.

Roll call vote: 4 in favor, 2 opposed, motion passed.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Rebekah Bent (Applicant) – IN FAVOR – 3614 E Amity Ave, Nampa, ID 83687

Commissioner Williamson asked why Ms. Bent is asking for 11pm shutoff time for the amplified sound in a residential time. Ms. Bent stated she offers a discount for weddings on Thursdays and Sundays and would like them to have the same timeframe for music as those on Friday and Saturday nights.

Debbie Kinghorn – IN FAVOR – 3616 E Amity Ave, Nampa, ID 83687

Ms. Kinghorn advised she lives on the property and has never had an issue with noise or people interfering.

MOTION: Commissioner Nevill moved to close public testimony on Case CU2023-0007, seconded by Commissioner Sheets, voice vote, motion carried.

DELIBERATION:

Commissioner Nevill stated he supports the application as conditioned by the staff.

Commissioner Mathews stated he isn't in support of the application because it is an event center in the middle of residential.

MOTION: Commissioner Sheets moved to approve Case CU2023-0007 with an amendment to condition 8. Seconded by Commissioner Nevill.

Roll call vote: 4 in favor, 2 opposed, motion passed.

Item 1B:

Case No. CU2023-0004 – AgEquity: The applicant, Jeff Bower/Kristen McNeill representing AgEquity Holdings LLC, is requesting a conditional use permit to allow a Mineral Extraction – Long Term (proposed 3 years) use within an "A" (Agricultural) Zoning District on approximately 56 acres. The subject property is located at 14533 River Rd, Caldwell Parcels, on parcels R34667011 and R34668; also referenced as a

portion of the SW ¼ of Section 10, Township 4N, Range 3W; BM; Canyon County, Idaho.

On March 21, 2024 the Planning and Zoning Commission continued the case to a date certain of April 18, 2024.

On April 18, 2024 the Planning and Zoning Commission continued the case to a date uncertain.

Commissioner Williamson declared he drove past the property about a month ago.

Planner Michelle Barron reviewed the Staff report for the record.

Late exhibits were submitted after the deadline. One is a more detailed traffic study submitted by the applicant. The other is the updated bio memo.

Director of Development Services Sabrina Minshall explained the information provided by ITD and the options going forward for the Commissioners. A reminder was also made with the new ordinance, late exhibits are no longer accepted. Chairman Sturgill asked if the new conditions being proposed are in the Commissioners packets. Director of Development Services Sabrina Minshall advised they are in the addendum.

Commissioner Williamson asked who the easement is for in the future development plan and who is in charge of the different drains. Planner Michelle Barron stated discussion on the drains is related to the applicants phase two which is after the gravel operations.

Commissioner Nevill asked how the reclamation plan can be referred to as phase two if it hasn't been approved. Planner Michelle Barron explained the reclamation plan is part of the application and the process for Idaho Department of Lands process. The applicant would still have to go through the hearing process for approval to become residential. Commissioner Nevill asked the difference of floodplain and floodway. Planner Michelle Barron explained the difference on a Planners perspective.

Commissioner Mathews asked what the weight rating is for River Rd. Planner Michelle Barron stated she doesn't have that information.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Jeff Bower (Representative) – IN FAVOR – 101 W Bannock St, Boise, ID 83702

Mr. Bower stated the criteria that will be discussed is criteria 3, 4, and 7. He agrees with all of staff's recommended conditions with the exception of condition 9. Mr. Bower provided more detailed information for the irrigation facilities onsite. Onsite there are two District 2 facilities the East Hartley drain and the West Hartley drain, the extraction will go around the existing facilities. Mr. Bower went over the new site plan which includes a reduction of the area being mined and increased berming. Mr. Bower is willing to accept a condition to limit the depth of excavation to 35 feet, to limit crushing to certain areas, and only disturbing non-native pasture land. They are anticipating water when excavating so there will be pumping and a study shows they will not be disturbing ground water. Mr. Bower stated Canyon Highway District provided a comment letter concluding they will not degrade the level of service on River Rd or River Rd State Hwy 44 Intersection. ITD is requiring a center left turn lane that they have agreed upon. The sound engineer found that once they reach 900 ft from the crusher the noise level is 60 decibels. The

northern boundary doesn't reach the 900 ft setback so they will be doing additional berms that are 12 feet tall to mitigate the sound. The recreation plan is going to have two ponds that Mr. Bower feels will help support the wildlife long term.

