



Planning and Zoning Commission
Hearing Date: January 16, 2025
Canyon County Development Services Department

PLANNING DIVISION STAFF REPORT

CASE NUMER: CU2023-0019

APPLICANT/REPRESENTATIVE: Nampa Paving – Randy Wood & Danny Bower/
Alan Mills

PROPERTY OWNER: Mianco Limited Partnership

APPLICATION: Conditional use permit to allow mineral extraction (long-term)
on parcels R35938 and R35939.

LOCATION: The subject properties are adjacent to 23596 Notus Road,
Caldwell, also referenced as a portion of the NE quarter of
Section 03, T4N, R4W, and a portion of the SW quarter of
Section 02, T4N, R4W, BM, Canyon County, Idaho.

ANALYST: Dan Lister, Principal Planner

REVIEWED BY: Carl Anderson, Planning Supervisor

REQUEST:

The applicant, Nampa Paving, requests a conditional use permit to allow mineral extraction (long-term) on parcels R35938 and R35939. The use includes excavation, staging, access, and stockpiling in three phases disturbing approximately 104 acres. The request is for a duration of 15 years. See ***Exhibit A*** for more details.

PUBLIC NOTIFICATION:

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| Neighborhood meeting conducted on: | April 11, 2023 |
| Neighbor notification within 1,000 feet was mailed on: | December 17, 2024 |
| Newspaper notice published on: | December 17, 2024 |
| Notice posted on-site on: | December 17, 2024 |

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1. BACKGROUND:

Parcel R35938, approximately 95.6 acres, and Parcel R35939, approximately 83.8 acres, are original parcels (CCCO §07-02-03). The parcels are in agricultural production (cattle) and do not have dwellings or accessory structures (Exhibits A.2, B.2a, and C).

2. HEARING BODY ACTION:

Pursuant to Canyon County Code of Ordinance (CCCO) Article §07-07-01 every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance, or other detriments to persons or property in the vicinity. The commission may require higher standards of site development than those listed specifically in this chapter in order to assure that the proposed use will be compatible with other property and uses in the vicinity. The commission may revoke or modify its approval of a conditional use permit in accordance with the procedures set forth in the hearing and appeals procedures found in Article 5 of this chapter.

The Commission may attach special conditions to a conditional use permit including, but not limited to, conditions which: (1) Minimize adverse impacts, such as damage, hazard, and nuisance, to persons or the subject property or property in the vicinity; (2) Control the sequence and timing of development; (3) Control the duration of development; (4) Designate the exact location and nature of development; (5) Require the provision for on-site or off-site public facilities or services; (6) Require more restrictive standards than those generally required in this chapter; or (7) Mitigate the negative impacts of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the county (CCCO §07-07-17).

Prior to making a decision concerning a conditional use permit request, the presiding party may require studies at the applicant's expense of the social, economic, fiscal, and environmental effects of the proposed conditional use (CCCO §07-07-19).

OPTIONAL MOTIONS:

Approval of the Application: "I move to approve for Case No. CU2023-0019, Nampa Paving, finding the application **does** meet the criteria for approval under Article §07-07-05 of the Canyon County Code of Ordinances, **with the conditions listed in the staff report, finding that;** [*Cite reasons for approval & Insert any additional conditions of approval*].

Denial of the Application: "I move to deny Case No. CU2023-0019, Nampa Paving, finding the application **does not** meet the criteria for approval under Article §07-07-05 of the Canyon County Code of Ordinances, **finding that** [*cite findings for denial based on the express standards outlined in the criteria & the actions, if any, the applicant could take to obtain approval (ref.ID.67-6519(5))*].

Table the Application: "I move to continue Case No. CU2023-0019, Nampa Paving, to a [*date certain or uncertain*]

3. HEARING CRITERIA:

Table 1. Conditional Use Permit Review Criteria Analysis

| HEARING CRITERIA (CCCO §07-07-05): The presiding party shall consider each conditional use permit application by finding adequate evidence to answer the following questions in its FCOs: | | | | |
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| Compliant | | | County Ordinance and Staff Review | |
| Yes | No | N/A | Code Section | Analysis |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | §07-07-05(1) | Is the proposed use permitted in the zone by conditional use permit? |
| | | | Staff Analysis | The proposed use, mineral extraction (long term), is permitted in the "A" (Agricultural) zone subject to conditional use permit approval pursuant to CCZO §07-10-27. According to CCZO §07-02-03, mineral extraction is "the various activities associated with the extraction of mineral resources, including, but not limited to, gravel, from the ground." |

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| | | | | Per CCZO §07-07-03, the applicant submitted a conditional use permit application on September 6, 2023 (Exhibit A). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | §07-07-05(2) | What is the nature of the request? |
| | | | Staff Analysis | <p>Per Exhibit A.2 and A.7, the nature of the request consists of operating a sand and gravel pit on approximately 104 acres on Parcel R35938, approximately 95.66 acres, and R35939, approximately 83.85 acres. The request is for a duration of 15 years. Processing activities at the site will include crushing and sorting of mined gravel material. Stockpile locations are shown on the proposed site plan (Exhibit A.2 & A.7). A batch plant is not requested at this time.</p> <p>Gravel pits will be excavated in three phases. Until excavated, the ground will continue to be used as pastureland for cattle. Berms are proposed surrounding the mineable areas. A 50' setback is proposed along the property boundaries. The gravel pit and operation are designed to ensure the delineated floodway is not disturbed (Exhibit A.2).</p> <p>Notus Road and Boise River Road will serve as access roads for the operation. The pit access point will be directly east of Boise River Road (Exhibit A.2).</p> <p>Operational hours will be from 7 AM to 7 PM, Monday through Saturday. Occasionally, there will be the need to operate the aggregate pit with successive shifts to maintain operations for 24 hours for several days. Crushing of gravel will not occur after 7 PM or before 7 AM (Exhibit A.2 & A.7).</p> <p>The request will include 15 employees during peak operations. Parking locations are delineated on the proposed site plan (Exhibit A.2 & A.7).</p> <p>The reclamation plan approved by the Idaho Department of Lands proposes the gravel pits be reclaimed into ponds with access points with boat access and beaches (Exhibit A.2 & A.7).</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | §07-07-05(3) | Is the proposed use consistent with the comprehensive plan; |
| | | | Staff Analysis | <p>As conditioned, the proposed use is consistent with the 2030 Canyon County Comprehensive Plan.</p> <p>The 2030 Canyon County Comprehensive Plan designated the subject parcels as "agriculture" on the Future Land Use map (Exhibit B.2c).</p> <p>The subject parcels are located in the Notus Area of City Impact. The city does not have a future land use designation (Exhibit B.2d). The parcels are near the City of Greenleaf Area of City Impact where future residential development is designated (Exhibit B.2e).</p> <p>With recommended conditions, the request aligns with the following goals and policies of the 2030 Canyon County Comprehensive Plan:</p> <ul style="list-style-type: none"> • <u>Property Rights G1.01.00</u>: "Protect the integrity of individual property rights while safeguarding public health, safety, and welfare." • <u>Property Rights G1.02.00</u>: "Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, |

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| | | | | <p>maintain it in good condition, and preserve it for future generations without becoming a public nuisance.”</p> <ul style="list-style-type: none"> • <u>Population G2.02.00</u>: “Promote housing, business, and service types needed to meet the demand of the future and existing population.” • <u>Economic Development G3.01.00</u>: “Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.” • <u>Economic Development P3.01.02</u>: “Support suitable sites for economic growth and expansion compatible with the surrounding area.” • <u>Economic Development G3.05.00</u>: “Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.” • <u>Land Use P4.02.01</u>: “Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.” • <u>Land Use P4.03.03</u>: “Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and some instances may require conditions of approval to promote compatibility.” • <u>Natural Resources P5.01.01</u>: Protect and enhance waterways, groundwater, wetlands, wildlife habitat, air, soils, and other natural resources. • <u>Natural Resources G5.02.00</u>: “Recognize the importance of air quality and address air pollution in accordance with applicable regulations.” • <u>Natural Resources G5.03.00</u>: “Support the conservation of productive mineral lands and discourage incompatible uses upon or adjacent to these lands.” • <u>Natural Resources P5.03.01</u>: “Sand and gravel mining operations should be located to avoid adverse impacts on the river channel and promote compatibility with adjacent uses.” • <u>Natural Resources G5.07.00</u>: “Protect the quality and quantity of aquifers and protect and enhance the capability of groundwater.” recharge areas for the present and future water supply of the County.” • <u>Agriculture P12.01.02</u>: “Encourage non-agricultural related development to the cities, areas of city impact, and other clearly defined and planned development areas.” <p><i>See all case analyses within this report for supporting evidence. See Section 6 of this report for recommended conditions of approval.</i></p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | §07-07-05(4) | Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area? |
| | | | Staff Analysis | As conditioned, the proposed use will not be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area. |

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| | | | <p>The subject parcels are used for grazing (Exhibit A.2). The properties consist of moderate to least-suited soils. Least-suited soils make up 57% of the ground. Approximately 87% is considered prime farmland if irrigated and drained (Exhibit B.2i). Mineral extraction will be completed in three phases. Areas not being mined will remain in agricultural use (Exhibit A.2).</p> <p>The area surrounding the subject parcels consists of existing mineral extraction uses (Exhibit B.2j). East of the subject parcels are parcels currently in agricultural use, approximately 150 acres, owned by Clements Concrete Company with portions approved for mineral extraction use (CU2009-11, Exhibit B.3c). West of Notus Road is approximately 150 acres in agricultural use owned by Wood Family Trust adjacent to many parcels owned by Sunroc Corporation approved for mineral extraction use.</p> <p>To the north is HWY 20-26 and the City of Notus where industrial and agricultural uses are promoted (Exhibit B.2d). No comment was received from the City of Notus.</p> <p>To the south are approved mineral extraction uses:</p> <ul style="list-style-type: none"> - <u>Burch Co. LLC – CU2019-0013 (Exhibit B.3d): Parcel R35942010.</u> <ul style="list-style-type: none"> o 30-foot undisturbed perimeter; 50-feet adjacent to R35942. o No stockpiling or berms to be placed within 300 feet of the western boundary of Ode Lane. o Monday through Saturday, 7 AM to 6 PM. No 24-hour operations. o Landscape buffer to provide a visual buffer consisting of a row of hybrid poplars or fast-growing deciduous trees and a row of evergreens to be planted in an offset pattern along the property boundaries along roads. o Crushing must remain 400 feet from Parcel R35942. - <u>Sutro Corp/Canyon Highway District – CU2005-62 (Exhibit B.3a): Parcels R35944 & R35935.</u> <ul style="list-style-type: none"> o Crusher must be no less than 600 feet from the nearest existing dwelling. o Operation hours: 7 AM to 6 PM Monday through Friday (exempted for emergencies). o Stockpiling not to exceed 30 feet in height. o Landscaping buffer area providing a visual barrier along Notus and Dixie River roads. - <u>Clements Concrete Co. – CU2009-11 (Exhibit B.3c): Parcels R36033, R35933, R35931, R35929, R35930, R35932, and R35934.</u> <ul style="list-style-type: none"> o 600-foot landscape buffer up to center pint ditch. Landscaping includes deciduous and evergreen trees with a minimum of 10-foot spacing. o 20-foot buffer from irrigation canals and drains. |
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| | | | | <ul style="list-style-type: none"> ○ Monday through Saturday, 5 AM to 7 PM. Crusher: Monday through Friday, 7 am to 5 pm. Saturdays only retail and deliveries 7 am through 12 noon. 24/7 only to respond to a public/private agency emergency. - <u>Summit, Clements and Mikes – CU2006-97 (Exhibit B.3b): Parcels R36053 & R36032.</u> <ul style="list-style-type: none"> ○ Topsoil berm or landscape buffer (30’ wide/10’ tall). ○ 20’ wide irrigation/drainage buffer. ○ Monday through Saturday, 5 AM to 7 PM. Crusher: Monday through Friday, 7 am to 5 pm. Saturdays only retail and deliveries 7 am through 12 noon. 24/7 only to respond to a public/private agency emergency. <p>Proposed conditions of approval include hours of operations, landscape buffer, location of crusher from the existing dwelling, and irrigation facilities buffer to ensure consistency with the other approved mineral extraction uses in the area (Exhibit B.3). <i>See Section 6 of this report for recommended conditions of approval.</i></p> <p>Parcel R35941010 (Plain Property, Exhibit B.2.b) is a 7.66 parcel surrounded by the subject properties on three sides. The applicant proposes a 50-foot setback from the property boundary (Exhibit A.2). No comment was received from the property owner. Similar to other mineral extraction uses approved in the area (Exhibit B.3), conditions are included to add a landscape buffer, and the crusher is located at least 500 feet from the dwelling to ensure impacts are minimized. <i>See Conditions No. 4 & 5 in Section 6 of this report.</i></p> <p>The City of Greenleaf Area of City Impact boundary is located south of the subject parcel where future residential development is designated (Exhibit B.2e). The nearest dwelling is located on Parcel R35939010 (Exhibit B.2b & C). Based on the number of existing mineral extraction uses (Exhibit B.2j) and current household forecasts (Exhibit B.2l), residential growth is currently not anticipated. The reclamation plan proposes the gravel pits be reclaimed into ponds with access points with boat access and beaches (Exhibit A.2 & A.7).</p> <p>The parcel is located in an “AE” Flood Zone with a Floodway designation due to the parcel abutting the Boise River (Exhibits D.2, D.4, and D.5). Flood District #11 submitted a comment letter not in favor of the request until a flood study is completed to ensure the risk of creating pit capture is minimized and the use is designed to allow waters to drain back into the Boise River (Exhibit D.5).</p> <p>The applicant will not conduct any operations or extraction within the regulated floodway (Exhibit A.2, A.7 & A.10). The applicant submitted a floodplain assessment prepared by QRS Consulting (Exhibit A.10). A floodplain development permit, DP2023-0025, has been submitted (Exhibit A.9). The assessment uses topography maps and hydraulic models of the Boise River developed by the US Army Corp of Engineers to demonstrate the</p> |
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| | | | | <p>project is located entirely outside of the regulatory floodway and pit capture risks can be mitigated during site development.</p> <p>As requested by the DSD Floodplain Administrator, conditions of approval include a no-rise certificate, permits, and environmental assessment to be completed prior to the commencement of use (Exhibit D.4). <i>See Section 6 of this report for associated conditions of approval.</i></p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | §07-07-05(5) | <p>Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?</p> |
| | | | Staff Analysis | <p>The project will have adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems to accommodate the proposed use based on the analysis contained herein.</p> <p><u>Water</u>: No well is proposed; no discernable need (Exhibit A.3).</p> <p><u>Sewer</u>: Using portable toilets (Exhibit A.3). Southwest District Health is unaware of any potential impacts on groundwater quality and/or surface water from the proposed use (Exhibit D.1). The properties are not located in a nitrate priority area (Exhibit B.2k).</p> <p><u>Irrigation</u>: The properties have gravity irrigation served by surface water rights that come from the north drain, lower center point canal, and Boise River (Exhibit A.3). No comments were received from the Upper Center Point Ditch Company or Lower Center Point Ditch Company. Conditions have been included to ensure irrigation facilities are protected and any alterations include approval by the local jurisdiction. <i>See Conditions 1 & 7 in Section 6 of this report.</i></p> <p><u>Drainage/Stormwater</u>: Groundwater is between 12 and 36 inches below ground surface. Gravel is located between 5 and 30 feet below the surface. The high groundwater will result in little dust generation. Excavation will require dewatering. Dewatering will be discharged into existing unnamed ditches that do not discharge into the Boise River (Exhibit A.2). Stormwater will either be retained on-site or discharged into existing unnamed ditches (Exhibit A.3). A SWPPP will be completed per DEQ requirements (Exhibit A.2 & A.7). <i>See Conditions 1, 2, 6 & 7 in Section 6 of this report.</i></p> <p>Approximately 7.6 acres of the subject parcel has been dedicated to Drainage District No. 6 (Inst. No. 777609). No comments were received from Drainage District No. 6.</p> <p><u>Utilities</u>: Powerlines exist along Notus Road (Exhibit C). The applicant would work with Idaho Power for access and use of the service, if necessary.</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | §07-07-05(6) | <p>Does legal access to the subject property for the development exist or will it exist at the time of development?</p> |
| | | | Staff Analysis | <p>The subject properties do have legal access for the current agricultural use. Access approved by the local highway district will exist prior to the commencement of use.</p> <p>Golden Gate Highway District #3 (GGHD) finds existing access appears to be from residential access located approximately 675 feet south of the Boise</p> |

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| | | | | River Road/Notus Road intersection and proposed access is located directly across from Boise River Road (Exhibit D.3). Before the commencement of use, an approach permit is required and subject to access requirements standards. Access location shall comply with driveway spacing policies. A variance permit is required for access since direct access onto a minor arterial (Notus Road) is not allowed. <i>See Condition No. 9 in Section 6 of this report.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | §07-07-05(7) | Will there be undue interference with existing or future traffic patterns? |
| | | | Staff Analysis | <p>Golden Gate Highway District #3 (GGHD) states Section 3110 Traffic Impact Studies of the ACCHD Standards warrants a Traffic Impact Study (TIS) for rural developments if the Peak Hour Trips and Average Annual Daily Trips exceed 50 and 500, respectively. Expected traffic volume information was not provided by the applicant. Therefore, is unknown if a TIS is warranted (Exhibit D.3).</p> <p>The applicant is working on completing a TIS, but it will not be completed and reviewed by the time of the hearing (Exhibit A.11). As a condition of approval, expected traffic volumes must be provided to GGHD prior to commencement of use. If a TIS is required, the use may not commence until the study is completed, reviewed, and approved by GGHD. If any improvements or mitigation measures are required, the applicant will work with GGHD on the method and timing of the improvement/mitigation measure. <i>See Condition No. 10 in Section 6 of this report.</i></p> <p>Idaho Transportation Department has no comments or concerns regarding the request (Exhibit D.6).</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | §07-07-05(8) | Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use? |
| | | | Staff Analysis | <p>Essential services are not anticipated to be impacted by the requested use.</p> <p><u>School</u>: The parcels are served by the Vallivue School District. The nearest school, Rivervue Middle School, is located approximately miles 1.45 miles southeast of the request. No comments were received from the school district.</p> <p><u>Police</u>: The property is served by the Canyon County Sheriff's Department. No comment was received.</p> <p><u>Fire</u>: Caldwell Rural Fire District serves the property. The applicant received an acknowledgment review from the district prior to the application submittal (Exhibit A.4). No comment was received.</p> <p><u>Emergency Medical Services</u>: Canyon County Ambulance/EMT serves the area. No comments were received.</p> <p><u>Irrigation Facilities</u>: Upper Center Point Ditch, Farmers Cooperative Ditch Company, Lower Centerpoint Ditch Company, and Drainage District #6 have facilities in the area that serve the parcel. No comments were received.</p> |

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| | | | Potential impacts to essential services such as adequate access, traffic impacts, and impacts to irrigation/drainage facilities are addressed via conditions of approval. <i>See Section 6 of this report for recommended conditions of approval.</i> |
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**Table 2. Article 14 - Use Standards Criteria Analysis
- Mineral Extraction (Long Term) -**

| USE STANDARDS CCCO §07-14-03(1)): The provisions of this article apply to all properties where a use is listed as an allowed use, a conditional use, or a director's decision in section 07-10-27 of this chapter (land use matrix). | | | | |
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| Compliant | | | County Ordinance and Staff Review | |
| Yes | No | N/A | Code Section | Analysis |
| §07-14-19(1)A.2 When making a decision for a conditional use permit for the use, the decision-making body shall consider the following: | | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | §07-14-19(1)A.2(A) | The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses; |
| | | | Staff Analysis | The area surrounding the subject parcels consists of existing or future mineral extraction or similar operations (Exhibit B.2j). <i>See Table 1, Criteria 07-07-05(4) for supporting evidence.</i> For consistency with other approved mineral extraction uses within the area (Exhibit B.3), conditions regarding the placement of the crusher, landscaping, stockpile height maximum, buffer from drainage ditches, and emergency hours of operation have been included. <i>See Section 6 of this report for all recommended conditions of approval.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | §07-14-19(1)A.2(B) | Duration of the proposed use; |
| | | | Staff Analysis | The duration is not to exceed 15 years from the conditional use permit approval (Exhibit A.2). <i>See Condition No. 2a in Section 6 of this report.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | §07-14-19(1)A.2(C) | Setbacks from surrounding uses; |
| | | | Staff Analysis | A 50' setback is proposed along the property boundaries. The gravel pit and operation are designed to ensure the delineated floodway is not disturbed (Exhibit A.2). <i>See Condition No. 2b in Section 6 of this report.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | §07-14-19(1)A.2(D) | Reclamation plan as approved by Idaho Department of Lands; |
| | | | Staff Analysis | A reclamation plan was approved by the Idaho Department of Lands on August 23, 2023 subject to conditions (Plan No. S603006, Exhibit A.7). <i>See Condition No. 6 in Section 6 of this report.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | §07-14-19(1)A.2(E) | The locations of all proposed pits and any accessory uses; and |
| | | | Staff Analysis | See Exhibits A.2 & A.7 for pit and accessory use locations. <i>See Conditions No. 2 & 6 in Section 6 of this report.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | §07-14-19(1)A.2(F) | Recommendations from applicable government agencies. |
| | | | Staff Analysis | <ul style="list-style-type: none"> • Flood Study/Floodplain Development Permit requirement (Exhibits D.2, D.4 & D.5). <ul style="list-style-type: none"> ○ Floodplain Development Permit submitted (DP2023-0025, Exhibit A.9). ○ Flood Study prepared on December 23, 2024 (Exhibit A.10). <i>See Condition No. 8 in Section 6 of this report.</i> • Permit approval from IDWR, Army Corp of Engineers, and DEQ (Exhibit D.2 & D.4 & D.5). |

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| | | | <ul style="list-style-type: none"> ○ See Conditions No. 1 & 8 in Section 6 of this report. • Traffic and access study/permit (Exhibit D.3). ○ See Conditions No. 9 & 10 in Section 6 of this report. |
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**Table 3. Chapter 09, Article 13 – Area of City Impact Agreement
- City of Notus -**

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| CCCO §09-13-07: There is hereby adopted for the purposes of complying with Idaho Code section 67-6526(a) the Ordinance codified in this Article, which provides for the application of the latest edition of the Canyon County Comprehensive Plan as duly enacted and adopted and amended by the County Commissioners, and Chapter 7 of this Code, to the area of impact of the City of Notus within the unincorporated area of the County, until a new comprehensive plan and/or zoning ordinance has been duly adopted in accordance with the provisions of a joint exercise of power agreement impact area City of Notus/County of Canyon. <u>Until the joint exercise of power agreement is adopted and operational, the County shall direct copies of all applications coming before it, pursuant to the Local Planning Act of 1975 and Chapter 7 of this Code concerning property located in the area of City impact of Notus, for the City of Notus' input on the application and shall give such input due consideration; and after the adoption of the joint exercise of power agreement and the same becomes operational, then the provisions of that agreement shall govern this process.</u> | | | | |
| Compliant | | | County Ordinance and Staff Review | |
| Yes | No | N/A | Code Section | Analysis |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | §09-13-07 | Direct copies of all applications concerning property located in the area of City impact of Notus for the City of Notus' input on the application and shall give such input due consideration. |
| | | | Staff Analysis | <p>The subject parcels are located in the Notus Area of City Impact (Exhibit B.2d).</p> <p>Prior to the submittal of the conditional use permit application on September 6, 2023, the applicant completed an Agency Acknowledgment Form with the City of Notus on August 29, 2023 (Exhibit A.4).</p> <p>The City of Notus was provided a copy of the application on July 17, 2024, per Idaho Code §67-6512 and CCCO §07-05-01. The City of Notus was notified of the public hearing on December 13, 2024. No comment was received from the City of Notus.</p> |

4. AGENCY COMMENTS:

Agencies including the Canyon County Sheriff's Office, Canyon County Paramedics/EMT, Emergency Management Coordinator, Caldwell Fire Protection District, State Fire Marshall, Farmer Cooperative Ditch Co., Lower Center Point Irrigation Co., Golden-Gate Highway District No. 3, Vallivue School District, Idaho Transportation Department, Army Corp of Engineers, Natural Resource Conservation District, Idaho Power, Intermountain Gas, CenturyLink, Ziply, Canyon County Historic Preservation, Canyon County Assessor's Office, Canyon Soils Conservation District, Canyon County Building Department, Canyon County Engineering Department, Idaho Department of Environmental Quality, Environmental Protection Agency, FEMA, Idaho Department of Water Resources (Water Rights), Idaho Department of Water Resources (State Floodplain Coordinator), Idaho Fish and Game, Idaho State Department of Agriculture, Department of Lands, Energy and Mineral Resources, Flood District #10, Flood District #11, Drainage District #6, Southwest District Health, and the City of Notus were notified of the subject application.