Commissioner Nevill asked for clarification about Boise River Flood Control District's comment about how the water from the drains will be cleaner but during testimony it was mentioned no changes will be done to the drains. Mr. Bower explained the comment from Boise River Flood Control District is for phase two when they intend to move the Hartley drain to the southern boundary of the property which includes settlement basins. Commissioner Nevill asked if the people who manage the drain are in support of moving the drain. Mr. Bower stated that they are. Commissioner Nevill asked where the water will be pumped. Mr. Bower stated it will be pumped into the East Hartley drain. Commissioner Nevill asked if the Drain District has concerns over the additional water pumping into the drain. Mr. Bower stated that they do not have any concerns and offered a condition that states they have to have a written agreement with Water District 2.

Chairman Sturgill asked for clarification that they are requesting only to have a center turn late turning west. Mr. Bower stated that is correct.

Commissioner Williamson asked why the timeframe is for 2.5 years. Mr. Bower stated it is because of the feedback they got from the neighbors, they feel like they can achieve their goal in that timeframe. Commissioner Williamson asked what the noxious weed control plan is. Mr. Bower stated they will comply with all the County's regulations and offered a condition for the berms to be seeded with grass and fort mix. Commissioner Williamson asked how many trucks will be used daily. Mr. Bower stated on average there will be about 40-50 trucks daily. Commissioner Williamson asked how many trips that would be. Mr. Bowers stated that would be 80-100 trips. Mr. Williamson asked the weight rating on the existing crossing. Mr. Bowers stated the crossing would need to be approved and is currently working on a license agreement to do so. Commissioner Williamson asked if there is an existing easement through Kurtis Park. Mr. Bower stated that is an unofficial easement and is willing to formalize the agreement.

Commissioner Sheets asked what volume they will be pumping into the existing drain. Mr. Bower stated Mr. Kraft will be able to better answer but he knows there will be a drawdown period and once that is complete the pumping will be just in the daytime. Commissioner Sheets asked if they have had contact with the Core of Engineers and if there have been any issues with 402, 404 or wetland. Mr. Bowers stated they have walked the site with EPA and Core but most of it relates to phase 2, everyone appears to be satisfied. Commissioner Sheets asked the quality of material they want to excavate. Mr. Bowers stated Mr. Kraft would be better able to answer.

Commissioner Villafana asked with the combined noise of the trucks and crushers if they would exceed the 60 decibels. Mr. Bowers stated the sound engineer went to a fully functional site and recorded for about 8 hours to get the decibel reading that was 76 decibels at 146 feet. That is how he figured out how to get the decibels to 60. Certain areas will probably exceed the 60 decibels but not by much. The mobile crushers will be crushing about 30% of the time.

Commissioner Williamson asked for clarification on the sound if the ambient noise is 50 decibels then adding noise of trucks and crushers will be over 100 decibels. Mr. Bower stated commutatively it would not and provided more details. Commissioner Williamson asked if the sound engineer studied the sound going upward. Mr. Bower stated the sound engineer recognizes the surrounding houses are higher and suggested berming the surrounding pits.

Commissioner Mathews asked what the weight rating on River Rd is. Mr. Bower stated he isn't sure but Canyon Hwy District letter states it is a collector road, intended to withstand more traffic.

Chase Fuquay – IN FAVOR – 4520 W Koganei St, Boise, ID 83705

Mr. Fuquay stated he will be speaking in regards to the traffic. Mr. Fuquay stated in Spring of 2024, ITD reached out and a traffic assessment was conducted specifically to look at turn lane warrants and trip distribution report. An email in May of 2024 stating that ITD would not require the east bound right turn lane. They would require a west bound left turn lane. There was an analysis of the operation at the intersections of State Hwy 44 and River Rd and it showed that the traffic operations at the intersection meet ITD threshold of level of service.

Commissioner Nevill stated he doesn't agree with only a center turn lane even though that was all ITD is requiring and asked if an eastbound acceleration lane could be a condition. Mr. Fuquay stated that would need to be accessed. Commissioner Nevill asked what condition 9 should say. Mr. Fuquay stated the applicant agrees with ITD's recommendation of the left lane only.

Derek Kraft – IN FAVOR – 779 E State St, Eagle, ID 83616

Mr. Kraft addressed Commissioner Sheets questions in regards to pump volume and gravel quality. He stated the pump on their other wet sites are 50 horsepower and can do about 33 thousand gallons per minutes down to 30 feet which is what they are proposing to do. Mr. Kraft stated they had the gravel lab tested and it met ITD's specs for highway use and it tested well.

Commissioner Sheets asked what the volume is for the material available. Mr. Kraft stated in the 20 acres they are estimating 1.2 million tons of material available for extraction. Commissioner Sheets asked what the impact will be to the river from the drawback. Mr. Kraft stated Mr. Nygaard will be better able to answer.

Commissioner Nevill asked if the drainage control district if they are ok with that amount of water being pumped into their drain and would then go into the Boise River. Mr. Kraft stated that is his understanding.

Commissioner Sheets asked if the drainage system is lined or unlined. Mr. Kraft stated he believes it is unlined.

Commissioner Villafana asked if ITD has a huge need for gravel or do they have enough for their projects. Mr. Kraft stated there is a huge demand privately, County wide and State wide.

Commissioner Williamson asked if they are able to pull out that much material in 2.5 years. Mr. Kraft stated with the math they have done they believe it is possible.

Bob Hannah – IN FAVOR – 22499 Channel Rd, Caldwell, ID 83607

Mr. Hannah stated he is in favor because he likes the final proposed project. He is aware that noise is going to happen either now or later with more homes or the 12 they are proposing.

Chairman Sturgill asked if Mr. Hannah is aware of a contractual obligation that would prevent the final project becoming 50 homes. Mr. Hannah stated ones the lakes are built you can't fit 50 homes. Chairman Sturgill stated if the City of Middleton extends out there could be 50 homes. Mr. Hannah stated if that happens there will be opposition.

Jack Nygaard – IN FAVOR – 4507 Glimary Ct, Caldwell, ID 83607

Mr. Nygaard stated he works with Simon Inc, a local company that does soil and erosion control. Mr. Nygaard has worked with Premier for several other projects, he mostly helped them with MPDS permitting. It is related to storm water discharge and dewatering at a mining site. The MPDS lays out guidelines, his job is to ensure any storm water discharge that is leaving the site and going to the waters of the United States meets the standards. Mr. Nygaard stated that Simon Inc will ensure that the project is meeting the water quality standards.

Commissioner Sheets asked what the testing protocol is. Mr. Nygaard stated the standards that are set are related to the specific sector. This project is under sector J with specific requirements. They review the nitrate, nitrite, TMDL, E. coli, phosphate and total suspended solids. Commissioner Sheets asked what the testing frequency is. Mr. Nygaard advised it is quarterly testing.

Commissioner Nevill asked if one of the tests come back bad if they will shut down the operation. Mr. Nygaard advised he doesn't have the authority to shut them down but they have steps to take if the water quality isn't met.

Commissioner Sheets asked where the water will be measured. Mr. Nygaard stated the samples will be taken where the discharge is going into the water waste.