Staff received agency comments from Southwest District Health, Idaho Transportation Department, Flood District #11, DSD Engineering Department, Idaho Department of Water Resources (State Floodplain

Coordinator), and Golden-Gate Highway District #3. All agency comments received by the aforementioned materials deadline are located in **Exhibit D**.

Pursuant to Canyon County Code of Ordinance §01-17-07B Materials deadline, the submission of late documents or other materials does not allow all parties time to address the materials or allow sufficient time for public review. After the materials deadline, any input may be verbally provided at the public hearing to become part of the record.

5. PUBLIC COMMENTS:

Staff received one (1) written public comment by the materials deadline of January 6, 2025. The comment received expressed concerns about the area being preserved as agriculture when the predominant use is mineral extraction. All public comments received by the aforementioned materials deadline are located in **Exhibit E**.

Pursuant to Canyon County Ordinance §01-17-07B Materials deadline, the submission of late documents or other materials does not allow all parties time to address the materials or allow sufficient time for public review. After the materials deadline, any input may be verbally provided at the public hearing to become part of the record.

6. SUMMARY & RECOMMENDED CONDITIONS:

In consideration of the application and supporting materials, staff concludes that the proposed Conditional Use Permit is **compliant** with Canyon County Code of Ordinance §07-07-05. A full analysis is detailed within the staff report.

Should the Commission wish to approve the subject application, staff recommends the following conditions be attached:

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
 - a. On-site parking shall comply with CCZO Section 07-13-01 and 03.
 - b. The storage of diesel fuel, petroleum products, and any other hazardous materials, dust control, and stormwater pollution prevention shall comply with all standards and requirements of the Idaho Department of Environmental Quality.
 - c. Noise emissions shall follow the regulations and standards of OSHA and MSHA.
 - d. Water, surface and groundwater, shall be discharged in accordance with state, federal, and local standards and/or regulations.
2. The operator shall be in substantial conformance with the proposed letter of intent and site plan (Exhibit A.2). Concrete and asphalt batch plants are not included in the proposal. Any expansion or extension of the operation shall require a conditional use permit modification.
 - a. The duration of the proposed operation on the subject properties shall be 15 years.
 - b. The operator shall maintain a minimum 50-foot undisturbed perimeter along the external property boundaries other than the permitted approach to public roads.
 - c. Normal business hours of operation shall be Monday through Saturday 7:00 a.m. to 7:00 p.m. Temporary 24 hours per day seven days per week operations may be conducted following a request by a public or private agency arising from a bone fide emergency, including floods, spills, catastrophic accident, or other unforeseen event requiring gravel, fill, or other pertinent productions.

- d. No crushing of materials shall occur after 7:00 p.m. or prior to 7:00 a.m.
- 3. Stockpiling shall not exceed 30 feet in height.
- 4. The distance between the proposed crusher and the nearest existing residence shall be no less than 500 feet.
- 5. A landscaped buffer area providing a visual buffer shall be planted on the western edge of the subject property along Notus Road and along the boundary of R35941010 where a dwelling exists. The landscaped buffer shall include deciduous and evergreen trees with a minimum of 10-foot spacing. Landscaping shall be completed prior to the commencement of use. Landscaping shall be maintained in living conditions and shall be kept free of weeds.
- 6. The properties shall be mined in accordance with the reclamation plan approved with conditions of approval (S603006; Exhibit A.7).
- 7. Development shall not impede, disrupt, or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way.
 - a. There shall be a minimum 20-foot undisturbed buffer along all irrigation canals, laterals, and drainages.
 - b. Any alteration of irrigation and drainage structures located on the properties requires written approval from the local irrigation district and drainage district. The alterations shall not impede or affect water delivery to adjacent properties/water users.
- 8. A Floodplain Development Permit (DP2023-0025, Exhibit A.9) must be reviewed and issued prior to commencement of use. All required outside agency approvals shall also be included with the floodplain development permit application. All concerns and conditions based on Flood District #11, Idaho Department of Water Resources (State Floodplain Coordinator), and DSD Floodplain Administrator (Exhibits D.2, D.4 & D.5) shall be adequately addressed prior to commencement of use.
 - a. There shall be no development including berms and ponds within the regulatory floodway.
- 9. Prior to commencement of use, access/approach permitting shall be completed with Golden Gate Highway District #3 (Exhibit D.3). Evidence of compliance shall be submitted to Canyon County DSD.
- 10. Traffic generation information shall be submitted to Golden Gate Highway District #3 (Exhibit D.3) prior to commencement of use. Any studies and improvements shall be completed prior to commencement of use or the timeframe required by Golden Gate Highway District #3. Evidence of compliance shall be submitted to Canyon County DSD.

7. EXHIBITS

A. Application Packet & Supporting Materials

- 1. Master Application
- 2. Letter of Intent with Site Plan
- 3. Land Use Worksheet
- 4. Agency Acknowledgment Form
- 5. Neighborhood Meeting dated April 11, 2023
- 6. Quitclaim Deed
- 7. Reclamation Plan Approval S603006 with Reclamation Plan
- 8. SHPO Consultation Summary, dated February 28, 2024
- 9. Floodplain Development Permit Application – DP2023-0025

10. Floodplain Analysis prepared by QRS Consulting dated December 23, 2024
11. Correspondence between the applicant and DSD, dated December 19, 2024

B. Supplemental Documents

1. Parcel Information Report – Parcel R35938 and R35939
2. Case Maps
 - a. Aerial
 - b. Vicinity
 - c. Future Land Use
 - d. Future Land Use – Notus
 - e. Future Land Use – Greenleaf
 - f. Zoning
 - g. Cases w/report
 - h. Subdivisions w/report
 - i. Soils & Prime Farmland w/report
 - j. Dairy, Feedlot, and Gravel Pit
 - k. Nitrate Priority and Wells
 - l. TAZ Households
3. Previous Land Decisions
 - a. CU2005-62
 - b. CU2006-97
 - c. CU2009-11
 - d. CU2019-0013

C. Site Visit Photos: September 5, 2024

D. Agency Comments

1. Southwest District Health, email dated July 30, 2024
2. Idaho Dept. of Water Resources – NFIP Coordinator, letter dated September 17, 2024
3. JUB Engineering/Notus-Parma Highway District, letter dated July 22, 2024
4. DSD Engineering, letter dated September 10, 2024, with follow-up e-mail dated September 27, 2024
5. Flood District #10, received July 29, 2024
6. Idaho Transportation Dept., email dated July 22, 2024
7. DSD – GIS Division, emailed December 24, 2024

E. Public Comments

1. Jeff & Shelly Henderson, email received December 18, 2024

EXHIBIT A

Application Packet & Supporting Materials

Planning & Zoning Commission

Case# CU2023-0019

Hearing date: January 16, 2025



CONDITIONAL USE PERMIT PUBLIC HEARING - APPLICATION

| | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| PROPERTY OWNER | OWNER NAME: MIANCO LIMITED PARTNERSHIP | |
| | MAILING ADDRESS: 3954 W. QUAIL RIDGE DR. BOISE 83703 - Rob Phil :- 567 S. ARCHSTONE WAY, BOISE, ID 83709-5218 (Castro/E2) | |
| | PHONE: 208-601-8907 | EMAIL: rrobbanno11@gmail.com |
| I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If the owner(s) is a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign. MIANCO INVESTMENTS, INC., an Idaho corporation Signature: <u>[Signature]</u> Date: <u>7-13-2023</u> Robert Anno, President | | |

| | | |
|------------------------------------------------------------------------|-----------------------------------------------------|-------------------------------|
| APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER | APPLICANT NAME: Randy Wood a.k.a. DONALD BOWER | |
| | COMPANY NAME: NAMPA PAVING | |
| | MAILING ADDRESS: 144 KARCHER ROAD, NAMPA, ID. 83687 | |
| | PHONE: 208-466-4051 | EMAIL: randy@nampa-paving.com |

| | | |
|------------------|-----------------------------------------|------------------|
| SITE INFO | STREET ADDRESS: Ø Notus Rd | |
| | PARCEL NUMBER: R35939 R35938 02-4N-4W | |
| | PARCEL SIZE: | |
| | REQUESTED USE: | |
| | FLOOD ZONE (YES/NO) | ZONING DISTRICT: |

FOR DSD STAFF COMPLETION ONLY:

| | |
|--------------------------|-----------------------------------------|
| CASE NUMBER: CU2023-0019 | DATE RECEIVED: 9-6-23 |
| RECEIVED BY: Deb Root | APPLICATION FEE: \$950.00 CK MO CC CASH |

#140024024



June 14, 2023
Syman Project No. 231308

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

SUBJECT: Conditional Use Permit – Mianco Property
Notus Rd.
Caldwell, Idaho 83607

Dear Development Services,

I am writing on behalf of Nampa Paving & Asphalt Co. We are requesting a conditional use permit (CUP) to operate a sand and gravel pit on approximately 103-acres of the approximately 179-acre subject parcels. The subject parcels are R35939 and R35938. These parcels will be leased from the Mianco Limited Partnership by Nampa Paving and Asphalt Co. The growth in construction and public works projects in the Treasure Valley have increased the need for construction aggregates. The subject parcels will serve Canyon County's various construction and infrastructure related projects. Nampa Paving and Asphalt Co. was established in the early 1980s and has positioned itself as a leader in the construction industry in Idaho.

There are numerous aggregate operations in the surrounding area. Sunroc Construction and Materials operates a mine west of the subject parcels. Idaho Materials and Construction, Knife River Corporation, JMAC Resources, Thueson Construction Inc., and Western Construction Inc. operate aggregate mines South of the Mianco Property. Canyon Highway District No 4 owns land directly South of the proposed aggregate pit, where mining operations have occurred as well.

According to the Canyon County Assessor's property detail page, the Property Class is labeled as Irrigated Agricultural Land Vacant. The surrounding area is consistent with this Property Class. Primarily, the area consists of agricultural and pasture lands, as well as the prior mentioned aggregate mining and processing operations. The subject parcels are bordered to the East and Northeast by the Boise River and to the South by the Upper and Lower Center Point Canals. The subject parcels are bordered to the West by Notus Road.

Notus Road and Boise River Road will serve as access roads to the aggregate mine. With the numerous pits in the area, traffic will not be dramatically impacted, and vehicle types will be consistent with the traffic that is currently in the area. The pit access point will be directly east of the Boise River Road.

Historically, the subject parcels have been used as pastureland for grazing cattle. This is the current land use. The land will continue to be used as pastureland for cattle while the subject parcels are mined in three different phases. This will allow for concurrent beneficial land uses. The Mianco Property contains significant aggregate resources, as is proven by the many aggregate mines throughout the area. The subject parcels have high water tables. The United States Department of Agriculture's Web Soil Survey states that the groundwater is between 12 and 36 inches below ground surface. Web Soil Survey

also states that at 14 to 21 inches below ground surface, layers of sand and gravel start. The high groundwater will also result in little dust generation occurring during aggregate extraction. Due to high groundwater, aggregate extraction areas will need to be dewatered. Dewatering will be performed in accordance with all applicable laws and regulations. Due to the proximity of existing unnamed ditches, dewatering will occur without discharging to the Boise River, therefore avoiding potential impacts to the Boise River water quality or the river channel. Best management practices will ensure that dust generation from roadways will be limited, and berms will surround the mineable areas.

Operational hours under this CUP are desired from 7 AM to 7 PM, Monday through Saturday. Occasionally, there will be the need to operate the aggregate pit with successive shifts to maintain operations for 24 hours for several days. 24-hour operations will be due to conditions imposed on constructions projects that are centered around nighttime operations. These normal proposed operational hours will not deviate from agricultural and mining operations in the area. Processing activities at the site will include crushing and sorting of mined gravel material. If an asphalt hot plant is required in the future due to project locations, the proper permitting will be obtained, and plans will be updated accordingly. However, an asphalt hot plant is not anticipated for this site. Crushing of gravel will not occur after 7:00 PM or before 7:00 AM. We are requesting that the CUP be approved for a period of 15 years. Nampa Paving would like to commence mining operations as soon as possible. The number of employees anticipated on the Mianco Property is approximately 15 employees during peak operations. Parking locations are delineated on the site map, and the size of the parking area will be able to accommodate the number of employees during peak operations.

All applicable county setbacks will be met, as illustrated on our site plan. We have already considered the floodway during our design, which is illustrated on our site plan. Setbacks will be maintained from the floodway, and there will not be any mining operations or disturbances occurring in the floodway. The floodway base map was adapted to our site plan using Idaho Department of Water Resources Floodplain Management Map.

According to Canyon County's 2020 Comprehensive Plan's Nature Resource Component, Mineral Resource Policies should conform to the following:

1. Sand and gravel mining operations should be located to avoid potential adverse impacts to the river channel.
2. Encourage measures to provide for future use of an excavated site such as, but not limited to industrial, commercial, and residential development.
3. Encourage miner-extraction site design and operation so as to minimize noise, dust and increased traffic to extent reasonably practical.
4. Consideration should be given, but not limited to the following impacts: economic value of the ground, access to the ground, compatibility with surrounds, noise, traffic, visual aesthetics and flooding.
5. Encourage sand and gravel extraction and associated uses to mitigate adverse impacts on surrounding land uses and natural resources.
6. Mineral extraction sites should be designed to facilitate their reclamation for future use.

As illustrated in this narrative, in our site plan, and in the Mianco Property Reclamation Plan, mineral extraction at this location meets the applicable policies listed, while also meeting many of the 2020 Comprehensive Plan's Economic Development goals. The Mianco Property Reclamation Plan illustrates how the area will be responsibly reclaimed. At this time, the area is envisioned to be multiple ponds.



This property provides one of the needed sources for sand and gravel in Canyon County. Many of the sand and gravel resources in Canyon County are in this area, as is proven by the large number of aggregate mines nearby. The area is also ideal for the simple fact that there are very few residences in the immediate vicinity that will be impacted by additional mining operations. To accommodate the continued growth in Canyon County, construction aggregates will continue to be an essential resource. Nampa Paving and Asphalt company has been a responsible entity in mineral resource extraction. This property will serve to bring vital aggregate resources to the County, in a manner that is economically and environmentally beneficial.

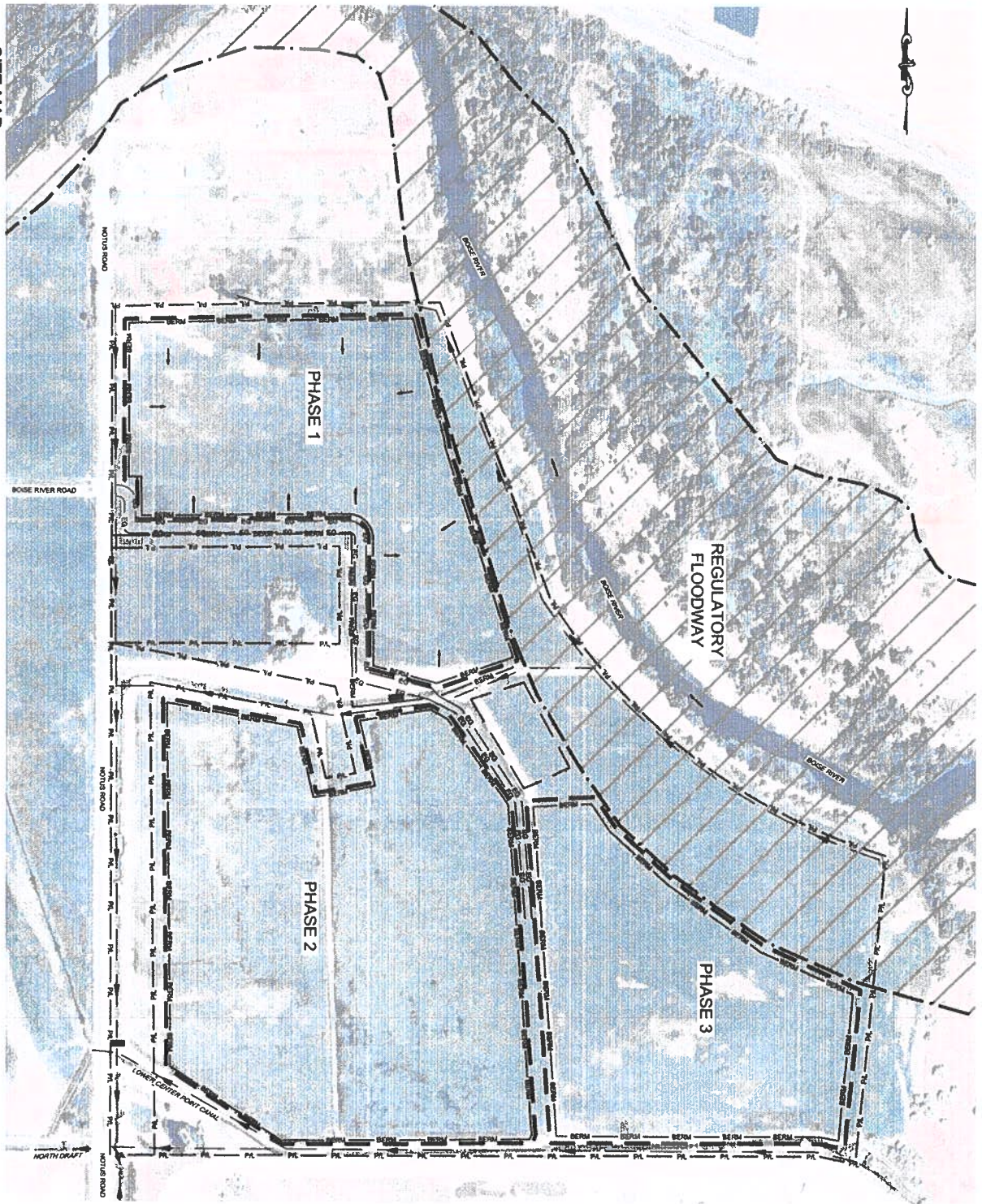
Sincerely,

Adam Lyman
PE, CPESC

SITE MAP

1"=200' (200' MAX. SIZE)

0 100 200 300
SCALE IN FEET



LEGEND

1. PROPERTY LINE
2. EXISTING PAVING
3. STOCKPILE / STORAGE
4. CANAL / DITCH
5. STRUCTURES
6. BERM
7. LEVEL OF FLOODWAY
8. FLOODWAY



SYMAN, LLC

2101 De la Drive
Nampa, Idaho 83687
Phone (206) 287-8420

SITE MAP
MIANCO PROPERTY
MIANCO PROPERTY
CANYON COUNTY CALDWELL, IDAHO
NANPA PAVING

| REVISIONS | NO. | DATE | BY | DESCRIPTION |
|-----------|-----|------|----|-------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

CS-101

SYMAN
231308
J. MATTHEWS
J. MATTHEWS
June 2023
PLOT 10/10/2023

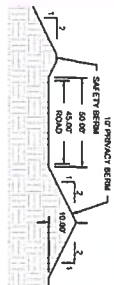
| | | | | |
|----------------------|-------|-------|-------|-------|
| 1. PROPERTY LINE | _____ | PL | _____ | PL |
| 2. EXCAVATION/PAVING | _____ | _____ | _____ | _____ |
| 3. STORAGE/STORAGE | _____ | _____ | _____ | _____ |
| 4. CANAL/DITCH | _____ | _____ | _____ | _____ |
| 5. STRUCTURES | _____ | _____ | _____ | _____ |
| 6. RAILROAD | _____ | _____ | _____ | _____ |
| 7. EDGE OF FLOODWAY | _____ | _____ | _____ | _____ |
| 8. FLOODWAY | _____ | _____ | _____ | _____ |



**TYPICAL POND BANK
EXCAVATION**



B **PRIVACY BERM**
NTS



| REVISIONS | | | |
|-----------|------|----|-------------|
| NO. | DATE | BY | DESCRIPTION |
| | | | |
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FBI MEMPHIS
23108