Paul Mann – IN FAVOR – 407 E Spruce, Caldwell, ID 83605

Mr. Mann stated he represents F.A.C.T.S. which is the foundation dedicated to Ada and Canyon Counties trail system. They were partially responsible for the Green Belt. Their mission is to have a trail system from Lucky Peak to the confluence of the Boise and Snake Rivers. Mr. Mann see's this as an opportunity to help make this happen by getting an easement to connect the parks in Caldwell to Curtis Park. Mr. Mann is asking when the project is in faze two there is a condition to put the easement in.

Chairman Sturgill asked if the current conditions have what Mr. Mann is asking for. Mr. Mann advised that the current conditions cover his wishes.

Patrick Naylor – IN NEUTRAL – 11308 W Hickory Loop Dr, Boise, ID 83713

Mr. Naylor is a hydrogeologist with Rocky Mountain Environmental Associates. He performed a study for potential impacts with the project and the findings were almost all the wells in the vicinity are drilled into an aquafer below the aquafer that would be affected by dewatering. Most of the wells are artisan wells so dewater will have little to no affect to them.

Commissioner Sheets asked if there is any information outside the area of well users and the possible pollution. Mr. Naylor advised the study didn't look at ground water contamination issues. Commissioner Sheets asked if there was an average well depth in the area. Mr. Naylor stated there were many variables but most were below a clay air in the area. Commissioner Sheets asked what the source of water is for those aquafers. Mr. Naylor stated the recharge occurs further east. Commissioner Sheets asked if there is any hydrological connection between the river and the dewatering. Mr. Naylor stated that is very likely. Commissioner Sheets asked if there will be any impact to the artisan wells water pressure. Mr. Naylor stated that it is possible but is beyond the scope of the study.

Commissioner Nevill asked if the upper confining layer is clay. Mr. Naylor confirmed it is mostly clay. Commissioner Nevill asked if 35 feet will impact the clay layer. Mr. Naylor stated it could but part of the study was to ensure there was enough clay underneath. Commissioner Nevill asked with unconsolidated sand and gravel if there is a potential for seepage from the river into the pits. Mr. Naylor advised that is

potential for that happening.

Carol Watkins – IN OPPOSITION – 14371 Salmon River Rd, Caldwell, ID

Ms. Watkins stated between River Road and Highway 44 there is a subdivision, turning left out of the subdivision is already difficult but with the extra trucks it will be impossible. Ms. Watkins stated ITD has not decided if they will be going to four lanes on Highway 44. There are kids that walk off the bus at the subdivision. Ms. Watkins reviewed people's names who are opposed to the project due to the wildlife in the area.

Commissioner Villafana asked if having the project be for 2.5 – 3 years help mitigate the traffic concern. Ms. Watkins stated it doesn't.

Commissioner Sheets asked how long it takes to take a right or left turn onto Highway 44. Ms. Watkins stated turning left is impossible.

Commissioner Nevill asked an approximate time that it takes to turn. Ms. Watkins stated about 20 minutes. Commissioner Nevill asked if there is a bus stop on River Rd. Ms. Watkins advised it is out by the road in front of the houses.

Scott Jarrow – IN OPPOSITION – 22304 Big Loop Way, Caldwell, ID 83607

Mr. Jarrow stated he would be covering CUP criteria 3 & 4 in regards to water. Mr. Jarrow stated Idaho state law for water contamination. There are over 100 private wells and a community well within a half mile of the proposed operation. In a similar gravel pit the excavation has exposed the aquifer which is Mr. Jarrow's concern. Mr. Jarrow stated according to Rocky Mountain Environmental Associates the affects of dewatering concludes they cannot ensure the aquifer is safe from contamination. Mr. Jarrows time ran out. He asked for an additional 2 minutes.

MOTION: Commissioner Nevill moved to give an additional 2 minutes of testimony time. Seconded by Commissioner Mathews. Voice vote, motion carried.

Mr. Jarrow continued testimony. Most of the residents in the area are on top of a cliff and their wells go down 150 – 200 feet. In the last 6 months the mining depth has moved 3 times.

Commissioner Williamson asked if the 35 feet maximum depth mitigate the concern. Mr. Jarrow stated there isn't a good reference point.