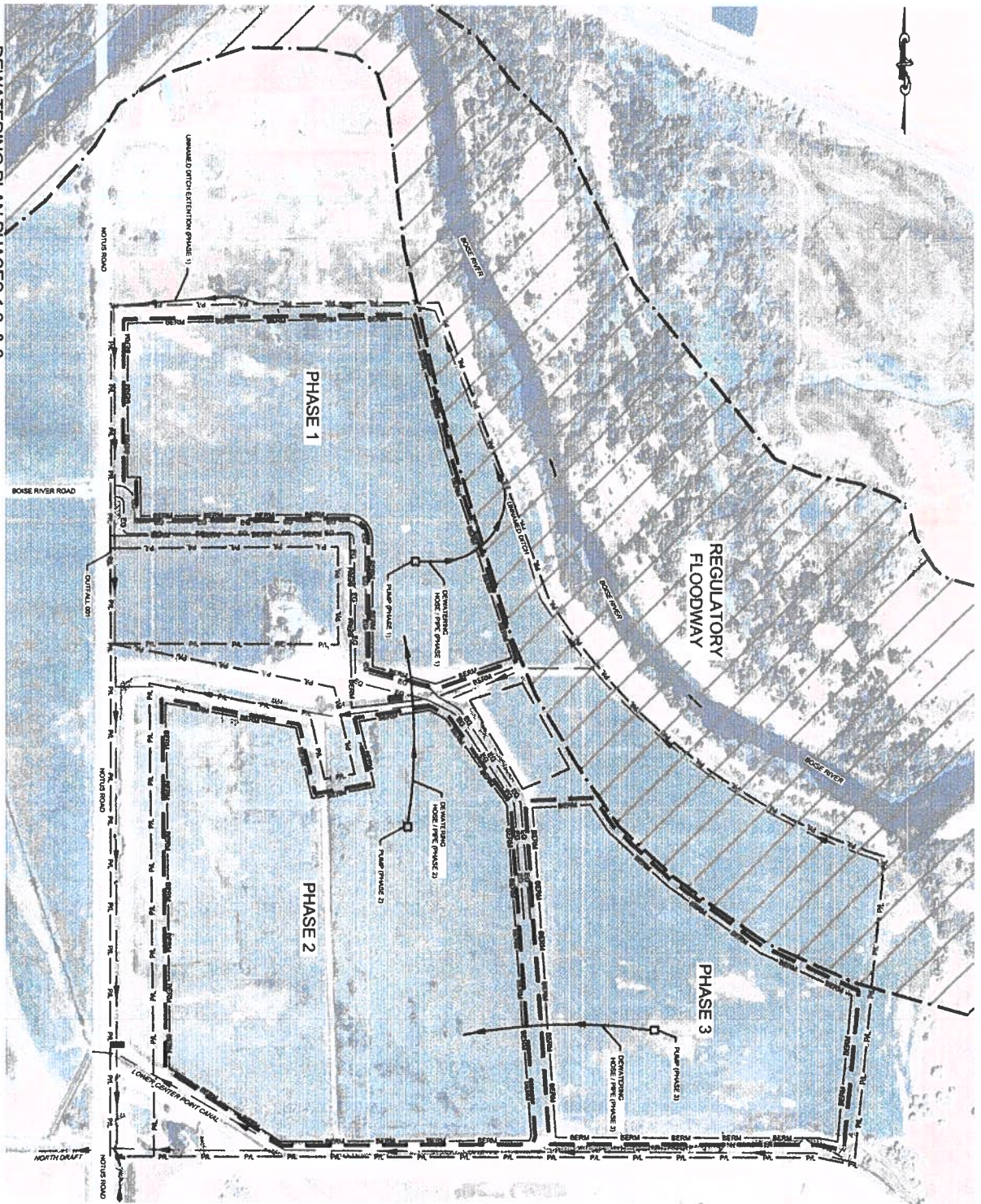
DALTON JR
J. NYGARD
CRIMINAL BY
J. MATTHEWS
DATE
May 2023

CPUSA - IN MEMPHIS

FP-101

DEWATERING PLAN PHASES 1, 2, & 3

1"=200' TOTAL SCALE
200 0 200
SCALE IN FEET



LEGEND

1. PROPERTY LINE
2. EXISTING PAVING
3. STOCKPILE / STORAGE
4. CANAL / DITCH
5. STRUCTURES
6. BERM
7. EDGE OF FLOODWAY
8. FLOODWAY



SYMAN, LLC
2101 De la Drive
Nampa, Idaho 83857
Phone (206) 287-8420

DEWATERING PLAN
MIANCO PROPERTY
MIANCO PROPERTY
CANYON COUNTY CALDWELL, IDAHO
NAMPA PAVING

| REVISION | NO. | DATE | BY | DESCRIPTION |
|----------|-----|------|----|-------------|
| | | | | |
| | | | | |
| | | | | |

DW-101

LAND USE WORKSHEET

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

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

☒ N/A – Explain why this is not applicable: CWP is not for residential use

☐ How many Individual Domestic Wells are proposed? _____

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

☒ N/A – Explain why this is not applicable: CWP is not for residential use.

3. IRRIGATION WATER PROVIDED VIA:

☒ Surface ☐ Irrigation Well ☐ None

4. IF IRRIGATED, PROPOSED IRRIGATION:

☐ Pressurized ☒ Gravity

5. ACCESS:

☒ Frontage ☐ Easement Easement width _____ Inst. # _____

6. INTERNAL ROADS:

☐ Public ☒ Private Road User's Maintenance Agreement Inst # _____

7. FENCING

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

Type: Berms Height: _____

8. STORMWATER: ☒ Retained on site ☐ Swales ☐ Ponds ☒ Borrow Ditches

☒ Other: SWPPP will be completed. Most stormwater will be retained on-site.

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

North Drain, Lower Center Point Canal, Boise River

RESIDENTIAL USES1. NUMBER OF LOTS REQUESTED: N/A

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

2. FIRE SUPPRESSION:

☒ Water supply source: LAKES

3. INCLUDED IN YOUR PROPOSED PLAN?

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

NON-RESIDENTIAL USES1. SPECIFIC USE: Sand & Gravel Extraction2. DAYS AND HOURS OF OPERATION: Reference Letter of Intent

- ☒ Monday 7 AM to 7 PM
☒ Tuesday 7 AM to 7 PM
☒ Wednesday _____ to _____
☒ Thursday _____ to _____
☒ Friday _____ to _____
☒ Saturday _____ to _____
☐ Sunday _____ to _____

(Occasionally)
(Occasionally)

3. WILL YOU HAVE EMPLOYEES? ☒ Yes If so, how many? 4-7 ☐ No4. WILL YOU HAVE A SIGN? ☐ Yes ☒ No ☐ Lighted ☐ Non-Lighted

Height: _____ ft Width: _____ ft. Height above ground: _____ ft

What type of sign: _____ Wall _____ Freestanding _____ Other _____

5. PARKING AND LOADING:

How many parking spaces? 10Is there is a loading or unloading area? Yes; reference Reclamation Plan & Letter of Intent

ANIMAL CARE-RELATED USES

1. MAXIMUM NUMBER OF ANIMALS: N/A

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?

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

3. HOW DO YOU PROPOSE TO MITIGATE NOISE? N/A

☐ Building ☐ Enclosure ☐ Barrier/Berm ☐ Bark Collars

4. ANIMAL WASTE DISPOSAL N/A

☐ Individual Domestic Septic System ☐ Animal Waste Only Septic System

☐ Other: _____

LAND USE WORKSHEET

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

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

☒ N/A – Explain why this is not applicable: No discernable need.

☐ How many Individual Domestic Wells are proposed? Zero

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

☒ N/A – Explain why this is not applicable: Using portable toilets.

3. **IRRIGATION WATER PROVIDED VIA:**

☒ Surface ☐ Irrigation Well ☐ None

4. **IF IRRIGATED, PROPOSED IRRIGATION:** N/A

☐ Pressurized ☐ Gravity

5. **ACCESS:**

☒ Frontage ☐ Easement Easement width _____ Inst. # _____

6. **INTERNAL ROADS:**

☐ Public ☒ Private Road User's Maintenance Agreement Inst # N/A

7. **FENCING** N/A ☐ Fencing will be provided (Please show location on site plan)

Type: _____ Height: _____

8. **STORMWATER:** ☐ Retained on site ☐ Swales ☐ Ponds ☐ Borrow Ditches

☒ Other: Syman, LLC

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

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED:

☐ Residential 0 ☐ Commercial 0 ☐ Industrial 0
☐ Common 0 ☐ Non-Buildable 0

2. FIRE SUPPRESSION:

☒ Water supply source: Ponds

3. INCLUDED IN YOUR PROPOSED PLAN?

☐ Sidewalks ☐ Curbs ☐ Gutters ☐ Street Lights ☒ None

NON-RESIDENTIAL USES

1. SPECIFIC USE: Long-term mineral extraction

2. DAYS AND HOURS OF OPERATION: See letter of intent for special circumstances.

☒ Monday 7am to 6:30pm
☒ Tuesday 7am to 6:30pm
☒ Wednesday 7am to 6:30pm
☒ Thursday 7am to 6:30pm
☒ Friday 7am to 6:30pm
☒ Saturday 7am to 6:30pm
☒ Sunday 7am to 6:30pm

3. WILL YOU HAVE EMPLOYEES? ☒ Yes If so, how many? 10 on site ☐ No See letter of intent for special circumstances.

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

Height: ft Width: ft. Height above ground: ft

What type of sign: Wall Freestanding Other

5. PARKING AND LOADING:

How many parking spaces? 10

Is there is a loading or unloading area? N/A

| ANIMAL CARE-RELATED USES | |
|------------------------------------------------------------|----------------------------------------------------------|
| 1. MAXIMUM NUMBER OF ANIMALS: | N/A |
| 2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION? | |
| <input type="checkbox"/> Building | <input type="checkbox"/> Kennel |
| <input type="checkbox"/> Individual Housing | <input type="checkbox"/> Other _____ |
| 3. HOW DO YOU PROPOSE TO MITIGATE NOISE? | |
| <input type="checkbox"/> Building | <input type="checkbox"/> Enclosure |
| <input type="checkbox"/> Barrier/Berm | <input type="checkbox"/> Bark Collars |
| 4. ANIMAL WASTE DISPOSAL | |
| <input type="checkbox"/> Individual Domestic Septic System | <input type="checkbox"/> Animal Waste Only Septic System |
| <input type="checkbox"/> Other: _____ | |



AGENCY ACKNOWLEDGMENT

Date: AUGUST 28, 2023
 Applicant: NAMPA PAVING
 Parcel Number: R-35938 + R-35939
 Site Address: _____

SIGNATURES DO NOT INDICATE APPROVAL OR COMPLETION OF OFFICIAL REVIEW.

The purpose of this form is to facilitate communication between applicants and agencies so that relevant requirements, application processes, and other feedback can be provided to applicants early in the planning process. Record of communication with an agency regarding the project can be submitted instead of a signature. After the application is submitted, impacted agencies will be sent a hearing notification by DSD staff and will have the opportunity to submit comments.

Southwest District Health:

☒ Applicant submitted/met for informal review.

Date: 8/29/23 Signed: _____

Authorized Southwest District Health Representative
 (This signature does not guarantee project or permit approval)

Fire District:

District: _____

☒ Applicant submitted/met for informal review.

Date: 8/29/23 Signed: _____

Authorized Fire District Representative
 (This signature does not guarantee project or permit approval)

Highway District:

District: _____

☐ Applicant submitted/met for informal review.

Date: _____ Signed: _____

Authorized Highway District Representative
 (This signature does not guarantee project or permit approval)

Irrigation District:

District: _____

☐ Applicant submitted/met for informal review.

Date: _____ Signed: _____

Authorized Irrigation Representative
 (This signature does not guarantee project or permit approval)

Area of City Impact

City: NOTUS

☒ Applicant submitted/met for informal review.

Date: 8/29/23 Signed: _____

Authorized AOCI Representative
 (This signature does not guarantee project or permit approval)

DISCLAIMER: THIS ACKNOWLEDGMENT IS ONLY VALID SIX MONTHS FROM THE DATE ISSUED



AGENCY ACKNOWLEDGMENT

Date: AUGUST 28, 2023
Applicant: NAMPA PAVING
Parcel Number: R-35938 + R-35939
Site Address: _____

SIGNATURES DO NOT INDICATE APPROVAL OR COMPLETION OF OFFICIAL REVIEW.

The purpose of this form is to facilitate communication between applicants and agencies so that relevant requirements, application processes, and other feedback can be provided to applicants early in the planning process. Record of communication with an agency regarding the project can be submitted instead of a signature. After the application is submitted, impacted agencies will be sent a hearing notification by DSD staff and will have the opportunity to submit comments.

Southwest District Health:

☒ Applicant submitted/met for informal review.

Date: 8/30/23 Signed: Anthony Lee
Authorized Southwest District Health Representative
(This signature does not guarantee project or permit approval)

Fire District:

District: _____

☐ Applicant submitted/met for informal review.

Date: _____ Signed: _____
Authorized Fire District Representative
(This signature does not guarantee project or permit approval)

Highway District:

District: _____

☐ Applicant submitted/met for informal review.

Date: _____ Signed: _____
Authorized Highway District Representative
(This signature does not guarantee project or permit approval)

Irrigation District:

District: _____

☐ Applicant submitted/met for informal review.

Date: _____ Signed: _____
Authorized Irrigation Representative
(This signature does not guarantee project or permit approval)

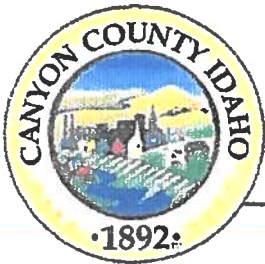
Area of City Impact

City: _____

☐ Applicant submitted/met for informal review.

Date: _____ Signed: _____
Authorized AOCI Representative
(This signature does not guarantee project or permit approval)

DISCLAIMER: THIS ACKNOWLEDGMENT IS ONLY VALID SIX MONTHS FROM THE DATE ISSUED



AGENCY ACKNOWLEDGMENT

Date: AUGUST 28, 2023
Applicant: NAMPA PARKING
Parcel Number: R-35435 & R-35959
Site Address: _____

SIGNATURES DO NOT INDICATE APPROVAL OR COMPLETION OF OFFICIAL REVIEW.

The purpose of this form is to facilitate communication between applicants and agencies so that relevant requirements, application processes, and other feedback can be provided to applicants early in the planning process. Record of communication with an agency regarding the project can be submitted instead of a signature. After the application is submitted, impacted agencies will be sent a hearing notification by DSD staff and will have the opportunity to submit comments.

Southwest District Health:

☐ Applicant submitted/met for informal review.

Date: _____ Signed: _____
Authorized Southwest District Health Representative
(This signature does not guarantee project or permit approval)

Fire District:

District: _____

☐ Applicant submitted/met for informal review.

Date: _____ Signed: _____
Authorized Fire District Representative
(This signature does not guarantee project or permit approval)

Highway District:

District: _____

☒ Applicant submitted/met for informal review.

Date: 8-30-23 Signed: [Signature]
Authorized Highway District Representative
(This signature does not guarantee project or permit approval)

Irrigation District:

District: Notus-Parma Highway District #2

☐ Applicant submitted/met for informal review.

Date: _____ Signed: _____
Authorized Irrigation Representative
(This signature does not guarantee project or permit approval)

Area of City Impact

City: _____

☐ Applicant submitted/met for informal review.

Date: _____ Signed: _____
Authorized AOCI Representative
(This signature does not guarantee project or permit approval)

DISCLAIMER: THIS ACKNOWLEDGMENT IS ONLY VALID SIX MONTHS FROM THE DATE ISSUED



AGENCY ACKNOWLEDGMENT

Date: AUGUST 28, 2023
Applicant: NAIMPA PAIVING
Parcel Number: R-35938 & R-35959
Site Address: _____

SIGNATURES DO NOT INDICATE APPROVAL OR COMPLETION OF OFFICIAL REVIEW.
The purpose of this form is to facilitate communication between applicants and agencies so that relevant requirements, application processes, and other feedback can be provided to applicants early in the planning process. Record of communication with an agency regarding the project can be submitted instead of a signature. After the application is submitted, impacted agencies will be sent a hearing notification by DSD staff and will have the opportunity to submit comments.

Southwest District Health:

☐ Applicant submitted/met for informal review.

Date: _____ Signed: _____
Authorized Southwest District Health Representative
(This signature does not guarantee project or permit approval)

Fire District:

☐ Applicant submitted/met for informal review.

Date: _____ Signed: _____
Authorized Fire District Representative
(This signature does not guarantee project or permit approval)

Highway District:

☐ Applicant submitted/met for informal review.

Date: _____ Signed: _____
Authorized Highway District Representative
(This signature does not guarantee project or permit approval)

Irrigation District:

☐ Applicant submitted/met for informal review.

Date: 9-1-23 Signed: Christie Wood Gumb
Authorized Irrigation Representative
(This signature does not guarantee project or permit approval)

Area of City Impact

☐ Applicant submitted/met for informal review.

Date: _____ Signed: _____
Authorized AOCI Representative
(This signature does not guarantee project or permit approval)

DISCLAIMER: THIS ACKNOWLEDGMENT IS ONLY VALID SIX MONTHS FROM THE DATE ISSUED



CANYON COUNTY DEVELOPMENT SERVICES

111 North 11th Avenue, Caldwell, ID 83605 Phone: 208-454-7458 Fax: 208-454-6633

NEIGHBORHOOD MEETING SIGN UP SHEET

CANYON COUNTY ZONING ORDINANCE §07-01-15

Applicants shall conduct a neighborhood meeting for any proposed variance, conditional use, zoning ordinance map amendment, expansion, or extension of nonconforming uses requiring a public hearing.

SITE INFORMATION

Site Address: T.B.O. NOTUS ROAD

Parcel Number: 35939 + 35938

City: NOTUS AREA

State: ID.

ZIP Code:

Notices Mailed Date: MARCH 30, 2023

Number of Acres: 160+-

Current Zoning: Ag

Description of the Request: Gravel Extraction & Batch PLANT & CRUSHING

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: ALAN MILLS

Company Name: MILLS & COMPANY REALTY

Current address: BOX 206

City: MIDDLETON ID.

State: ID

ZIP Code: 83644

Phone: 208-880-0525

Cell: 880-0525

Fax:

Email: millscorealty@msn.com

MEETING INFORMATION

DATE OF MEETING: 4/11/23

MEETING LOCATION: NOTUS COMMUNITY CENTER

MEETING START TIME: 6:00 P.M.

MEETING END TIME: 6:30 P.M.

ATTENDEES:

NAME (PLEASE PRINT)

SIGNATURE:

ADDRESS:

1. ALAN MILLS

[Signature]

P.O. Box 206 Middleton Id.

2. Randy Wood

[Signature]

444 W. Karcher Rd Nampa 83687

3. Bob Watkins

[Signature]

Golden Gate Highway Dist #:

4. Cache Wood

[Signature]

444 W. Karcher Rd.

5. Lynn Toxel

[Signature]

NPHD #2

6. Rob Abo

[Signature]

Boise / Notus

7. Aaron Plam

[Signature]

23596, Notus Rd 919-5878

8. Erica Evancie

[Signature]

11807 W Stillwater Dr. Boise 83711

9. BRUCE BAUNE

[Signature]

CH04

10. Daniel BOWER

[Signature]

10421 Phensent Ln. Nampa ID 83686

11.

| NAME (PLEASE PRINT) | SIGNATURE: | ADDRESS: |
|---------------------|------------|----------|
| 12. | | |
| 13. | | |
| 14. | | |
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| 18. | | |
| 19. | | |
| 20. | | |

NEIGHBORHOOD MEETING CERTIFICATION:

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

APPLICANT/REPRESENTATIVE (Please print):

ALAN MILLS

APPLICANT/REPRESENTATIVE (Signature):



DATE:

4 / 11 / 23

March 30, 2023

Dear Neighbor,

We are in the process of submitting an application for a Conditional Use Permit to Canyon County Development Services, for mineral extraction, crusher and batch plant. One of the requirements necessary prior to submitting the application is to hold a "neighborhood meeting" to notify neighbors of our intentions.

The property is located on Notus Road directly east of Boise River Road and contains parcel numbers 35939 and 35938.

This meeting is for informational purposes. This is not a public hearing. Once our application has been submitted and processed, a public hearing date will be scheduled. Prior to the scheduled date you will receive an official notification from Canyon County regarding the Public Hearing via postal mail, newspaper publication, and or a display on the property for which the Conditional Use Permit is applied.

The meeting information is as follows:

Date: Tuesday, April 11, 2023

Time: 6:00 pm


Location: Notus Community Center 389 1st Street Notus, ID 83656

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

Please do not call Canyon County Development Services regarding this meeting. This is a PRE-APPLICATION requirement and we have NOT submitted the application for consideration at this time. The County currently has no information on this project. If you have any questions prior to the meeting, please contact one of the following people.

Randy Wood 208-989-4053 Alan Mills 208-880-0525

Sincerely,



Alan Mills

On behalf of MIANCO Limited Partnership

CANYON HWY DIST NO 4
15435 HWY 44
CALDWELL ID 83607

MIANCO LIMITED PARTNERSHIP
567 S ARCHSTONE WAY
BOISE ID 83709

MIANCO LIMITED PARTNERSHIP
567 S ARCHSTONE WAY
BOISE ID 83709

DAZI AUTO LLC
PO BOX 1004
MIDDLETON ID 83644

AARON PLAIN
23596 NOTUS RD
CALDWELL ID 83605

BURCH CO LLC
22977 NOTUS RD
CALDWELL ID 83607

TBC LAND HOLDING LLC
PO BOX 140298
BOISE ID 83714

KENNETH WOOD
PO BOX 459
GREENLEAF ID 83626

JACK PARSON
2350 S 1900 W STE 100
OGDEN UT 84401

GOLDEN GATE HIGHWAY DIST NO
3
500 GOLDEN GATE AVE
WILDER ID 83676

DAZI AUTO LLC
PO BOX 1004
MIDDLETON ID 83644

DRAKE INVESTMENTS LLC
1125 W TWO RIVERS LN
EAGLE ID 83616

CLEMENTS CONCRETE CO
730 N 1500 W
OREM UT 84057

~~CLEMENTS CONCRETE CO
730 N 1500 W
OREM UT 84057~~

~~CANYON HWY DIST NO 4
NOTUS PARMA HWY DIST NO 2
15435 HWY 44
CALDWELL ID 83607~~

~~DRAKE INVESTMENTS LLC
1125 W TWO RIVERS LN
EAGLE ID 83616~~

~~MIANCO LIMITED PARTNERSHIP
567 S ARCHSTONE WAY
BOISE ID 83709~~

~~DAZI AUTO LLC
PO BOX 1004
MIDDLETON ID 83644~~

~~AARON PLAIN
23596 NOTUS RD
CALDWELL ID 83605~~

~~TBC LAND HOLDING LLC
PO BOX 140298
BOISE ID 83714~~

2008035105

RECORDED

2008 JUN 27 PM 2 43

WILLIAM P. HURST
CANYON CNTY RECORDER

BY

CORRECTION TO QUITCLAIM DEED

REQUEST

TYPE

FEE \$0.00

FOR VALUE RECEIVED, **ZIMRI E. MILLS** and **MAIZIE M. MILLS**, husband and wife,
 hereby convey, release and forever quitclaim unto **MIANCO LIMITED PARTNERSHIP**,
 an Idaho limited partnership, whose current address is 6272 W. Baron Lane, Boise,
 Idaho 83703, the premises located in Canyon County, State of Idaho, more particularly
 described on EXHIBIT A attached hereto and made a part hereof as though fully set
 forth herein;

Together with their appurtenances.

Zimri E. Mills
 Zimri E. Mills

Dated: June 17, 2008

Maizie M. Mills
 Maizie M. Mills

Dated: June 17, 2008

This Correction to Quitclaim Deed is to: (1) correct the legal description; and (2) the
 signatories; to that certain Quitclaim Deed dated December 11, 2007 and recorded as
 Instrument No. 2007080497 on December 13, 2007, records of Canyon County, Idaho.

STATE OF IDAHO)
) ss.
County of Ada)

On this 17th of June, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared **ZIMRI E. MILLS** and **MAIZIE M. MILLS**, husband and wife, known or identified to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first written above.



Quane M. Hampshire
Notary Public

Notary Public
Commission Expires: July 5, 2008

Exhibit A

Legal Description of Real Property

RECORDER SCAN

SECTION 2:

The following describes a parcel of real property lying in Government Lot 8, Government Lot 9 and the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) of Section 2, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho, being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 2, **THENCE**, along the West line of said Section 2, N00°32'40"E, 1315.40 feet, to the Southwest corner of the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) of said Section 2, also being the South 1/16 Corner of said Section 2 and Section 3, the **POINT OF BEGINNING**;

THENCE, continuing along said West line of Section 2, N00°32'40"E, 1315.40 feet, to the West One Quarter corner of said Section 2, also being the Southwest Corner of Government Lot 8 of said Section 2;

THENCE, continuing along said West line of Section 2, N00°32'40"E, 1315.40 feet to the North 1/16 Corner of said Section 2 and Section 3;

THENCE, continuing along said West line of Section 2, N00°32'40"E, 262.07 feet, to the left bank of the original meander line of 1868, of the Boise River, also being the Northwest Corner of Government Lot 8, as shown on Record of Survey, Instrument Number 200043364;

THENCE, departing said West line of Section 2, and along said left bank of the original meander line of 1868, of the Boise River, the following courses and distances:

S65°11'57"E, 75.97 feet;

S32°41'57"E, 594.00 feet;

N44°18'03"E, 17.22 feet to the intersection of said left bank of the original meander line of 1868 and the existing left bank of the Boise River, hereinafter described as "**POINT A**";

N44°18'03"E, 175.45 feet to the intersection of said left bank of the original meander line of 1868 and the existing right bank of the Boise River;

THENCE, leaving said existing right bank of the Boise River, but continuing along said original meander line, N44°18'03"E, 236.34 feet;

THENCE, continuing along said original meander line, N07°41'57"W, 171.60 feet;

THENCE, continuing along said original meander line, N89°48'03"E, 344.33 feet to the intersection of the Westerly line described in Court Order Document Number 015439, Instrument Number 988477, also shown on Record of Survey, Instrument Number 851723;

THENCE, departing said original meander line, and along said Westerly line of said Court Order, the following courses and distances;

S14°19'37"E, 126.40 feet,

S36°38'15"E, 190.83 feet,

S45°00'00"W, 150.00 feet,

S41°16'55"E, 470.84 feet,

S55°04'12"E, 266.64 feet,

S39°10'17"E, 190.36 feet,

THENCE, departing said Westerly line of said Court Order, S16°48'03"W, 6.16 feet to the intersection of the left bank of the original meander line of 1868;

THENCE, along said left bank of the original meander line of 1868, the following courses and distances;

S39°11'57"E, 89.10 feet;

S16°11'57"E, 321.59 feet, to the existing right bank of the Boise River;

S16°11'57"E, 368.25 feet, to the existing left bank of the Boise River, as shown on Record of Survey, Instrument Number 200043364

S16°11'57"E, 135.19 feet;

S26°48'03"W, 508.20 feet,

S15°48'03"W, 217.80 feet,

S00°11'57"E, 132.00 feet,

S54°11'57"E, 198.00 feet,

S26°11'57"E, 32.34 feet to the Southeast Corner of Government Lot 9;

THENCE, departing said original meander line of 1868, and along the South line of said Government Lot 9, N89°53'25"W, 582.63 feet to the Southwest Corner of said Government Lot 9, also being the Southeast Corner of the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) and also being the Southwest 1/16 Corner of said Section 2;

THENCE, along the South line of said Northwest Quarter of the Southwest Quarter, N89°53'24"W, 1315.83 feet to the **POINT OF BEGINNING**, comprising 102.78 acres, more or less.

EXCEPTING THEREFROM the following described parcel of real property, being the area between the existing right bank and the existing left bank of the Boise River, of the above described parcel:

BEGINNING at the aforementioned **POINT "A"**;

THENCE, departing said existing left bank of the Boise River, and along the left bank of the original meander line of 1868, N44°18'03"E, 175.45 feet, to the existing right bank of the Boise River;

THENCE, departing said original meander line, and along said existing right bank of the Boise River the following courses and distances:

S30°50'50"E, 483.66 feet;

S35°24'10"E, 201.90 feet,

S47°49'55"E, 201.90 feet,

S63°44'55"E, 339.19 feet,

S62°15'58"E, 210.86 feet,

S57°23'02"E, 180.82 feet,

S57°28'02"E, 113.27 feet;

N57°02'31"E, 78.64 feet to the intersection of the left bank of the original meander line of 1868;

THENCE, departing said existing right bank of the Boise River, and along the left bank of the original meander line of 1868, S16°11'57"E, 368.25 feet, to the existing left bank of the Boise River;

THENCE, departing said left bank of the original meander line of 1868, and along said existing left bank of the Boise River, the following courses and distances:

N80°45'27"W, 45.16 feet,

S52°24'14"W, 82.35 feet,

N38°37'11"W, 121.03 feet,

N19°59'27"W, 97.39 feet,

N40°38'07"W, 124.96 feet,

N40°47'16"W, 39.97 feet,

N62°08'36"W, 63.35 feet,

N70°14'02"W, 353.65 feet,

N59°36'20"W, 139.65 feet,

N54°30'27"W, 173.49 feet,

N44°04'21"W, 308.18 feet,

N38°10'31"W, 227.09 feet,

N43°34'12"W, 265.14 feet,

THENCE; N13°30'40"W, 129.92 feet, to the **POINT OF BEGINNING**. Comprising 7.46 acres, more or less.

SUBJECT TO: All easements or reservations appearing on the above-described parcel of real property.

The above described parcel of real property is comprised of 95.32 net acres, more or less.

SECTION 3:

The following describes a parcel of real property lying in the East 1/2 of Section 3, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho, being more particularly described as follows:

A portion of Government Lot 1, and the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4), and the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4),

EXCEPTING THEREFROM: The following parcels located in Section 3, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho, and being more particularly described as follows.

This parcel is situated in Government Lot 1 of Section 3, Township 4 North, Range 4 West of the Boise Meridian and in a portion of Accretion Land above the Mean High Water Line on the riverside of a man made dike situated in Section 2 and Section 3, Township 4 North, Range 4 West of the Boise Meridian and is more particularly described as follows:

BEGINNING at the Northwest corner of said Government lot 1;

THENCE; North 89°45'00" East, along the North Boundary of said Government Lot 1, a distance of 1209.90 feet to a point on the riverside of a man made dike,

THENCE; traversing a line along the Mean High Water line of the Boise River on the riverside of a man made dike, South 05°21'02" East, a distance of 102.89 feet;

South 11°47'49" East, a distance of 243.98 feet,

South 19°16'46" East, a distance of 240.82 feet,

THENCE; leaving said mean high water line, South 88°33'33" West, a distance of 1353.38 feet, to a point on the West boundary of said Government Lot 1,

THENCE; North 00°23'27" East, along said Westerly Boundary, a distance of 597.35 feet to the **POINT OF BEGINNING**.

ALSO EXCEPTING THEREFROM:

A portion of said Southeast Quarter of the Northeast Quarter of said Section 3 heretofore conveyed by Ed Mumford and Alta Mumford to Drainage District Number 6, of Canyon County, State of Idaho, by Deed dated April 29, 1939 and recorded August 16, 1940, in Book 138 of Deeds at page 626, records of Canyon County, Idaho, to wit:

A Parcel of Land 120.00 feet in width in said Southeast Quarter of the Northeast Quarter of said Section 3, being more particularly described as follows: A strip of ground lying 60.00 feet wide on each side of the following described center line, to wit:

BEGINNING at a point on the South line of the Southeast Quarter of the Northeast Quarter of Section 3, Township 4 North, Range 4 West of the Boise Meridian, which point is 85.00 feet East of the Southwest corner of said Southeast Quarter of the Northeast Quarter;

THENCE; North parallel to the West line of said Southeast Quarter of the Northeast Quarter 616.00 feet ,

THENCE; South 79°10' East, 744.00 feet,
THENCE; South 13°10' East 300.00 feet to a point which is North 184.00 feet and West 423.00 feet from the Southeast corner of said Southeast Quarter of the Northeast Quarter.

ALSO EXCEPTING THEREFROM:

This parcel is a portion of the Southeast Quarter of the Northeast Quarter of Section 3, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho, as conveyed by Quitclaim Deed, Instrument Number 8923304, records of Canyon County, Idaho, and being more particularly described as follows:

COMMENCING at the Northwest corner of Government Lot 1 of said Section 3,
THENCE; South 00°26'37" West along the Westerly boundary of said Government Lot 1 and said Southeast Quarter of the Northeast Quarter a distance of 1,570.91 feet to the **TRUE POINT OF BEGINNING:**

THENCE; North 89°29'17" East a distance of 362.02 feet,
THENCE; South 00°26'37" West, parallel with said Westerly boundary a distance of 379.00 feet,
THENCE; South 89°29'17" West, a distance of 362.02 feet to a point on said Westerly boundary,
THENCE; North 00°26'37" East, along said Westerly boundary a distance of 379.00 feet to the true **POINT OF BEGINNING.**

This parcel is subject to a 28.00 foot wide ingress and egress easement along the Southerly boundary.

ALSO EXCEPTING THEREFROM

This parcel is a portion of the Southeast Quarter of the Northeast Quarter of Section 3, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho, as conveyed by Quitclaim Deed Instrument Number 8923304, records of Canyon County, Idaho, and being more particularly described as follows.

COMMENCING at the Northwest corner of Government Lot 1 of said Section 3,
THENCE; South 00°26'37" West along the Westerly Boundary of said Government Lot 1 and said Southeast Quarter of the Northeast Quarter, a distance of 1,570.91 feet,
THENCE; North 89°29'17" East a distance of 362.02 feet to the true **POINT OF BEGINNING:**

THENCE; continuing North 89°29'17" East a distance of 518.35 feet,
THENCE; South 00°26'37" West parallel with said Westerly boundary a distance of 379.00 feet,
THENCE; South 89°29'17" West a distance of 518.35 feet,
THENCE; North 00°26'37" East parallel with said Westerly boundary a distance of 379.00 feet to the true **POINT OF BEGINNING.**

This parcel includes a 28.00 foot wide ingress and egress easement described as follows:

COMMENCING at the Northwest corner of Government Lot 1 of said Section 3:

THENCE; South 00°26'37" West along the Westerly Boundary of said Government Lot 1 and the Westerly boundary of the Southeast Quarter of the Northeast Quarter of said Section 3 a distance of 1,921.91 feet to the true **POINT OF BEGINNING** of said easement.

THENCE; North 89°29'17" East a distance of 362.00 feet,

THENCE; South 00°26'37" West a distance of 28.00 feet,

THENCE; South 89°29'17" West a distance of 362.02 feet,

THENCE; North 00°26'37" West a distance of 28.00 feet to the true **POINT OF BEGINNING;**

SUBJECT TO: A 52.00 foot wide ingress and egress easement, more particularly described as follows:

This parcel is a portion of the Southeast Quarter of the Northeast Quarter of Section 3, Township 4 North, Range 4 West Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

COMMENCING at the Northwest corner of Government Lot 1 of said Section 3;

THENCE; South 00°26'37" West along the Westerly boundary of said Government Lot 1, and said Southeast Quarter of the Northeast Quarter a distance of 1,949.91 feet to the true **POINT OF BEGINNING;**

THENCE; North 89°29'17" East a distance of 880.37 feet,

THENCE; South 00°26'37" West parallel with said Westerly boundary a distance of 52.00 feet,

THENCE; South 89°29'17" West a distance of 880.37 feet to a point on said Westerly boundary,

THENCE; North 00°26'37" East, along said Westerly boundary a distance of 52.00 feet to the true **POINT OF BEGINNING.**

ALSO EXCEPTING THEREFROM:

A portion of said Northeast Quarter of the Southeast Quarter of said Section 3, heretofore conveyed by Ed Mumford and Alta Mumford to Drainage District Number 6 of the County of Canyon in the State of Idaho, by Deed dated April 29, 1939, and recorded August 16, 1940 in Book 138 of Deeds, page 627, records of Canyon County, Idaho, to-wit:

A Parcel 120.00 feet in width lying in the Northeast Quarter of the Southeast Quarter of said Section 3, more particularly described as follows, to-wit: A strip of ground lying 60.00 feet wide on each side of the following described center line, to-wit:

BEGINNING at a point on the South line of the Northeast Quarter of the Southeast Quarter of Section 3, Township 4 North, Range 4 West of the Boise Meridian in Canyon County, Idaho, which point is 85.00 feet east of the Southwest corner of the said Northeast Quarter of the Southeast Quarter of said Section 3,

THENCE; North parallel to the West line of said Northeast Quarter of the Southeast Quarter 1,310.00 feet more or less to a point on the North line of said Northeast Quarter of the Southeast Quarter, which point is 85.00 feet East of the Northwest corner of said Northeast Quarter of the Southeast Quarter.

SUBJECT TO: All easements or reservations appearing on the above-described parcel of real property.

The above described parcel of real property in Section 3, is comprised of 84.53 acres, more or less.

The total combined acreage for the above described parcels or real property located in Section 2 and Section 3, is comprised of 179.85 acres more or less.



SOUTHWEST SUPERVISORY AREA

8355 West State Street
Boise ID 83714-6071
Phone (208) 334-3488
Fax (208) 853-6372



STATE BOARD OF LAND COMMISSIONERS

Brad Little, Governor
Phil McGrane, Secretary of State
Raúl R. Labrador, Attorney General
Brandon D. Woolf, State Controller
Debbie Critchfield, Sup't of Public Instruction

August 23rd, 2023

Nampa Paving and Asphalt Company
444 Karcher Rd
Nampa, ID 83687

To whom it may concern,

This correspondence is notification that the following reclamation plan was approved on 8/23/2023:

| PLAN NO. | ACRES | COUNTY | LEGAL DESCRIPTION |
|----------|-------|--------|-----------------------------------|
| S603006 | 179 | Canyon | T04N R04W Sec 2 SW1/4 Sec 3 NE1/4 |

The plan was granted approval subject to the following terms and conditions:

1. All refuse, chemical and petroleum products and equipment shall be stored and maintained in a designated location, 100 feet away from any surface water and disposed of in such a manner as to prevent their entry into a waterway.
2. State water quality standards will be maintained at all times during the life of the operation. Should a violation of water quality standards occur, mining operations will cease immediately, corrective action will be taken, and the Department of Environmental Quality will be notified.
3. Erosion and non-point source pollution shall be minimized by careful design of the site access and implementing Best Management Practices, which may include, but are not limited to:
 - a. Diverting all surface water flows around the mining operation.
 - b. Removing and stockpiling vegetation and slash, except merchantable timber, for use in erosion control and reclamation;
 - c. Removing and stockpiling all topsoil or suitable plant growth material for use in reclamation.
4. **An initial reclamation bond in the amount of \$44,310.00 for up to 30 acres of disturbance will be submitted to and maintained with the Idaho Department of Lands prior to conducting surface mining operations.**

5. If the reclamation plan is not bonded within 18 months of approval, or if no operations are conducted within three years, the department may withdraw this plan. This shall not prevent the operator from re-applying for reclamation plan approval.

6. Acceptance of this permit does not preclude the operator from obtaining other necessary permits and approvals from state and federal authorities, i.e. Storm Water Pollution Prevention Plan (SWPPP), waste water generation and/or air quality permits, consultation with the National Oceanic and Atmospheric Administration Fisheries, U.S. Army Corps of Engineers 404 Permit and Stream Channel Alteration Permits for each production process.

8. At the beginning of each calendar year the operator or plan holder shall notify the director of any increase in the acreage of affected lands which will result from the planned surface mining activity within the next twelve (12) months. A correlative increase in the bond will be required for an increase in affected acreage.

Please note -- pursuant to Idaho Code section 47-1512(a), operations cannot commence until the bond established in Stipulation No. 4 is submitted to this department. Failure to submit payment before mining commences may subject you to legal action by the state pursuant to Idaho Code section 47-1513(d), which may include issuance of an order by the district court to temporarily restrain your mining operations without prior notice to you.

If the department does not receive a written notice of objection from you regarding these stipulations by September 13, 2023, the stipulations will be considered as accepted.

If you have any questions, you may contact me at the above address or telephone number.

Sincerely,



Connor MacMahon
Resource Supervisor—Lands and Waterways



June 19, 2023
Syman Project No. 231308

Idaho Department of Lands
ATTN: Connor MacMahon
8355 W. State St.
Boise, ID 83714

SUBJECT: Reclamation Plan – Mianco Property
Notus Rd. & Boise River Rd.
Caldwell, Idaho 83607

Operations Description:

The parcel is not currently undergoing any mining activities. Nampa Paving and Asphalt Co. plans to excavate three ponds on the property in three different phases. The property is approximately 179-acres with an estimated 104-acres being involved in the mining activities, including the excavations, staging, access, and stockpile areas. The gravel resources will be processed on-site and will be sold commercially or used in Nampa Paving's construction projects. As the extraction of the mineral resources concludes, the preserved topsoil will be employed as a growth medium for the final reclamation vegetation. Moreover, the surplus overburden from the excavations will be utilized to construct slopes and form uneven pond banks, aiming to ultimately create amenity ponds for prospective public recreational activities.

A minimum 50-foot undisturbed buffer will be maintained around all sides of the property boundaries. The 50-foot buffer will be used for access and the stockpiling of overburden during construction of the ponds. A larger buffer from the property lines will be established on the east side of Phase 1 and Phase 3. This additional buffer will be established to protect the Boise River floodway. The floodway location was determined using Idaho Department of Water Resources Floodplain Management Map. The property and residence located at 23596 Notus Road lies in the center of the proposed mining activity site. This property will have a 10-foot-tall privacy berm constructed along the north and east of the property line.

The facility access road will be constructed directly adjacent the intersection of Notus Road and Boise River Road. The planned access road will run west to east along the southside of the Phase 1 berm. A scale will be installed along the access road, west of the privacy berm and adjacent to the staging area situated between Phase 1 and 3. The ponds will be located at various distances from the access point of the gravel pit. In relation to the access point of the pit, the Phase 1 pond is approximately 300 feet away, the Phase 2 pond is 2,000 feet away, and the Phase 3 pond is 1,300 feet away. As work progresses, additional access roads and haul routes may be constructed within the property. These roads will be constructed with gravel to limit dust, and during dry months, these roads will be watered to further minimize dust.

The mining operations on the site will involve the systematic removal of available topsoil and overburden from the active mining area. These excavated materials will then be stockpiled along the east perimeters of the site to form sight and sound berms. These berms will remain in place throughout the mining process, serving as visual and noise barriers. To mitigate erosion, the stockpiles will be shaped and seeded until they are required for the reclamation phase. Additionally, portions of the topsoil and overburden soil will be utilized to construct berms around the downslope areas of the ponds, providing effective erosion

Nampa Paving & Asphalt Co.
June 19, 2023
Syman Project No. 231308

control measures. Within the active mining area, the primary location for aggregate stockpiles will be designated.

The mining operations on the site will be focused on extracting a gravel layer situated approximately 30 feet below the existing surface. Based on the geological characteristics of the surrounding area, it is estimated that the depth of the gravel layer will range between 5 and 30 feet beneath the surface. Throughout the mining process, the operational slopes will adhere to the natural angle of repose of the soil, with a ratio of 2 to 1.

Aggregate processing equipment will be on site continuously. Processing equipment will consist of mechanical screens, a crusher, and multiple conveyors. Dozers, loaders, and excavators will also operate at the site as needed to move the in-situ aggregates to the processing equipment and load trucks at the site. Aggregates will be delivered offsite with trucks. Employee parking will be on site, typically within the 50-foot buffer between the ponds and the excavation.

Operational hours will occur according to the Canyon County conditional use permit. As illustrated on the Reclamation Plan Site Map, REC-101, the estimated area of disturbed land during the first year of operation is the entirety of Phase 1. This is approximately 30.2 -acres. The anticipated construction date for the Mianco Property is January 1, 2024. The planned reconstruction of the site is fifteen (15) years from the start date and therefore would be December 31, 2039. The estimated timeframe to reclaim the site would be between 90 and 180-days, and therefore would be abandoned, at the latest, June 30, 2039.

Best Management Practices:

The site operator will secure coverage under the Environmental Protection Agency's NPDES Multi-sector General Permit (MSGP) to address stormwater discharges associated with industrial activity. In compliance with the MSGP Sector J: Mineral Mining and Dressing, a Stormwater Pollution Prevention Plan (SWPPP) will be developed and regularly modified throughout the mining operations. Site inspections will be conducted as required by the MSGP, with specific focus on monitoring stormwater discharges. Water samples will be collected and analyzed to assess compliance with the applicable water quality standards outlined in Sector J.