Commissioner Sheets asked if there is mitigation for contamination. Mr. Jarrow stated there is no mitigation.

Nancy Kurts – IN OPPOSITION – 22021 Rio Vista Dr, Caldwell, ID 83607

Ms. Kurts referenced exhibit D3 and D4. Showing the near proximity of residential housing to the proposed gravel pit and existing pits. Ms. Kurts stated the proposed gravel pit is going to negatively impact a number of residential housing. The home values will be decreased according to a study from Diane Height in 1996-1998. The residents will experience diminished air quality and respiratory hazards. Crystalline silica is a byproduct of gravel pits it is a known to increase the probability of lung cancer and numerous other health hazards. Another hazard is the potential contamination of potable water. The ground water can fill the pit creating stagnant water creating harmful bacteria and insects therefore can affect ground water quality. Ms. Kurts stated the pit will destruct the solitude of the area from the noise and create hearing damage from the increased decibals of noise from the canyon like area.

Commissioner Nevill asked the location of the cemetery. Ms. Kurts pointed out the cemetery on the screen.

Commissioner Williamson asked how the insects such as mosquitos are in the area. Ms. Kurts stated the mosquitos are thick.

Commissioner Nevill asked what the home values will do once the gravel pit is gone and 2 million-dollar homes go in. Ms. Kurts stated the values go up.

Dan Clark – IN OPPOSITION – 22020 Rio Vista Dr, Caldwell, ID 83607

Mr. Clark stated there is a possibility of an avalanche. There are loose rocks and he is concerned the vibration of the gravel pit will create an avalanche. Mr. Clark wonders if anyone has done a study on the rocks.

Amy VanManen – IN OPPOSITION – 22430 Rutledge Dr, Caldwell, ID 83607

Ms. VanManen lives on the cliff and the lower level is built into the cliff. In 2020 there was a 6.5 earthquake approximately 145 miles from the proposed gravel pit. The aftershock in her home was approximately 4.6, it caused cracks in the sheetrock. Ms. VanManen is concerned with the vibrations of the gravel pit and the effects to her house and is also concerned with the noise level because it echoes to her house on the cliff.

Renee Wardell – IN OPPOSITION – 22056 Rio Vista Dr, Caldwell, ID 83607

Ms. Wardell stated she will be discussing the magnesium chloride that the applicant is planning to use for dust control which addresses criteria 4. When using magnesium chloride goggles need to be worn, skin needs to be covered, and a respirator needs to be used. The health effects are eye and skin irritation, gastrointestinal irritation, raspatory track irritation, metal fume fever, increased white blood cell count and possible kidney damage. The EPA has deemed magnesium chloride safe but studies show different. It will affect the wildlife and the river. Ms. Wardell is concerned the water will not be safe.

Commissioner Sheets asked if magnesium chloride is used for deicing. Ms. Wardell confirmed that is what they put on the roads for deicing.

Chris Allgood – IN OPPOSITION – 1322 Wilson St, Caldwell, ID 83605

Mr. Allgood stated the area is not rural residential it is residential. The proposed gravel pit has rock walls around the property and it moves noise upwards where the homes on the cliff are. The noise will be significant on the neighbors and will ruin the quality of life.

Angela Clark – IN OPPOSITION – 22020 Rio Vista Dr, Caldwell, ID 83607

Ms. Clark is concerned with the cliff effect when it comes to the noise. The bird life and bats are sensitive to sound. Ms. Clark stated there is to many unknowns and it is concerning. She doesn't feel it is a proper use for the land.

Mike Freemeyers – IN OPPOSITION – 14482 Salmon River Rd, Caldwell, ID 83607

Mr. Freemeyers read the findings for criteria 4. Mr. Freeman agrees with the findings because the project will destroy the quality of life in the neighborhood by the number of truck loads coming in and out of the site each day, the noise, and the dust. Highway 44 is already bumper to bumper. Mr. Freemeyers doesn't believe the project meets the zoning laws.

Trevor Holladay – IN OPPOSITION – 22767 Channel Rd, Caldwell, ID 83607

Mr. Holladay stated he will be covering criteria 7. He moved to the area for the rural atmosphere in 2020, they walk to the park and there are no sidewalks in the area. Channel Road will be used to avoid River Road and, in some places, there is not enough of a side road to safely be walking.

Jeffrey Katz – IN OPPOSITION – 22681 River Rd, Caldwell, ID 83607

Mr. Katz is against the proposed gravel pit because of noise pollution, dust, wildlife interruption and flooding. Mr. Katz stated at the neighborhood meeting they proposed a 14 – 16 home development, it wasn't until they asked questions about the ponds that they found out about the gravel pit. Mr. Katz wonders if the cart is before the horse with approving the gravel pit before the subdivision. He is concerned after the gravel pit it will look like the remains of a gravel pit and not beautiful lakes as they propose. Mr. Katz is also concerned about the ground water and his basement getting flooded by the ground water getting raised in the area from the proposed project.

Commissioner Nevill asked if the West Hartley Drain is a regular drain in the County. Mr. Katz stated the West Hartley Drain is a spring fed stream that runs parallel to River Road and also fills from irrigation run off. They will be pumping into the East Hartley Drain and the flooding in his basement is from West Hartley Drain. His concern is if they put ponds on the property if those will make his basement flood.

Marta Rostock – IN OPPOSITION – 1421 Wilson St, Caldwell, ID 83605

Ms. Rostock stated she gets deer in her yard, watches geese nesting, and blue herons fishing all in a residential area. The area is unique with natural wildlife. Ms. Rostock doesn't want a gravel pit ruining the way of life in the area for the wildlife or the residents.

Mike Jensen – IN OPPOSITION – 14340 Salmon River Rd, Caldwell, ID 83607

Mr. Jensen stated he will focus on compliance and enforcement if the applicant gets approved. Mr. Jensen stated noise level mitigation, if there could be a condition that the pumps are electrical. The berms need to be specific in the condition. Mosquito Abatement Services measures need to occur during and post op operations and be a condition. Mr. Jensen would like to see specific details of what will happen after the gravel pit operation with and without development operations. Mr. Jensen offered several other conditions he would like to see. Once the conditions are made he would like a monthly maintenance to ensure compliance.

Dana Dobson – IN OPPOSITION – 22286 Rutledge Dr, Caldwell, ID 83607

Mr. Dobson stated the project is a nuisance that cannot be mitigated. Mr. Dobson stated there is too much risk to the neighbors on their wells.

Larry Ellkins – IN OPPOSITION – 22702 Clearwater Dr, Caldwell, ID 83607

Mr. Ellkins stated he isn't anti gravel pit he just doesn't think this is the right location for one. Mr. Ellkins stated that River Road is not made for the traffic that will be created from the proposed use. West bound traffic hasn't been mitigated. Mr. Ellkins believes the berms are a minimal mitigation for the noise and doesn't think the noise can be fully mitigated.

Kamal Boksmati – IN OPPOSITION – 22136 Rio Vista Dr, Caldwell, ID 83607

Mr. Boksmati stated he moved to the area 7 months ago, he bought the house for the view. The view looks out to the river and you can see the proposed gravel pit. Mr. Boksmati stated his backyard is like watching National Geographic and having a gravel pit will ruin that for him and his family.

G.W. Morman – IN OPPOSITION – 22142 Jeanne Dr, Caldwell, ID 83607

Mr. Morman stated almost everyone on his street is retired and a lot of them have medical issues. Mr. Morman is concerned that any of them could get lung cancer from breathing in the silicates.

Heidi Brace – IN OPPOSITION – 22967 River Rd, Caldwell, ID 83607

Ms. Brace stated she will be addressing criteria 7. She works from home and beats emergency services to the accidents that happen on the corner of River Road and Highway 44 which occur about once a month. Ms. Brace doesn't believe the road can handle semis. Putting a left turn lane will be taking someone else's property away. Ms. Brace is concerned about the debris from the trucks and the noise from Jake breaks.