An unnamed irrigation canal runs approximately 2,300-feet along the north and east property line, discharging from the site at the residence of 23596 Notus Road. This ditch will be utilized for dewatering activities anticipated during mining activities of Phase 1. The Lower Center Point Canal lines the southern property line and may be susceptible to sediment runoff during grubbing and construction of site berms. To safeguard these waterways against sediment and erosion, a range of Best Management Practices (BMPs) will be implemented. These BMPs will adhere to the guidelines provided by the Idaho Department of Environmental Quality (IDEQ) Catalog of Stormwater BMPs for Cities and Counties.

In the site preparation phase, topsoil will be removed, and stockpiles will be constructed along the site perimeter. These stockpiles will be seeded to form earthen berms. These berms will serve as a protective measure to prevent sediment and erosion from reaching the ditch. Settling ponds will be established to capture stormwater runoff and any wash water utilized by mining equipment. Great attention will be given to minimize trackout, and to achieve this, the site will feature a stabilized construction entrance and a stabilized road leading into the mine.

To control fugitive dust, regular watering of in-pit roads, access roads, and active work areas will be carried out using water trucks, sprinklers, and sprays. Stockpiles of overburden material will be located

Nampa Paving & Asphalt Co.
June 19, 2023
Syman Project No. 231308

outside of the mined area. Following the initial clearing and grubbing phase, the perimeter berms, consisting of topsoil, may contribute sediment through dust or stormwater discharges. Therefore, temporary seeding of the berms will be implemented to stabilize the soil post-excavation.

To ensure compliance with proper waste management practices, hazardous waste such as refuse, trash, and solids will not be burned, buried, or stored on site. A designated dumpster will be maintained for waste containment and proper disposal at a permitted landfill facility. Storage of petroleum products on the site for equipment fueling and maintenance purposes will be conducted with the implementation of appropriate BMPs. These measures will prevent petroleum products from entering open waterways or leaving the active site.

For future operations that may involve the utilization of an existing building for fuel and oil storage, a spill prevention and control countermeasure plan will be established and maintained on site. This plan will ensure compliance and proper handling of fuel and oil-related activities, protecting against potential spills or leaks.

Receiving Waters:

To prevent water runoff from the mining activities, berms will be implemented. However, due to the presence of shallow groundwater, dewatering will be necessary to extract the gravel. To minimize soil tracking off-site, the haul roads will be regularly watered, and efforts will be made to prevent equipment from entering muddy areas.

The dewatering process will be conducted in two phases. In Phase 1, dewatering will be carried out to facilitate initial mining operations and the excavation of a permanent pond. To allow sufficient time for sediment to settle, discharge will move through existing or constructed vegetated ditches in the active mining areas. The water will flow through the vegetated ditches and will eventually reach the unnamed irrigation that runs along Notus Road.

During Phases 2 and 3, mine dewatering will be accomplished by pumping water from the active mining area to a permanent sediment removal pond, which will be excavated during the initial year of operations. To enhance the rate of water infiltration and eliminate the need for further dewatering, surcharging of this pond will be implemented. However, if additional dewatering practices are necessary, clean water from this settling pond will be discharged into the unnamed irrigation canal. Strict monitoring of the discharged water will be undertaken to ensure compliance with state water quality standards. As illustrated on Reclamation Site Map, REC-101, upon abandonment of the site, there will be permanent ponds constructed at or near the 50-foot buffer area of each phase. This will allow access to complete reclamation work, and allow future access around each pond.

Road Reclamation:

Existing roadways and haul routes will undergo improvements, and new access roads connecting to Notus Rd. will be constructed, with updated design drawings. These new roadways will remain in place until mining operations have concluded. The roads situated between the ponds will either be transformed into pathways for future development or undergo soil compaction followed by ripping, topsoil application, and seeding. Subsequently, the access road into the site will be dismantled, and the subgrade soils will be ripped and re-vegetated.

Nampa Paving & Asphalt Co.
June 19, 2023
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Re-Vegetation Plan:

At the completion of mining activities, the perimeter of the pit will be blended into the surrounding grades to eliminate straight lines and abrupt changes in vegetation patterns or soil types. The pond is intended to serve as a recreational pond. Portions of the pond reclamation process will consist of preparing access points such as boat access and beaches.

The pit reclamation will consist of

- 1) Grading the pit floor to an approximately smooth surface.
- 2) Grading the pit slopes
- 3) Spreading salvaged topsoil on the disturbed area
- 4) Seeding the areas reclaimed

Salvaged topsoil will be stored in perimeter berms on the site. The berms will be vegetated during the mining activities. The stockpiled soil will be distributed over the re-shaped surfaces prior to re-seeding.

The seed will be spread over the surface at a rate of 21 pounds of pure live seed per acre. The seeding will take place between March 15 to September 1. The seed will be spread over the new topsoil with a mechanical spreader and harrowed into the soil or will be applied to the soil with the use of a seed drill. The seed used in the reclamation will be the following seed mix:

| <u>Grasses</u> | <u>PLS Lbs/Acre</u> |
|--------------------------|---------------------|
| Bluebunch Wheatgrass | 5 |
| Thickspike Wheatgrass | 4 |
| Big Bluegrass | 3 |
| Sandberg Bluegrass | 3 |
| Idaho fescue | 3 |
| <u>Forbs</u> | <u>PLS Lbs/Acre</u> |
| Bottlebrush Squirreltail | 1 |
| Western Yarrow | 0.25 |
| Fernleaf Biscuitroot | 1 |
| Blanket flower | 0.75 |

All seed will be certified noxious weed free and will be inspected before application to be free of mold. It is recommended that the seed be less than one-year-old. Reclamation activities will be completed within 8 months of final mining activities.

Reclamation of tailings, process, or sediment pond reclamation:

All aggregates will be removed from the site or blended into the grading activities prior to placing any topsoil. Stockpiles of reject sand or other aggregates will be similarly incorporated into the final grading. Any temporary ponds (sediment ponds) that are not part of the final pond area will be filled prior to grading slopes.



IDAHO DEPARTMENT OF LANDS

APPLICATION FOR RECLAMATION PLAN APPROVAL

Reclamation Plan Number: _____

GENERAL INFORMATION

The Idaho Mined Land Reclamation Act, Title 47, Chapter 15, Idaho Code requires the operator of a surface mine, a new underground mine, or an existing underground mine that expands the July 1, 2019 surface disturbance by 50% or more to obtain an approved reclamation plan and financial assurance. Fees are charged as shown on the attachment.

When an applicant is mining on lands administered by the U.S. Forest Service or Bureau of Land Management, it is necessary to obtain the proper federal approvals in addition to the Department of Lands. Each agency's application requirements are similar, but not exactly the same. Please review both state and federal application requirements, and develop one plan which meets the requirements of all the agencies involved.

If ponds or lakes are created during the mining process and will remain after reclamation is completed, the Idaho Department of Water Resources (IDWR) requires the operator or landowner to obtain a water right. If a water right cannot be obtained prior to a plan being submitted, then the reclamation plan must include backfilling to an elevation above the local ground water table. Bond calculations must include those backfilling costs.

After the reclamation plan has been finalized, an electronic copy or five (5) hard copies of the application package must be submitted to the appropriate Area office of the Idaho Department of Lands. When the application is received, the appropriate federal or state agencies will be notified of the application. The department shall deliver to the operator, if weather permits and the plan is complete, the notice of rejection or notice of approval of the plan within sixty (60) days after the receipt of the reclamation plan or amended plan.

All reclamation plan applications will be processed in accordance with Section 080 of the Rules Governing Mined Land Reclamation (IDAPA 20.03.02) and applicable Memorandums of Understanding with state and federal agencies.

APPLICATION INFORMATION

1. NAME: Nampa Paving & Asphalt Co. d/b/a: N/A
2. ADDRESS: 444 Karcher Road
CITY, STATE, ZIP CODE: Nampa, Idaho 83687
3. TELEPHONE and EMAIL: 707-921-9914 delfo@nampapaving.com
(000-000-0000) (e.g. john.doe@email.com)
4. DESIGNATED IN-STATE AGENT AND ADDRESS: (if Company's main place of business is 'out of state')
N/A
5. PROOF OF BUSINESS REGISTRATION (if applicable): If applicant is a business, please attach proof of registration with the Idaho Secretary of State.
6. LEGAL DESCRIPTION (Section, Township, and Range) TO THE QUARTER-QUARTER SECTION:
Sec 2, T4N, R4W, SW 1/4 & Sec 3, T4N, R4W, NE 1/4
7. ACREAGE and COUNTY(ies): 179 Canyon
(Acres) (e.g. Ada through Washington)
8. OWNERSHIP: (check applicable)
☒ Private ☐ U.S. Forest Service ☐ Bureau of Land Management ☐ Idaho Department of Lands
9. COMMODITY TYPE, PROPOSED START-UP DATE: Sand & Gravel, August 2023
10. SITE NAME OR MINE NAME (if any): Mianco Property
11. TYPE OF MINING: (check applicable) ☒ Surface ☐ Underground ☐ Both

Fee: See Attached Schedule, page 3

12. Please provide the following maps of your mining operation (Subsections 069.04 or 070.03 of IDAPA 20.03.02):

- a. A vicinity map prepared on a standard USGS 7.5' quadrangle map or equivalent.
- b. A site map which adequately shows the location of existing roads, access roads, and main haul roads which would be constructed or reconstructed for the operation. Also, list the approximate dates for construction, reconstruction, and abandonment.
- c. On a site location map, show the following:
 - i. The approximate location and names, if known, of drainages, streams, creeks, or bodies of water within 1,000 feet of the surface mining operation.
 - ii. The approximate boundaries and acreage of the lands:
 1. That will become affected by the mining operation.
 2. That will be affected during the first year of operations.This map must be of appropriate scale for boundary identification.
 - iii. The planned configuration of all pits, mineral stockpiles, overburden piles, topsoil stockpiles, sediment ponds, and tailings facilities that will be developed by the mining operation.
 - iv. Location of all underground mine openings at the ground surface, if any.
 - v. The planned location of storage for fuel, equipment maintenance products, wastes, and chemicals utilized in the surface mining operation.
- d. A surface and mineral control or ownership map of appropriate scale for boundary identification.
- e. Scaled cross-sections of the mine showing surface profiles prior to mining, at maximum disturbance, and after reclamation.

13. A reclamation plan must be developed and submitted in map and narrative form (Subsections 069.05 or 070.04 of IDAPA 20.03.02). The reclamation plan must include the following information:

- a. On a drainage control map show and list the best management practices which will be utilized to control erosion on or from the affected lands.
- b. A description of foreseeable, site specific water quality impacts from mining operations and proposed water management activities or BMPs to comply with water quality requirements.
- c. A description of post-closure activities, if any, such as water handling and treatment.
- d. Which roads will be reclaimed and a description of the reclamation.
- e. A revegetation plan which identifies how topsoil or other growth medium will be salvaged, stored and replaced in order to properly revegetate the area. Identify soil types, the slope of the reclaimed areas, and precipitation rates. Based on this information, identify the seed species, the seeding rates, the time and method of planting the soil, and fertilizer and mulch requirements.
- f. Describe and show how tailings facilities and process or sediment ponds will be reclaimed.
- g. Dimensions of underground mine openings at the surface and description of how each mine opening will be secured to eliminate hazards to human health and safety.
- h. For operations over five (5) acres, estimate the actual cost of third party reclamation including direct and indirect costs for mobilization, re-grading, seed, fertilizer, mulch, labor, materials, profit, overhead, insurance, bonding, administration, and any other pertinent costs as described in IDAPA 20.03.02.120.

APPLICANT SIGNATURE: _____

DATE: _____

6/18/23

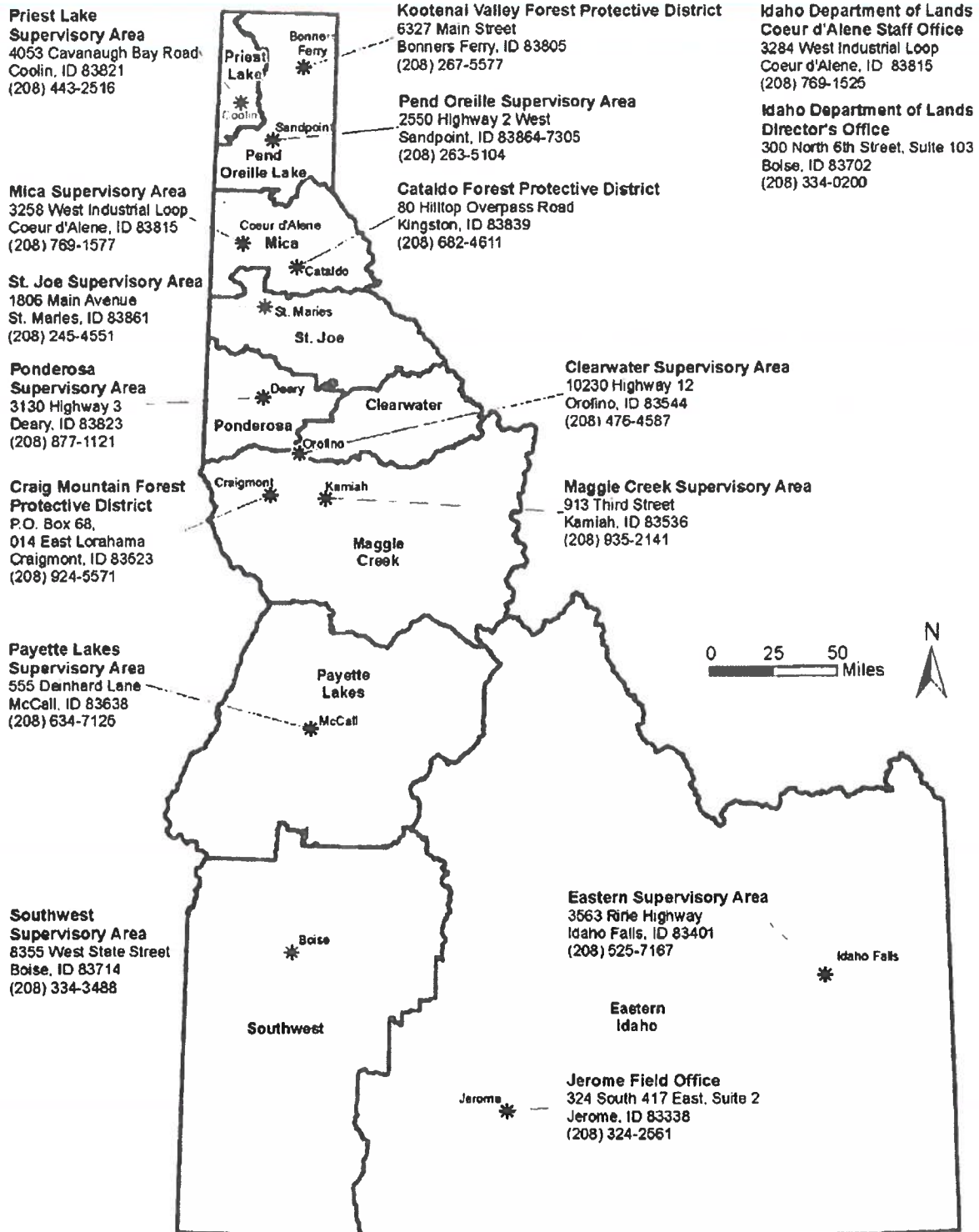
Fee: See Attached Schedule, page 3

Application Fee Schedule

Acres are determined by the number entered in item 7 on the Application Form.

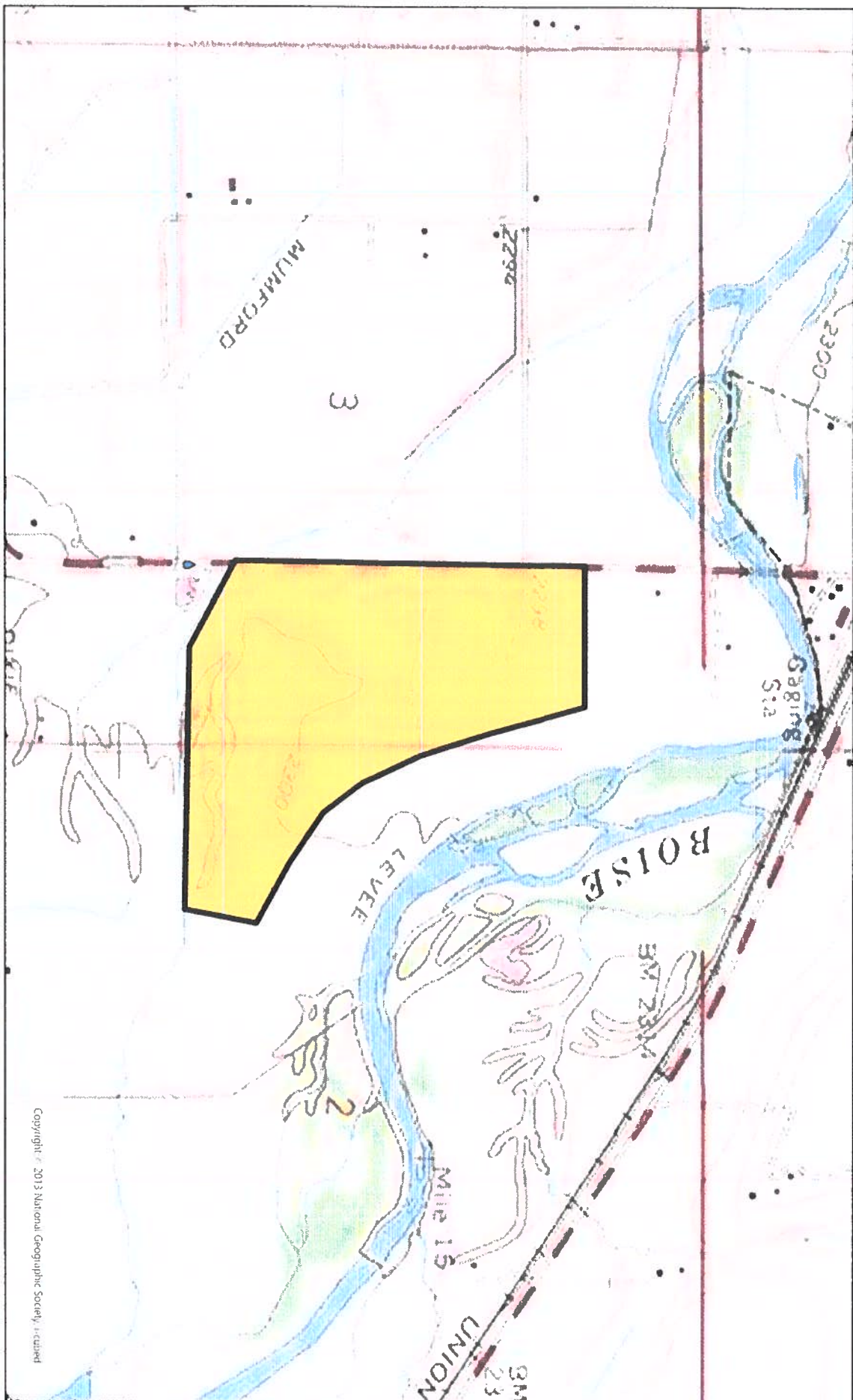
| Type of Plan | Fee (Dollars) |
|-----------------------------------------------------------------------------------------------------------|-------------------------------------|
| Section 069* of IDAPA 20.03.02, Reclamation Plan 0 to 5 acres | Five hundred (\$500) |
| Section 069 of IDAPA 20.03.02, Reclamation Plan >5 to 40 acres | Six hundred (\$600) |
| Section 069 of IDAPA 20.03.02, Reclamation Plan over 40 acres | Seven hundred fifty (\$750) |
| | |
| Section 070** of IDAPA 20.03.02, Reclamation Plan 0 to 100 acres | One thousand (\$1,000) |
| Section 070 of IDAPA 20.03.02, Reclamation Plan >100 to 1000 acres | One thousand five hundred (\$1,500) |
| Section 070 of IDAPA 20.03.02, Reclamation Plan >1000 acres | Two thousand (\$2,000) |
| | |
| * Section 069 is for gravel pits, quarries, decorative stone sources, and simple industrial mineral mines | |
| ** Section 070 is for hardrock, phosphate, and underground mines, and complex industrial mineral mines | |

Idaho Department of Lands Management Areas



TOPOGRAPHIC MAP

Discharge Location / Outfall
Project Location



Copyright © 2013 National Geographic Society, Inc.