Commissioner Nevill asked if they go to four lanes on Highway 44 if they will get that by eminent domain. Ms. Brace stated if they go to four lanes they will be losing about 10 feet of property. Commissioner Nevill asked what would happen if they put in an accelerated east lane, west lane and a center turn late. Ms. Brace believes that would be more property taken.

Commissioner Sheets asked during the rush hour times what kind of traffic does she observe going northbound on Highway 44. Ms. Brace stated approximately 5-6 cars waiting to turn left and they will sit for a long time.

Marcial Morman – IN OPPOSITION – 22142 Jeanne Dr, Caldwell, ID 83607

Ms. Morman stated she is pro-business but believes they should be friendly to their neighbors. Ms. Morman believes this would be a great business located elsewhere, not in the middle of a residential area. The area is residential with a little agricultural and the project doesn't fit the area. Ms. Morman is concerned with the noise the project will produce.

Michael Mitchell – IN OPPOSITION – 22701 Channel Rd, Caldwell, ID 83607

Mr. Mitchell stated they will need to remove two power poles to put the proposed mining area in. Well 6 has a static water level of 82 if you minus the 72 feet that will give only 10 feet of water level. Mr. Mitchell stated the 2030 comp plan states gravel pits should mitigate adverse land uses in surrounding area Mr. Mitchell doesn't believe the proposed use is mitigating the adverse effects.

Charlene McDonald – IN OPPOSITION – 23236 Stone Lane, Caldwell, ID 83607

Ms. McDonald stated it is horrible trying to get onto Highway 44 going east. Ms. McDonald doesn't believe they will be able to get onto Highway 44 if there is additional traffic from the proposed use. Ms. McDonald is concerned with the noise that would be added from the gravel pit. She does not believe these things can be mitigated.

Jeff Bower (Representative) – REBUTTAL – 101 W Bannock St, Boise, ID 83702

Mr. Bower stated they are not disturbing any tree areas only pasture land. Fish and game commented that they didn't anticipate any adverse impact on native fish, wildlife or habitat. Mr. Bower stated River Road is about 2400 feet between the site and Highway 44. Mr. Bower read a comment from Rocky Mountain. The studies consistently showed for 45 feet drilling depth based upon the water study they are now asking for 35 feet to safely avoid the confined layer. The home values around the park in Boise they count it as a feature to make the value higher. They are expecting a low level of dust but will meet all of IDQ's standards. They are willing to take a condition stating they will not use any magnesium chloride, they will onsite water for dust mitigation. They are not anticipating any vibrations because they are not doing any blasting. Mr. Bower is willing to have a no crushing condition during the summer months June – August while the neighbors are mostly outside enjoying the outdoors. The neighbors have property

rights to enjoy their property and they have property rights to extract the gravel in the most responsible way possible. Mr. Bowers stated he would like to be in front of the Commission asking for the Gravel Pit and reclamation plan but that isn't possible due to how the code works. When it comes to the floodplain they will be going through the engineering process and that will determine if they have upstream or downstream of flows. They agree to recommendations from the Commission and any restrictions they have to make the project go forward. They are willing to have a condition for electric pumping. Staff has a condition for covered loads. Canyon Highway District requires an improvement to the access which is to be paved, widened and the radius improved, Mr. Bower believes this will help with the track out. The traffic impact analysis requires turn lanes for both right and left today without the project the conclusion though was the project does not change the level of service at the intersection. They don't have answers for the right of way but they are willing to get the answers.

Commissioner Nevill asked if the CUP is denied what is the owner's intent for the land. Mr. Bower stated he doesn't know the answer to that question. He does know it isn't Ag land anymore and it is developable land.

Commissioner Mathews asked how long the current owners have owned the property. Mr. Bower stated 2 years.

Chairman Sturgill asked if the property has to be developed why were they shown pictures of parks. Mr. Bower stated the concept plan showed pictures of lakes with 12-15 private lots. Chairman Sturgill asked if the project pencils out if they have to do a westbound and eastbound acceleration lane. Mr. Bower advised it does not but they haven't studied it.

Commissioner Williamson asked if the 35-foot depth impacts the reclamation plan. Mr. Bower advised it doesn't change the reclamation plan.

Commissioner Sheets asked if the client would be willing to use alternatives to back up beepers. Mr. Bower stated on condition 6 that is covered stating they will use white noise alarms. Commissioner Sheets asked if they will be able to mine everything in 2.5 years. Mr. Bower stated they believe they can but if there is some left they cannot ask for an extension.

Commissioner Nevill reviewed conditions that may be added asking Mr. Bower if he was ok with them. Mr. Bower was fine with all the additional proposed conditions.

Chairman Sturgill asked how precise the depth of the pits are and if they can be regulated. Mr. Bower stated the area is pretty flat but is open to options.

MOTION: Commissioner Nevill moved to close public testimony on Case CU2023-0004, seconded by Commissioner Williamson, voice vote, motion carried.

DELIBERATION:

Commissioner Nevill stated he doesn't support the application and supports Staff's recommendation. He would amend Finding 3 with the new information regarding the biological review. Finding 4 and 7 is the biggest issue, the roads are inadequate for the project.

Commissioner Villafana stated he believes it could be mitigated but adding the second turn lane would be too costly for the applicant and what probably needs to be done is a light. He believes it is an incompatible use for the area that cannot be fully mitigated so agrees with Commissioner Nevill.

Commissioner Sheets stated criteria 7 cannot be mitigated because of the traffic impact. What needs to be done is to large of a burden for the applicant and it is already an overcrowded road. Commissioner Sheets stated the project could be approved once there is an infrastructure is in place to mitigate the traffic impact.

Commissioner Mathews stated access for emergency services getting in and out of River Road would be a potential problem, under criteria 7.

Commissioner Nevill stated Criteria 4, the project would be injurious to the character of the area and is satisfied with what Staff has with the exception of adding the biological review. Criteria 3 needs to be acknowledged there is a biological review.

Commissioner Mathews stated the noise is more than backup beepers. Commissioner Mathews doesn't believe the noise can be mitigated.

Commissioner Williamson stated emergency services would be under criteria 8.

Commissioner Sheets stated Criteria 4 is surrounded by residential property and cannot be adequately conditioned to meet the residential standards.

Commissioner Nevill stated with the noise the gravel pit is incompatible in the middle of a residential area. He believes large lot residential is more compatible.

Commissioner Williamson stated in regards to Criteria 2, the nature of the request is not better than doing a rezone.

MOTION: Commissioner Nevill moved to deny Case CU2023-0004 with the revised findings for Criteria 3, 4, 7, and 8. Seconded by Commissioner Mathews.

Roll call vote: 6 in favor, 0 opposed, motion passed.

ACTION ITEM – APPROVAL OF MINUTES

MOTION: Commissioner Sheets moved to approve June 6, 2024 minutes. Seconded by Commissioner Williamson. Commissioner Mathews and Commissioner Nevill recused themselves due to being absent. Voice vote, motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Chairman Sturgill stated the Board of County Commissioners complimented the findings on the Farmington case.

Commissioner Sheets complimented the redline version of FCO's.

ADJOURNMENT:

MOTION: Commissioner Williamson moved to adjourn, seconded by Commissioner Sheets. Voice vote, motion carried. Hearing adjourned at 12:02 AM.

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

Approved this 1st day of August, 2024

A handwritten signature in blue ink, appearing to read "BS", is written above a horizontal line.

Brian Sheets, Acting Chairman

ATTEST

A handwritten signature in black ink, appearing to read "Amber Lewter", is written above a horizontal line.

Amber Lewter – Hearing Specialist