FIGURE 2
2 OF 4

FILE NUMBER
211.008

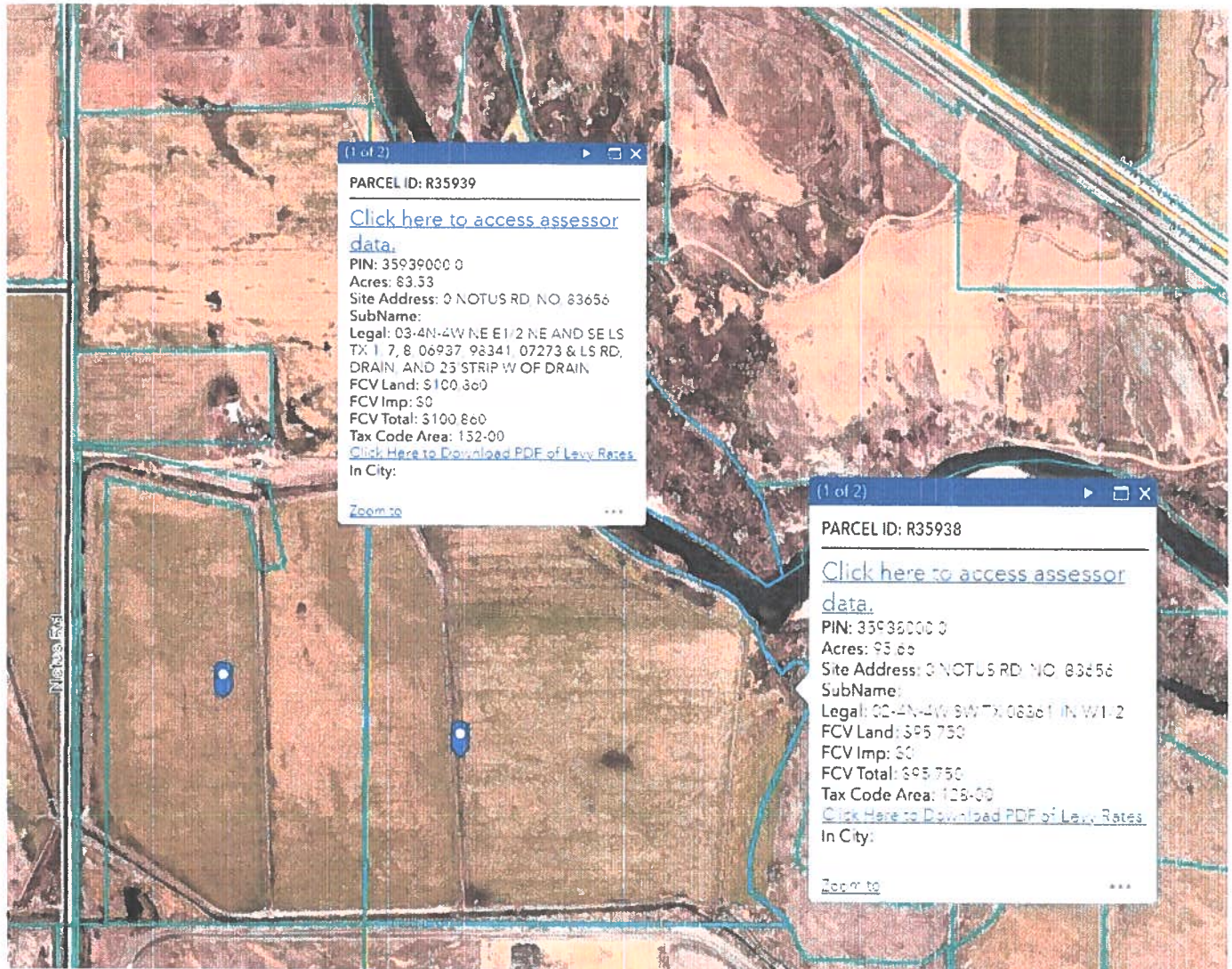
TOPOGRAPHIC MAP
MILPIS PROPERTY
LOTUS RD. & BOISE RIVER RD
CALDWELL, CALIFORNIA COUNTY, IDAHO
TIAMPA PAVING & ASPHALT CO



SYMAN
2101 DELTA DRIVE
TIAMPA, IDAHO 83687
PHONE (208) 287-8420

Nampa Paving & Asphalt Co.
June 19, 2023
Syman Project No. 231308

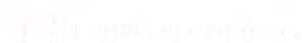
Canyon County Assessors Map





| | |
|------------------------------------------------------------|-----------------------------------------------------|
| Owner: Mianco Limited Partnership | Parcel ID: 35939000 0 |
| Mailing Address: 567 S Archstone Way Boise Id 83709 | Property Class: 101 Irrigated Ag Land Vacant |
| Property Address: 0 Notus Rd | Deeded Acres: 83.5300 |
| Neighborhood: 250000 Notus Farm | District: 152-00 |

Last updated: 6/19/2023 05:44:58 PM



Description
03-4N-4W NE E1/2 NE AND SE LS TX 1, 7, 8, 06937, 98341, 07
273 & LS RD, DRAIN, AND 25'STRIP W OF DRAIN



| Instrument | Date | Owner | Grantee | Type |
|------------|----------|---------------|----------------------------|----------|
| 2008035105 | 10/27/08 | Mills Zimri E | Mianco Limited Partnership | Multiple |



| Effective Year | Modifier | Override Amount | Percent | Exemption Expires | Total Value | Exemption Value | Net Taxable Value |
|------------------------------------------------|----------|-----------------|---------|-------------------|-------------|-----------------|-------------------|
| No modifier data is available for this record. | | | | | | | |



| Tax Year | Description | Value |
|----------|-------------|---------|
| 2023 | Original | 100,860 |
| 2022 | Original | 98,520 |



| Year | Reason | Land Value | Improvement Value | Total Value |
|------|-----------------------|------------|-------------------|-------------|
| 2023 | 02- Assessment Update | 100,860 | 0 | 100,860 |
| 2022 | 02- Assessment Update | 98,520 | 0 | 98,520 |
| 2021 | 02- Assessment Update | 91,240 | 0 | 91,240 |
| 2020 | 02- Assessment Update | 86,540 | 0 | 86,540 |
| 2019 | 02- Assessment Update | 87,330 | 0 | 87,330 |

◀ ◁ 1 2 3 4 5 ▶ ▷ 5 ▼ items per page

1 - 5 of 25 items

| Land Type | Acres | Total Value |
|---------------------|-------|-------------|
| 4AB0-3 | 78.08 | \$100,720 |
| 19 Waste / Easement | 3.76 | \$0 |
| DRY GRAZING | 1.69 | \$140 |

| Property Record | Improvement ID | Use Code | Description | Year Built | Length (ft.) | Width (ft.) | Area | Area Units |
|-------------------------------|----------------|----------|-------------|------------|--------------|-------------|------|------------|
| No improvements data present. | | | | | | | | |

Additional Commercial Info.

| Property Record | Use Code | Description | Gross Square Footage |
|--------------------------------------------------------|----------|-------------|----------------------|
| No additional commercial improvements data is present. | | | |

Non-commercial floor area data is not available.

Commercial Floor Area

No commercial floor area data exists.

| Filing Date | Inactive Date | Sq Ft | Permit Description |
|-------------------------------|---------------|-------|--------------------|
| No permits data is available. | | | |

SEARCH

FOR A PROPERTY

BY ADDRESS

OR PARCEL ID



| | |
|------------------------------------------------------------|-----------------------------------------------------|
| Owner: Mianco Limited Partnership | Parcel ID: 35938000 0 |
| Mailing Address: 567 S Archstone Way Boise Id 83709 | Property Class: 101 Irrigated Ag Land Vacant |
| Property Address: 0 Notus Rd | Deeded Acres: 95.6600 |
| Neighborhood: 250000 Notus Farm | District: 128-00 |

Last updated: 6/19/2023 05:44:58 PM



Description
02-4N-4W SW TX 08361 IN W1/2



| Instrument | Date | Owner | Grantee | Type |
|------------|----------|---------------|----------------------------|----------|
| 2008035105 | 10/27/08 | Mills Zimri E | Mianco Limited Partnership | Multiple |



| Tax Year | Description | Value |
|----------|-------------|--------|
| 2023 | Original | 95,750 |
| 2022 | Original | 93,490 |



| Year | Reason | Land Value | Improvement Value | Total Value |
|------|-----------------------|------------|-------------------|-------------|
| 2023 | 02- Assessment Update | 95,750 | 0 | 95,750 |
| 2022 | 02- Assessment Update | 93,490 | 0 | 93,490 |
| 2021 | 02- Assessment Update | 86,530 | 0 | 86,530 |
| 2020 | 02- Assessment Update | 82,040 | 0 | 82,040 |

| Year | Reason | Land Value | Improvement Value | Total Value |
|------|-----------------------|------------|-------------------|-------------|
| 2019 | 02- Assessment Update | | 82,780 | 0 |
| | | | | 82,780 |

◀ ◁ 1 2 3 4 5 ▶ ▷ 5 ▼ items per page

1 - 5 of 24 items



| Land Type | Acres | Total Value |
|---------------------|-------|-------------|
| 4AB0-3 | 73.15 | \$94,360 |
| 19 Waste / Easement | 6.00 | \$0 |
| DRY GRAZING | 16.51 | \$1,390 |



| Property Record | Improvement ID | Use Code | Description | Year Built | Length (ft.) | Width (ft.) | Area | Area Units |
|-------------------------------|----------------|----------|-------------|------------|--------------|-------------|------|------------|
| No improvements data present. | | | | | | | | |

Additional Commercial Info.

| Property Record | Use Code | Description | Gross Square Footage |
|--------------------------------------------------------|----------|-------------|----------------------|
| No additional commercial improvements data is present. | | | |



Non-commercial floor area data is not available.

Commercial Floor Area

No commercial floor area data exists.



| Filing Date | Inactive Date | Sq Ft | Permit Description |
|-------------------------------|---------------|-------|--------------------|
| No permits data is available. | | | |

Client: Nampa Paving and Asphalt Co.

444 W. Karcher Rd.
Nampa, ID. 83687



Quotation

Project Number: 231308

Estimator:

Estimator Phone:

Estimator Email: a.lyman@symancompany.com

Project Name: Mainco Property

Project Location: Notus Rd. & Boise River Rd., Caldwell, Idaho

Bid Date:

Scope of Work: The total acres involved in the mining is 179 acres. 75 acres will be preserved as setbacks and preserved riparian areas. About 104 will be disturbed to excavate the ponds and roadways. Of the 104 acres 81 acres will be ponds. We estimate with the pond banks included up to about acres 25 will need to be re-graded.

| ITEM | QUANTITY | UNITS | DESCRIPTION | UNIT PRICE | TOTAL |
|--------------|----------|-------|----------------------------------------------------------------------------------|-------------|---------------|
| Re-Grading | 25 | Days | Flatten existing stockpiles and spread topsoil over disturbed areas | \$ 4,500.00 | \$ 112,500.00 |
| Mobilization | 2 | LS | Mobilize equipment to the site | \$ 1,500.00 | \$ 3,000.00 |
| Clean Up | 3 | LS | Remove debris or equipment left by operation | \$ 850.00 | \$ 2,550.00 |
| Seeding | 40 | Acre | Apply noxious weed free native seed blend at 21 lb/acre with fertilizer per acre | \$ 890.00 | \$ 35,600.00 |

MATERIAL TOTAL \$ 153,650.00

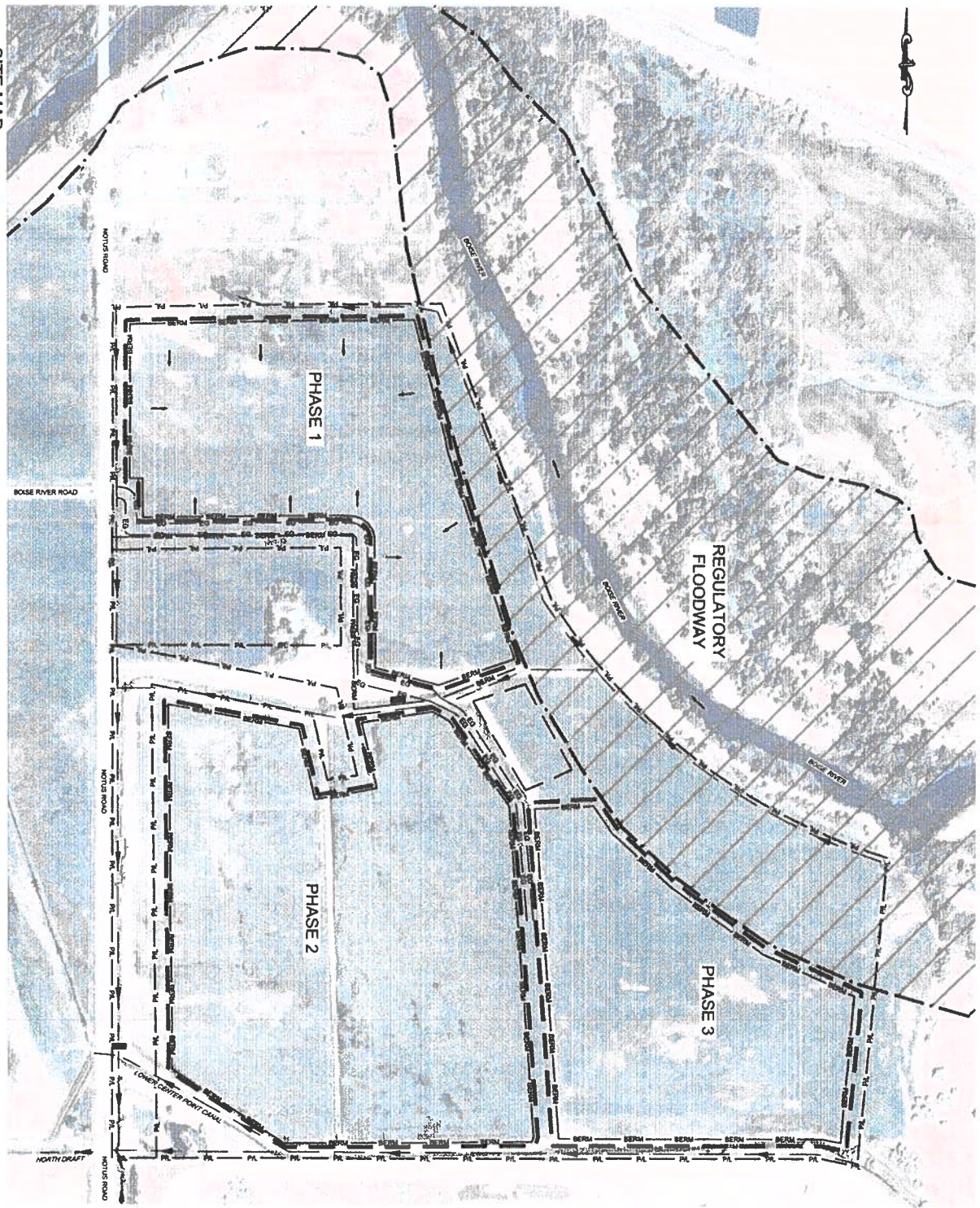
1. Re-grading includes flatten stockpiles, grade site near to pre-development elevations, spread topsoil over disturbed areas up to the edge of water, and drill seed the topsoiled areas with native grass seed.

END OF QUOTATION

Exhibit A.7 - 18

SITE MAP

CS-101.DWG



LEGEND

| | |
|--------------------------|-----|
| 1. PROPERTY LINE | --- |
| 2. EXCAVATION PERMITS | --- |
| 3. STORMWATER / FLOODWAY | --- |
| 4. CANAL / DITCH | --- |
| 5. STRUCTURES | --- |
| 6. BERM | --- |
| 7. EDGE OF FLOODWAY | --- |
| 8. FLOODWAY | --- |

CS-101

SYMAN, LLC
2101 Delta Drive
Nampa, Idaho 83687
Phone (208) 287-8420

SYMAN, LLC
2101 Delta Drive
Nampa, Idaho 83687
Phone (208) 287-8420

| NO. | DATE | BY | DESCRIPTION |
|-----|------|----|-------------|
| | | | |
| | | | |
| | | | |

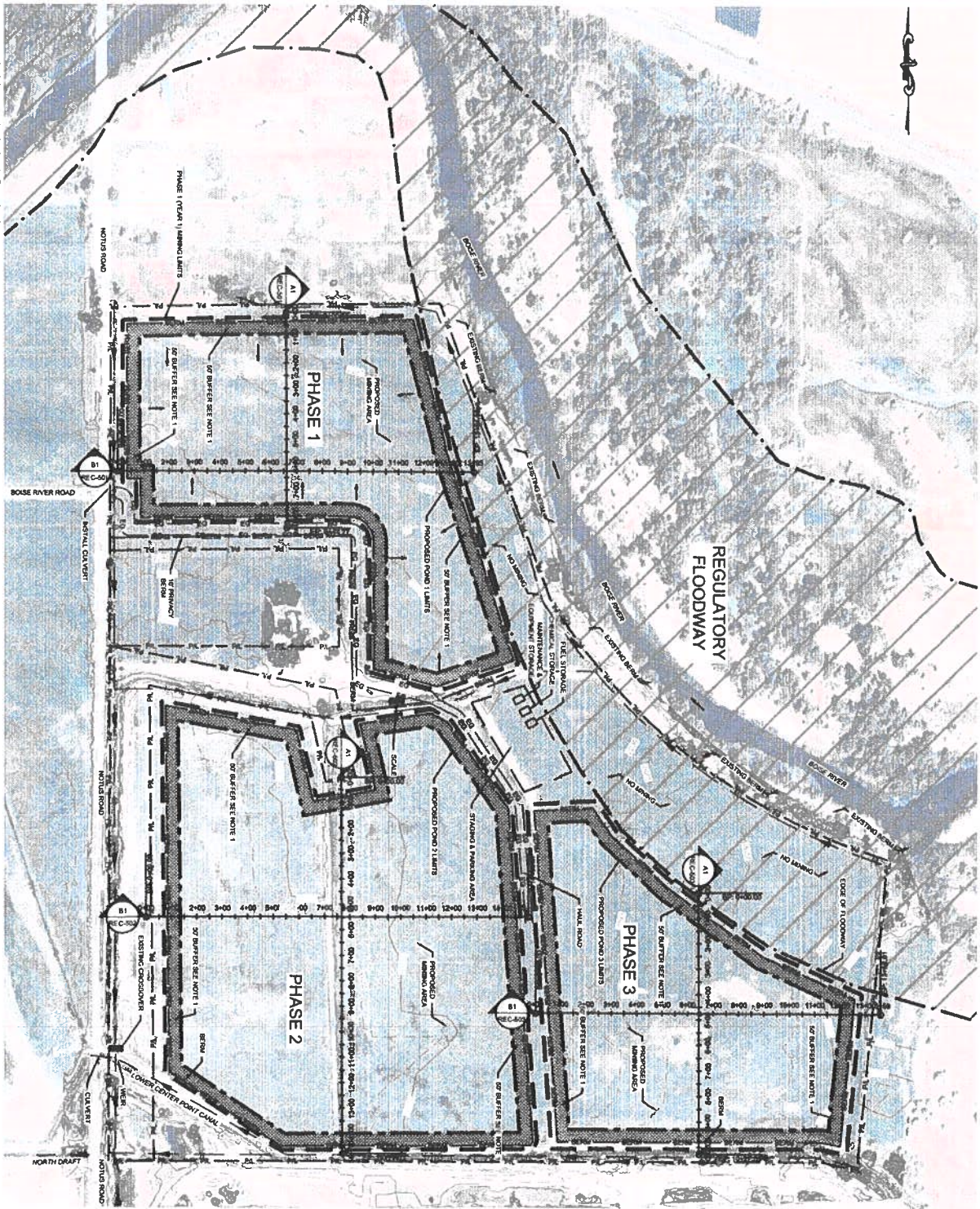
SITE MAP
MIANCO PROPERTY
MIANCO PROPERTY
CANYON COUNTY CALDWELL, IDAHO
NAMPA PAVING



SYMAN, LLC
2101 Delta Drive
Nampa, Idaho 83687
Phone (208) 287-8420

RECLAMATION PLAN

1:250 (22/24 TYP. 25/27)



750 150 0 250 500
(FOOT SCALE)

LEGEND

1. PROPERTY LINE
2. EROSION/PHASING
3. STORMWATER STORAGE
4. CANAL/DRY
5. STRUCTURES
6. BRIDGE
7. EDGE OF FLOODWAY
8. FLOOD LIMITS
9. FLOODWAY

10. 27' BUFFER
11. 27' BUFFER

NOTES

1. THE 27' BUFFER SHALL BE MAINTAINED AT THE COMPLETION OF EACH PHASING PHASE.
2. EROSION/PHASING SHALL BE MAINTAINED AT THE COMPLETION OF EACH PHASING PHASE.
3. EROSION/PHASING SHALL BE MAINTAINED AT THE COMPLETION OF EACH PHASING PHASE.
4. EROSION/PHASING SHALL BE MAINTAINED AT THE COMPLETION OF EACH PHASING PHASE.
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10. EROSION/PHASING SHALL BE MAINTAINED AT THE COMPLETION OF EACH PHASING PHASE.
11. EROSION/PHASING SHALL BE MAINTAINED AT THE COMPLETION OF EACH PHASING PHASE.

PHASING AREAS

| | |
|------------------|------------|
| PHASE 1 (TYP. 1) | 30.0 ACRES |
| PHASE 2 (TYP. 2) | 31.0 ACRES |
| PHASE 3 (TYP. 3) | 24.0 ACRES |

| NO. | DATE | BY | DESCRIPTION |
|-----|------|----|-------------|
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RECLAMATION PLAN
MIANCO PROPERTY
MIANCO PROPERTY
CANYON COUNTY CALDWELL, IDAHO
NANPA PAVING



SYMAN, LLC
2101 Delta Drive
Nampa, Idaho 83687
Phone (208) 287-8420

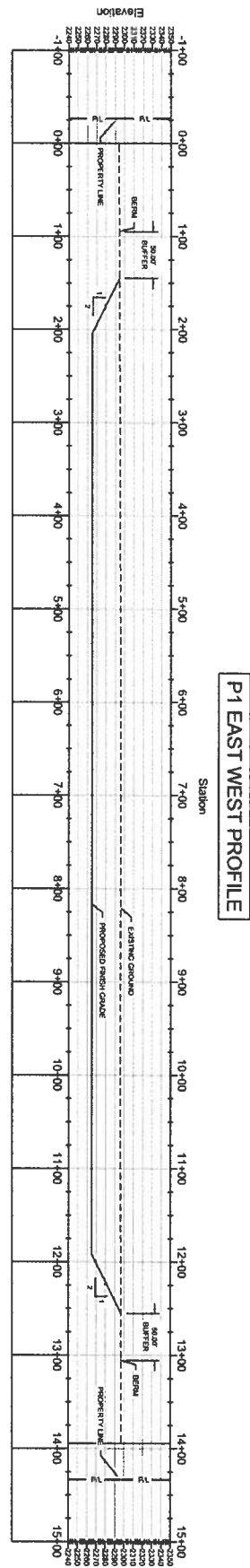
REC-101

DATE: 7/14/2023
DRAWN BY: JIM MATTHEWS
CHECKED BY: JIM MATTHEWS
DATE: 7/14/2023

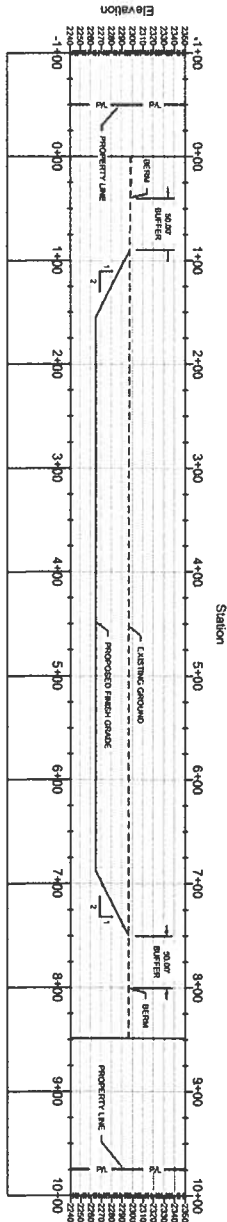
PHASE 1 EAST WEST PROFILE

B1

1/8"



P1 NORTH SOUTH PROFILE



PHASE 1 NORTH SOUTH PROFILE

A1

1/8"

SYMAN, LLC
2101 Delta Drive
Nampa, Idaho 83857
Phone (208) 287-8420



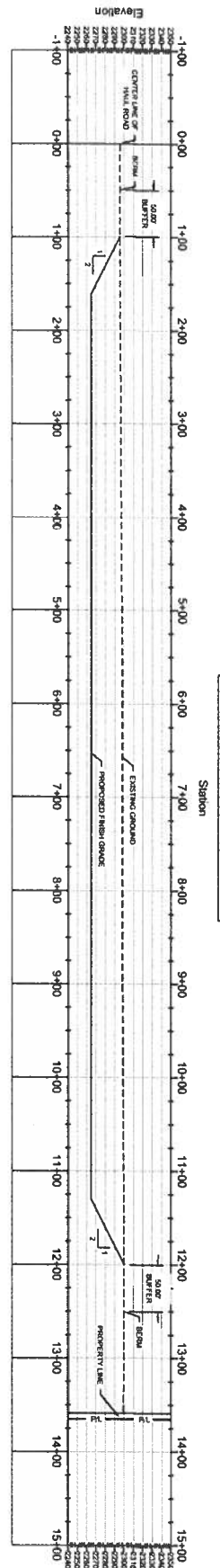
FACILITY PLAN
MIANO PROPERTY
MIANO PROPERTY
CANYON COUNTY CALDWELL, IDAHO
NAMPA PAVING

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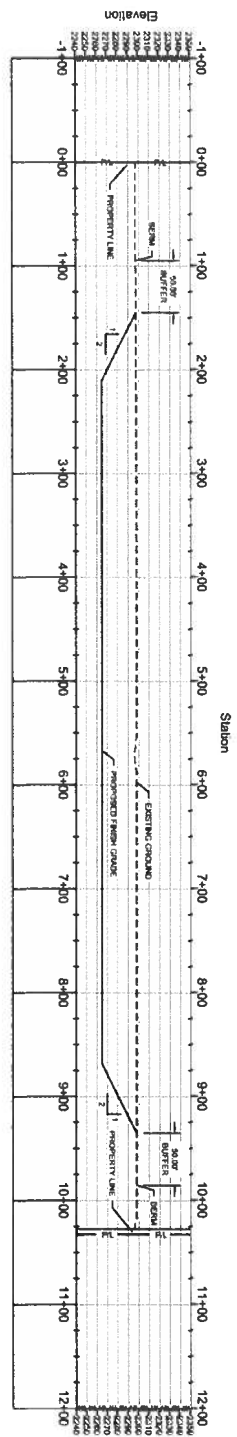
T.A. SYMAN
22/1/2023
J. MATTHEWS
J. MATTHEWS
J. MATTHEWS
June 2023

REC-501

B1
PHASE 3 EAST WEST PROFILE



P3 NORTH SOUTH PROFILE



A1
PHASE 3 NORTH SOUTH PROFILE

SYMAN, LLC
2101 Delle Drive
Nampa, Idaho 83887
Phone (208) 287-8420



FACILITY PLAN
MIANCO PROPERTY
MIANCO PROPERTY
CANYON COUNTY CALDWELL, IDAHO
NAMPA PAVING

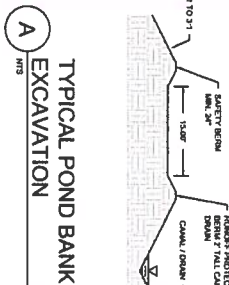
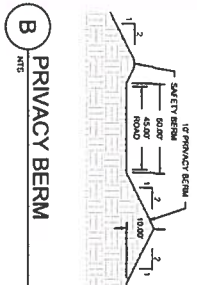
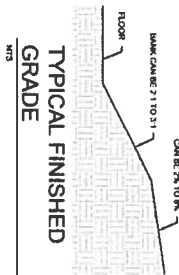
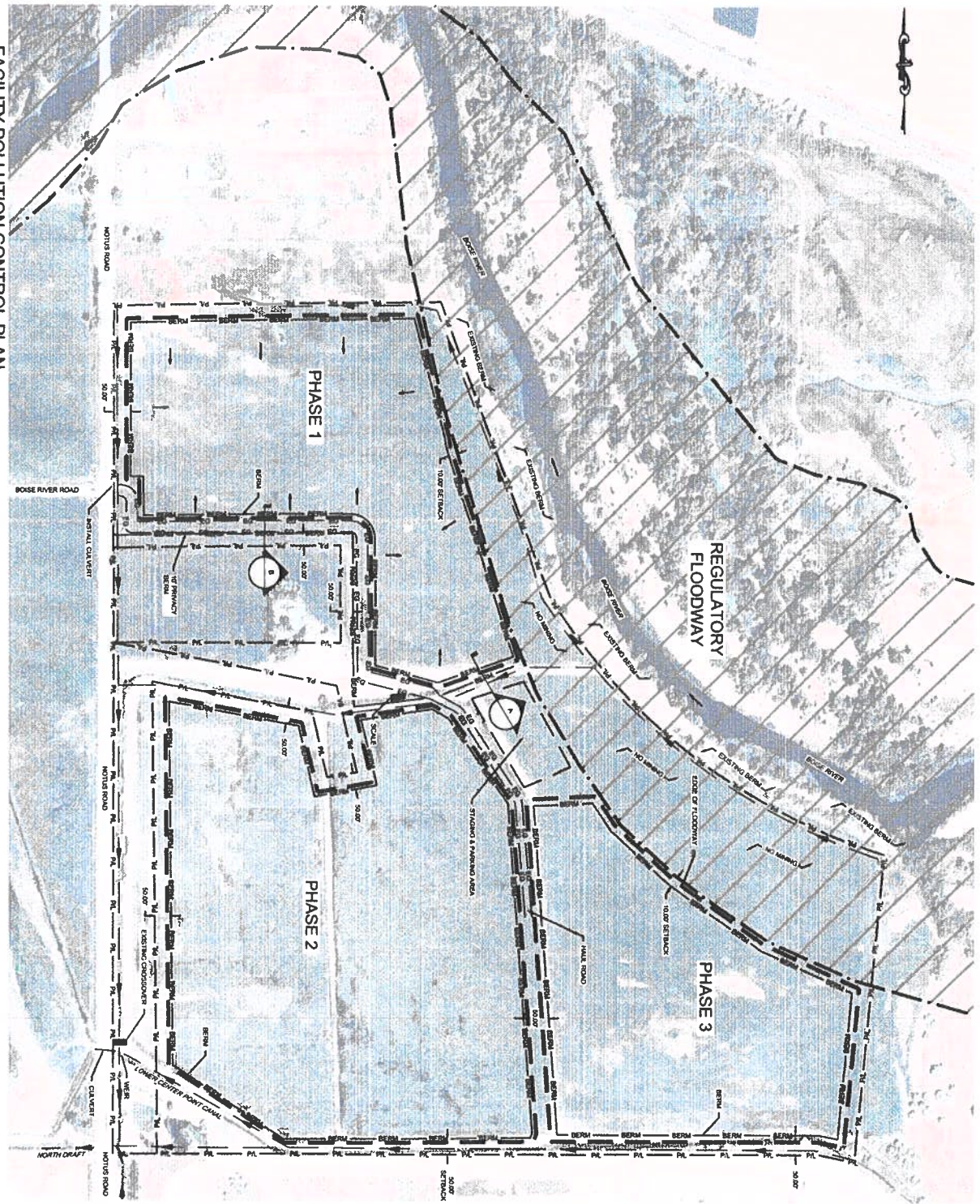
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REC-503

FACILITY POLLUTION CONTROL PLAN

2308 DDA4 PLOT 3023

250 100 0 250 500
SCALE IN FEET



| LEGEND | |
|--------------------------|-----|
| 1. PROPERTY LINE | --- |
| 2. EXCAVATION PERMITS | --- |
| 3. STRUCTURE / STRUCTURE | --- |
| 4. CANAL / DITCH | --- |
| 5. STRUCTURES | --- |
| 6. BERM | --- |
| 7. EDGE OF FLOODWAY | --- |
| 8. FLOODWAY | --- |

FP-101

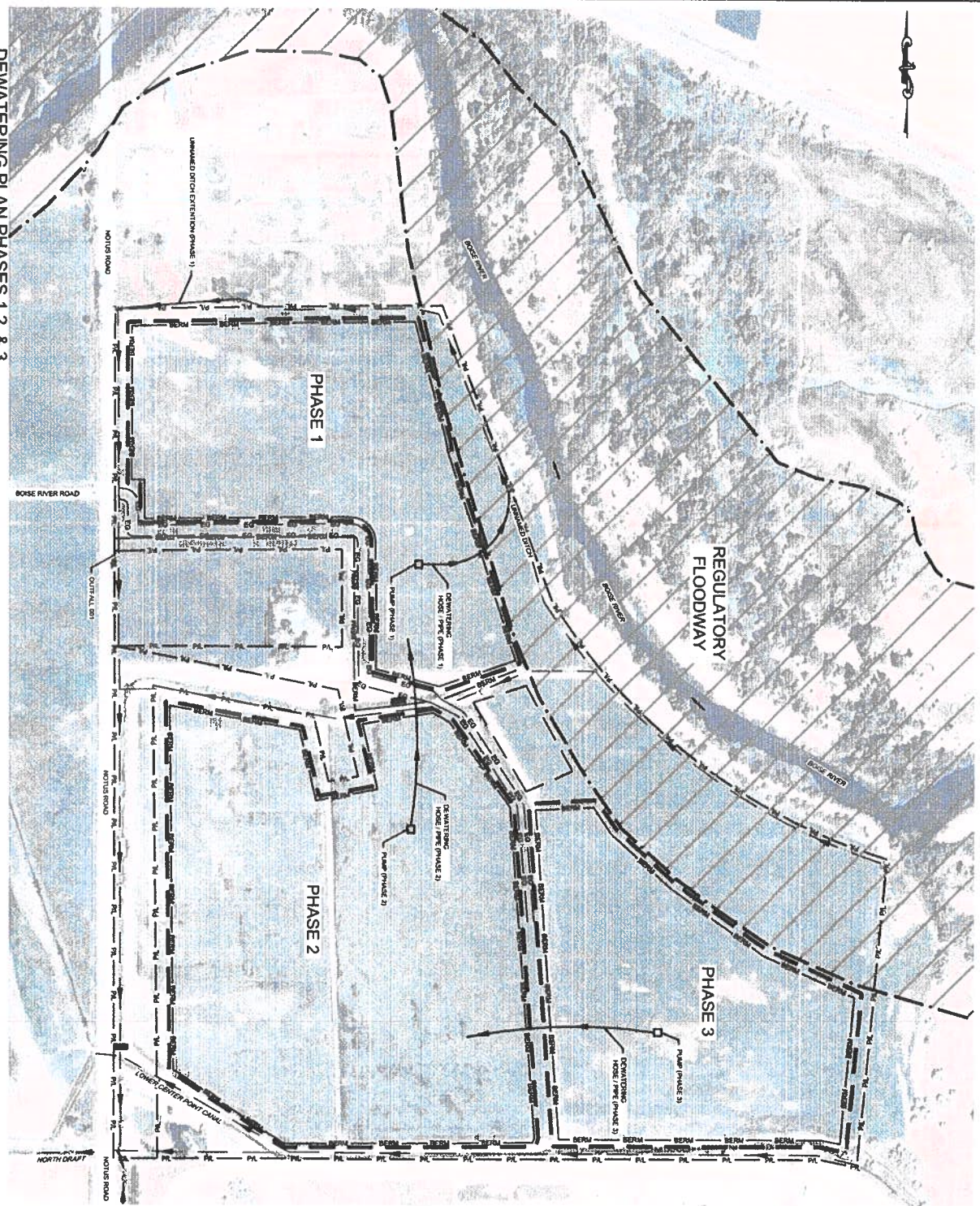
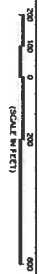
231308
J. MATTHEWS
09/20/23

| REVISIONS | DATE | BY | DESCRIPTION |
|-----------|------|----|-------------|
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| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |

FACILITY PLAN
MIANCO PROPERTY
MIANCO PROPERTY
CANYON COUNTY CALDWELL, IDAHO
NANPA PAVING




SYMAN, LLC
2101 Delta Drive
Nampa, Idaho 83687
Phone (208) 287-8420



LEGEND

| | | | | |
|-----------------------|-------|-----|-----|-----|
| 1. PROPERTY LINE | --- | PK. | --- | PK. |
| 2. EXCAVATION MARKING | ===== | | | |
| 3. STORMWATER STORAGE | ===== | | | |
| 4. CANAL, DITCH | ===== | | | |
| 5. STRUCTURES | ===== | | | |
| 6. BERM | ===== | | | |
| 7. EDGE OF FLOODWAY | ===== | | | |
| 8. FLOODWAY | ===== | | | |



| REVISIONS | | | |
|-----------|------|----|-------------|
| NO. | DATE | BY | DESCRIPTION |
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DEWATERING PLAN
MIANCO PROPERTY
MIANCO PROPERTY
CANYON COUNTY CALDWELL, IDAHO
NAMPA PAVING



SYMAN, LLC
2101 Delta Drive
Nampa, Idaho 83687
Phone (208) 287-8420

DW-103

SHPO Consultation Summary

SHPO Project #2024-287

Any questions please email:

shpo@ishs.idaho.gov

Section 1: Project Information

| | |
|------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Organization Project No(s): CHC Technical Report No. ID-23-009, ID SHPO Review No. 2024-100 | Project Name: CRI for the Mianco Material Source, Canyon County, Idaho |
| Lead Federal Agency: Other State Agency | |
| Project Type: | <input checked="" type="checkbox"/> Federal - Section 106 <input type="checkbox"/> Federal - Section 110 <input type="checkbox"/> CLG Survey <input type="checkbox"/> Determination of Eligibility |
| Programmatic Agreement Applied: | |

Section 2: Lead Agency Reviewer(s)

| |
|--------------------------|
| No Lead Agency Reviewers |
|--------------------------|

Section 3: Additional Organizations

| | |
|-----------------------------------------------|-------|
| Agency: Environmental Protection Agency (EPA) | Name: |
|-----------------------------------------------|-------|

Section 4: Project Description

| |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cultural resource inventory for compliance with Section 106 of the NHPA, prior to the development of an aggregate material source. Compliance with Section 106 is necessary for the use of the mined materials in federally-funded construction projects. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Section 5: Final Determination(s) of Eligibility for Listing in the National Register of Historic Places

| | SHPO Count of Resources |
|--------------|-------------------------|
| Not Eligible | 2 |
| Eligible | 0 |
| Unevaluated | 0 |

Any questions please email:

shpo@ishs.idaho.gov

| Smithsonian Number(s) | Property Type/Name | SHPO Determination |
|-----------------------|------------------------------------------|--------------------|
| 10CN2526 | Linear Resource/Lower Center Point Canal | Not Eligible |
| 10CN3318 | Site/23596 Notus Rd. Farmstead | Not Eligible |
| SHPO Comments: | | |

Section 6: Agency Finding of Effect

☐ No Historic Properties Affected [36 CFR § 800.4(d)(1)]

☒ No Adverse Affect [36 CFR § 800.5(d)(1)]

☐ Adverse Affect [36 CFR § 800.5(d)(2)]

Agency Comments/Summary:

Section 7: Official SHPO Response

The Idaho SHPO has reviewed the documentation and recommendations provided by Other State Agency:

Project Finding of Effect:

☒ We concur with the finding of effect of No Adverse Effect and with the conditions of compliance (if applicable).

☐ We concur with the finding of effect of No Adverse Effect, given stipulations explained below.

☐ We disagree with the finding of effect of No Adverse Effect, as explained below or in the attached letter.

☐ No Comment



Date 02/28/2024

Deputy State Historic Preservation Officer

Any questions please email:

shpo@ishs.idaho.gov

Section 7: Official SHPO Response

SHPO Comments:

FLOODPLAIN DEVELOPMENT PERMIT

Canyon County

Development Services Department

The undersigned hereby makes application for permit to develop, demolish, or excavate in a designated floodplain area. The work to be performed is described below and in attachments hereto. The undersigned agrees that all such work shall be done in accordance with the requirements of the Canyon County Floodplain Ordinance and with all other applicable local, State and Federal regulations. This application does not create liability on the part of the Canyon County or any officer or employee thereof for any flood damage that results from reliance on this application or any administrative decision made lawfully thereunder.

| | | |
|--------------------------------------------------------|----------------------------------------------------------|--------------------------------|
| PROPERTY OWNER | OWNER NAME: Mianco Limited Partnership | |
| | MAILING ADDRESS: 567 S Archstone Way, Boise, ID 83709 | |
| | PHONE: 208-585-1879 | EMAIL: acoleman97@gmail.com |
| Signature: <u>Aaron Coleman</u> Date: <u>9-11-2023</u> | | |

| | | |
|--------------------------------------|--------------------------------------------------------|---------------------------------|
| APPLICANT OR BUILDER: | APPLICANT NAME: Nampa Paving & Asphalt Company | |
| | MAILING ADDRESS: 444 W Karcher Rd., Nampa, ID 83687 | |
| | PHONE: 208-466-4051 | EMAIL: tyson@nampapaving.com |

| |
|-----------------------------------------------------------------|
| ADDRESS AND LOCATION OF THE PROPERTY: <u>0 Notus Rd.</u> |
| |
| |
| |

A. DESCRIPTION OF WORK

1. Proposed Work:

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> New Construction (includes bridges and fences) <input type="checkbox"/> Improvement to Existing Building <input type="checkbox"/> Demolition (includes equip. storage) | <input type="checkbox"/> Manufactured Home <input type="checkbox"/> Filling/Grading <input checked="" type="checkbox"/> Excavation (includes culverts, dredging, vegetation, paving, and drilling, mineral extraction ponds) |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

2. Describe in Detail:

Nampa Paving's Mianco Property is a proposed sand and aggregate mine.

3. Size of Proposed Development (attach site plan): 104 acres of the 179 acres of land

4. Per the floodplain map, what is the zone and panel number of the area of the proposed development:

Zone: Zone AE

Panel Number: 16027C0208G

5. Are there any other Federal, State, or local permits obtained?

☒ Yes

☐ No

Type: SWPPP, Reclamation

Agency: IDEQ, IDL

B. COMPLETE FOR NEW STRUCTURES AND BUILDING SITES: N/A

1. Base Flood Elevation at the Site (in ft.): _____

2. What is the total cost of the proposed construction? _____

3. Elevation to which all utilities, including all heating and electrical equipment, will be protected from flood damage: _____

Feet

C. COMPLETE FOR ALTERATIONS, ADDITIONS, OR IMPROVEMENTS TO EXISTING STRUCTURES: N/A

1. What is the estimated market value of the existing structure? \$ _____

2. What is the total cost of the proposed construction? \$ _____

If the cost of the proposed construction equals or exceeds 50 percent of the market value of the structure, then substantial improvement provisions shall apply.

D. COMPLETE FOR NON-RESIDENTIAL FLOOD-PROOFED CONSTRUCTION: N/A

1. Type of floodproofing method: _____

2. The required floodproofing elevation is: _____

3. Floodproofing certification by a registered engineer is attached?

☐ Yes

☐ No

E. COMPLETE FOR SUBDIVISION AND ADMINISTRATIVE LAND DIVISIONS: N/A

1. Floodproofing certification by a registered engineer is attached?

☐ Yes

☐ No

2. If yes, does the plat or proposal clearly identify the base flood elevation?

☐ Yes

☐ No

3. Are the 100-year floodplain and floodway delineated on the site plan?

☐ Yes

☐ No

F. COMPLETE FOR DEMOLITION WITHIN THE FLOODPLAIN: N/A

1. Describe the items to be demolished: _____
2. Describe equipment and material stored on site: _____
3. Describe the length of time equipment and materials will be stored on site: _____

G. COMPLETE FOR EXCAVATION, GRADING, AND FILLING WITHIN THE FLOODPLAIN:

1. Describe the total area to be excavated: 109 Acres to be excavated, no dredging will
2. Describe the total area to be dredged: occur.
3. Describe the area of vegetation and/or debris to be removed: Pasture lands to be cleared/grubbed.
4. Describe the total area of a culvert to be installed: N/A
5. Describe type of fill material used: Excavated topsoil will be used to create berms. Berms are installed for safety, and to control stormwater. Fill will not be imported.
6. Describe the amount of fill material used: N/A
7. Does the proposed work involve any wetlands? ☐ Yes ☒ No

Please check with the following agencies for possible joint permit requirements under all above sections:

- Idaho Dept. of Environmental Quality
- Idaho Dept. of Lands
- U.S. Army Corps of Engineers
- Idaho Dept. of Fish & Game
- Idaho Dept. of Water Resources
- Environmental Protection Agency

ADMINISTRATIVE USE ONLY

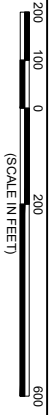
1. Permit **Approved** ☐ Permit **Denied** ☐
2. Elevation Certificate Attached: ☐ Yes ☐ No
3. As per plan, Lower Floor Elevation: _____ ft.
4. Are additional required permits or certificated attached? ☐ Yes ☐ No
5. Permit Reviewed by: _____ Date: _____
6. Local Administrator Signature: _____ Date: _____

CONDITIONS/COMMENTS:



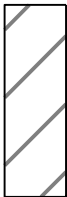
SITE MAP

1:200 (22x34 FULL SIZE)



LEGEND

- 1. PROPERTY LINE — P/L — P/L —
- 2. EXCAVATION PHASING ————
- 3. STOCKPILE / STORAGE ————
- 4. CANAL / DITCH ————
- 5. STRUCTURES ————
- 6. BERM — BERM —
- 7. EDGE OF FLOODWAY ————
- 8. ACTION AREA ————
- 9. FLOODWAY ————



SYMAN, LLC

2101 Delta Drive
Nampa, Idaho 83687
Phone (208) 287-8420

SITE MAP
MIANCO PROPERTY
MIANCO PROPERTY
CANYON COUNTY CALDWELL, IDAHO
NAMPA PAVING

| REVISIONS | | | |
|-----------|------|----|-------------|
| NO. | DATE | BY | DESCRIPTION |
| | | | |
| | | | |
| | | | |

FILE NUMBER:

231308

DESIGNED BY:

J. NYGAARD

DRAWN BY:

J. MATTHEWS

DATE:

July 2023

SHEET NUMBER:

CS-101

December 23, 2024

Canyon County Idaho
Development Services
Attn: Dalia Alnajjar
111 N. 11th Ave. Room 310
Caldwell, ID 83605



RE: CUP Case No. CU2023-0019

Dear Ms. Alnajjar:

We have completed a review of the proposed improvements related to the Mianco Property Gravel Extraction Project with respect to potential adverse flooding impacts within the Boise River Special Flood Hazard Area. This review is based on the Special Flood Hazard Area (SFHA) designations depicted on the current effective NFIP Map #16001C0166J dated June 19, 2020. A digital overlay of the SFHA delineations show that the proposed gravel extraction pits will be located within the 100-year recurrence interval floodplain. However, no project related work is proposed within the Regulatory Floodway.

Existing topographic conditions for the site are depicted on the attached Figure 1 of the Mianco Property Topographic Work Map. This figure also depicts the named FEMA cross sections CC thru CL with base flood elevations and the current effective floodway boundary.

In 2020, the United States Army Corps of Engineers (USACE) developed a two-dimensional (2D) hydraulic model for the Boise River extending from Diversion Dam in Ada County downstream to the Snake River confluence. This model was developed using 2019 LiDAR data, which is considerably more recent than the 2007 topographic/bathymetric data underlying the current effective NFIP maps.

Therefore, the 2020 USACE hydraulic model provides the most recent and best available data for analyzing proposed development projects within the Boise River SFHA and has been used for this effort. Our analysis was completed to determine whether or not the proposed gravel extraction pits as depicted on the attached Topographic Work Map will have an adverse effect on base flood elevations in the project reach, and to assess if mitigation is recommended to reduce the risk of gravel pit capture during a high-water event in the Boise River.

The 2D USACE hydraulic model was used to evaluate both the pre-project and proposed full build-out condition for the site at the published Boise River 100-year recurrence interval event of 16,600 cfs. Figure 2 of the attached Topographic Work Map depicts the predicted pre-project (existing) flooding condition in the area of interest with the proposed gravel pit locations overlain onto the exhibit for reference.

Based on this analysis, project site flooding is expected to largely be of a shallow and relatively low velocity (2 ft/s or less) nature.

Figure 3 of the attached Topographic Work Map depicts the anticipated flood behavior under post development conditions. As the proposed gravel pits are located outside of the Regulatory Floodway, flood water conveyance between the river and the gravel pits will remain shallow and low velocity (2 ft/s) or less in nature. Flood waters will access the gravel pits, and the areas of highest risk for pit erosion are depicted in Figure 3 and should be reinforced against excessive scour to avoid a potential pit capture by the Boise River. Installation of an interconnecting culvert is also recommended between Pit One and Pit Two to allow for equalization of water levels between the two pits during a flood event to reduce the risk of the flood event rapidly avulsing between the two pits.

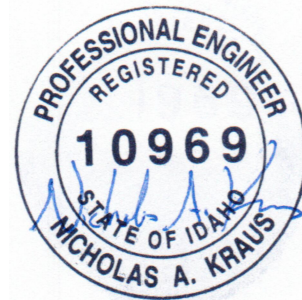
As the proposed project is located entirely outside of the Boise River Regulatory Floodway, and assuming the pit capture risk is mitigated during site development, it is our opinion that proposed project complies with Canyon County Floodplain Development Code and FEMA Regulatory Guidelines for projects located within a SFHA.

Sincerely,

QRS CONSULTING, LLC

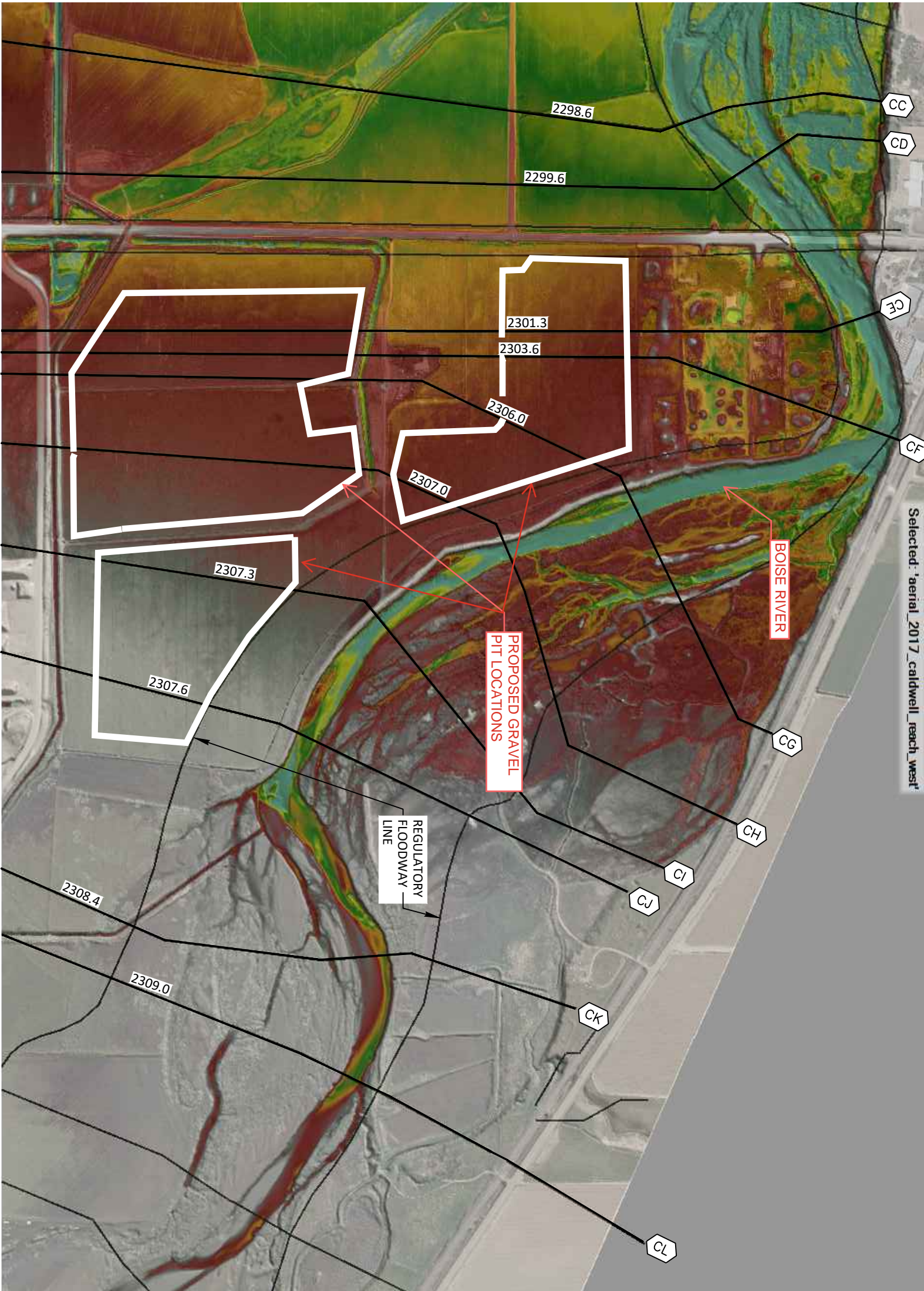


Nicholas A. Kraus
Principal



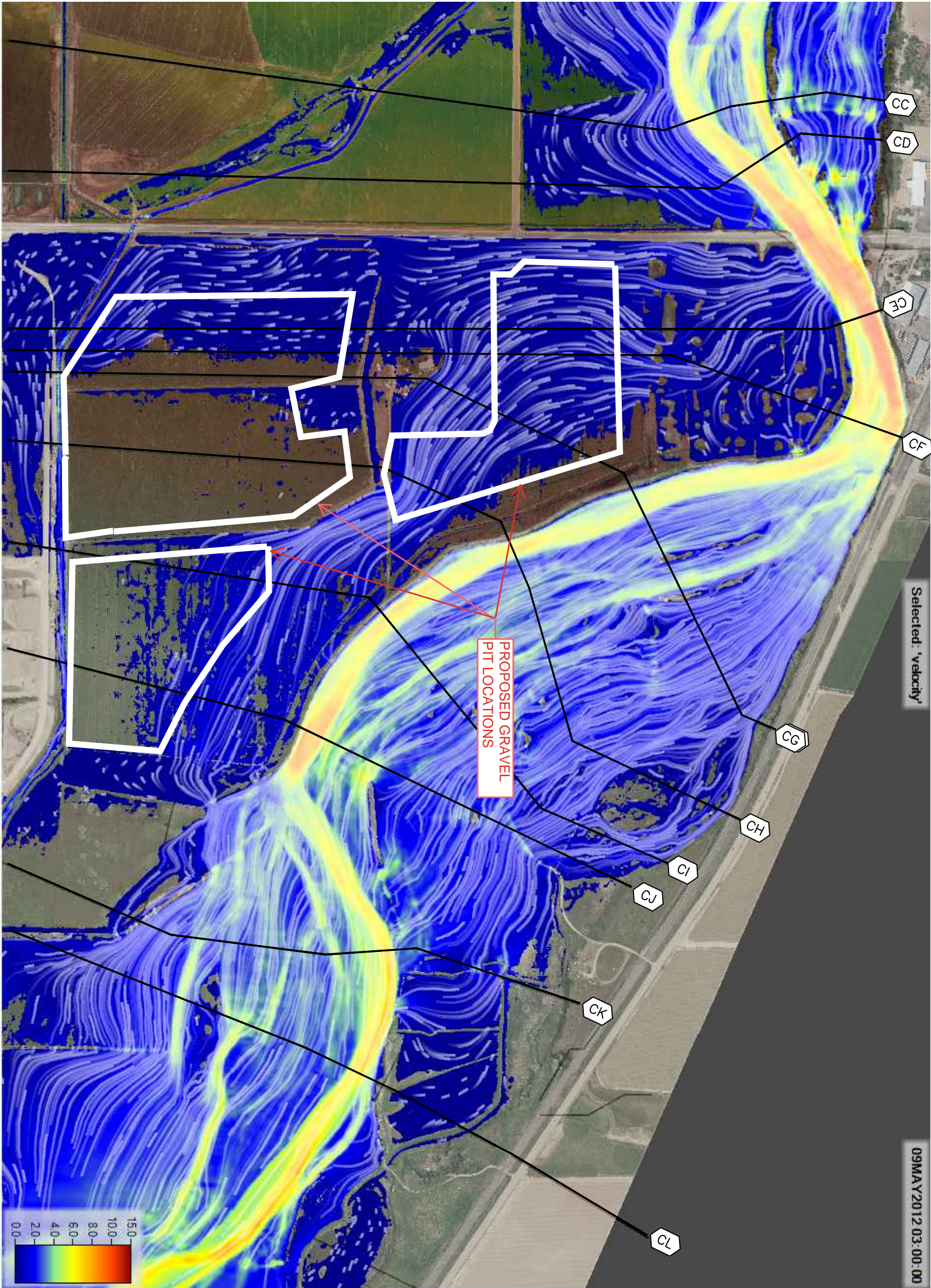
Cc: Delfo Swindlehurst, Nampa Paving
Cache Wood, Nampa Paving

Attachment: Mianco Property No Rise Topographic Work Map (3 Sheets)



MIANCO PROPERTY - TOPOGRAPHIC WORK MAP
NOTUS, IDAHO

FEMA CROSS SECTIONS WITH BASE FLOOD ELEVATIONS
FIGURE 1

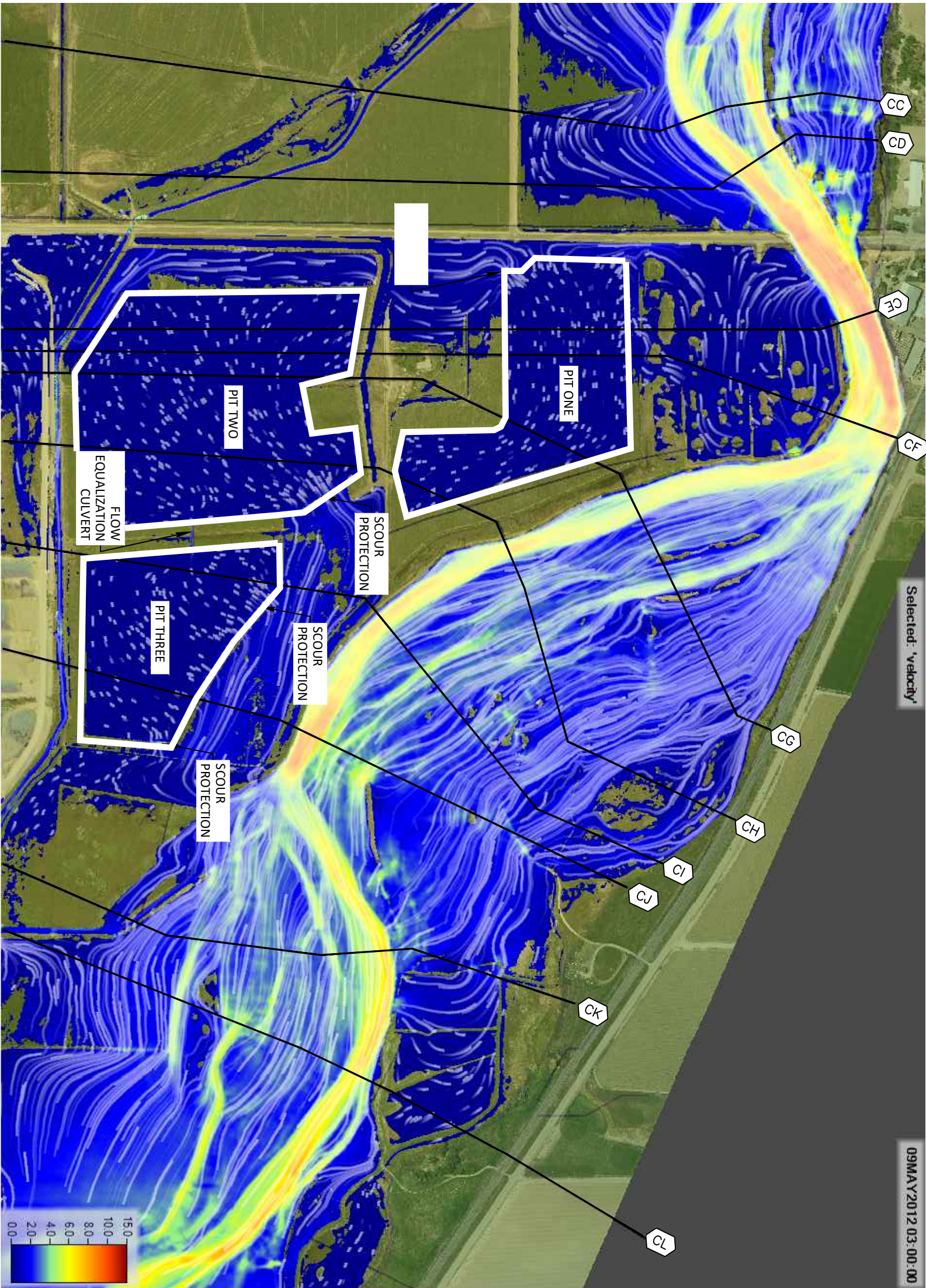


MIANCO PROPERTY - TOPOGRAPHIC WORK MAP
NOTUS, IDAHO

EXISTING CONDITIONS - VELOCITIES @ 16,600 CFS
FIGURE 2

2 OF 3

DATE: 12/23/2024
PROJECT: 24-273



MIANCO PROPERTY - TOPOGRAPHIC WORK MAP
NOTUS, IDAHO

PROPOSED CONDITIONS - VELOCITIES @16,600 CFS
FIGURE 3

3 OF 3

DATE: 12/23/24
PROJECT: 24-273

Dan Lister

From: Dan Lister
Sent: Thursday, December 19, 2024 8:46 AM
To: 'Cache'
Cc: Delfo Swindlehurst
Subject: RE: [External] Re: CU2023-0019 - Update

Cache,

Staff will be recommending approval subject to conditions which include completing all necessary traffic studies and mitigations prior to commencement of use.

Sincerely,

Dan Lister, Principal Planner

DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959

Daniel.Lister@canyoncounty.id.gov

Development Services Department (DSD)

Public office hours

Monday, Tuesday, Thursday and Friday

8 am – 5 pm

Wednesday

1 pm – 5 pm

****We will not be closed during lunch hour ****

PUBLIC RECORD NOTICE: All communications transmitted within the Canyon County email system may be a public record and may be subject to disclosure under the Idaho Public Records Act and as such may be copied and reproduced by members of the public.

From: Cache <Cache@nampapaving.com>
Sent: Wednesday, December 18, 2024 10:37 AM
To: Dan Lister <Daniel.Lister@canyoncounty.id.gov>
Cc: Delfo Swindlehurst <delfo@nampapaving.com>
Subject: [External] Re: CU2023-0019 - Update

Thanks Dan, We are supposed to have the TIS results back sometime around the 16th of January. If we don't have it all before the hearing, could there be a staff recommendation To approve the CUP with a condition that the traffic issues be fixed before starting extraction? I think we are all anxious to get this going, so we would like to get the hearing done if there is any way to work through these Hurdles.

Thanks,



Cache Wood

Nampa Paving & Asphalt Co.

(208)695-4142

From: Dan Lister <Daniel.Lister@canyoncounty.id.gov>

Sent: Friday, December 13, 2024 10:30 AM

To: Cache <Cache@nampapaving.com>

Cc: 'Alan Mills' <millscorealty@msn.com>

Subject: CU2023-0019 - Update

[EXTERNAL EMAIL]

This message originated outside of Nampa Paving. Always use caution when opening attachments or clicking links from external sources.

HEARING SCHEDULE

Date: December 13, 2024

Re: **Conditional Use Permit – CU2023-0019: Nampa Paving**

To the applicant and representative on file:

The above-referenced application has been scheduled for a public hearing. The meeting schedule and materials deadline are listed below:

Planning & Zoning Commission – Public Hearing: January 16, 2025 at 6:30 pm

Location: Public Meeting Room

(1st floor of Canyon County Administration Building, 111 N. 11th Ave., Caldwell, ID 83605)

The staff report and exhibits will be posted on the Land Hearings website (<https://www.canyoncounty.id.gov/land-hearings/>) approximately 7 days prior to the subject hearing.

Materials Deadline: January 6, 2025, end of business day (5 PM)

The term “materials” broadly refers to any written comments, documents, exhibits, visual presentations, or similar items that are to be transmitted to the presiding party as evidence for review, regardless of format.

In accordance with Canyon County Code of Ordinance §01-17-07(2) all materials to be transmitted to the Presiding Party to be relied on as part of the record must be received by the materials deadline, which shall be at a minimum of ten (10) days prior to the public hearing. Materials received by the deadline will be automatically made a part of the record. This deadline is to provide ample time for inclusion in the staff report packet, hearing body review, full transparency, and

access for the public. The submission of late documents or other materials does not allow all parties time to address the material or allow sufficient time for public review.

Presentation:

You should come prepared to present your request before the hearing body and stand for questions. A presentation (PowerPoint, PDF, reference board) brought on the day of the meeting will not be accepted and must be submitted by the aforementioned materials deadline.

As the applicant or representative, you will be presenting your application to the hearing body prior to staff and public testimony. In order to testify you will need to sign in prior to the start of the hearing. Generally, you will be allotted ten minutes to present your application and after all testimony is received, you will be allotted an additional five minutes for rebuttal.

Sincerely,

EXHIBIT B

Supplemental Documents

Planning & Zoning Commission

Case# CU2023-0019

Hearing date: January 16, 2025

R35938**PARCEL INFORMATION REPORT**

7/16/2024 9:40:29 AM

PARCEL NUMBER: R35938**OWNER NAME: MIANCO LIMITED PARTNERSHIP****CO-OWNER:****MAILING ADDRESS: 567 S ARCHSTONE WAY BOISE ID 83709****SITE ADDRESS: 0 NOTUS RD****TAX CODE: 1280000****TWP: 4N RNG: 4W SEC: 02 QUARTER: SW****ACRES: 95.66****HOME OWNERS EXEMPTION: No****AG-EXEMPT: Yes****DRAIN DISTRICT: DD6****ZONING DESCRIPTION: AG / AGRICULTURAL****HIGHWAY DISTRICT: HIGHWAY DISTRICT #4****FIRE DISTRICT: CALDWELL RURAL FIRE****SCHOOL DISTRICT: VALLIVUE SCHOOL DIST #139****IMPACT AREA: NOTUS****FUTURE LAND USE 2011-2022 : AG****FLU Overlay Zone Desc 2030:****FLU RR Zone Desc 2030:****FUTURE LAND USE 2030: AG****IRRIGATION DISTRICT: UPPER CENTER POINT DITCH CO \ FARMERS COOPERATIVE DITCH CO \ LOWER CENTERPOINT DITCH CO****FEMA FLOOD ZONE: AE \ AE FLOODWAY: FLOODWAY FIRM PANEL: 16027C0208F****WETLAND: Riverine \ Riverine****NITRATE PRIORITY: NO Nitrate Prio****FUNCTIONAL Classification: NOT In COLLECTOR****INSTRUMENT NO. : 2008035105****SCENIC BYWAY: NOT In Scenic Byway****LEGAL DESCRIPTION: 02-4N-4W SW TX 08361 IN W1/2****PLATTED SUBDIVISION:****SMALL CITY ZONING:****SMALL CITY ZONING TYPE:****DISCLAIMER:**

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERIFFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

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

R35939

PARCEL INFORMATION REPORT

7/16/2024 9:39:28 AM

PARCEL NUMBER: R35939

OWNER NAME: MIANCO LIMITED PARTNERSHIP

CO-OWNER:

MAILING ADDRESS: 567 S ARCHSTONE WAY BOISE ID 83709

SITE ADDRESS: 0 NOTUS RD

TAX CODE: 1520000

TWP: 4N RNG: 4W SEC: 03 QUARTER: NE

ACRES: 83.53

HOME OWNERS EXEMPTION: No

AG-EXEMPT: Yes

DRAIN DISTRICT: DD6

ZONING DESCRIPTION: AG / AGRICULTURAL

HIGHWAY DISTRICT: GOLDEN-GATE HWY #3

FIRE DISTRICT: CALDWELL RURAL FIRE

SCHOOL DISTRICT: VALLIVUE SCHOOL DIST #139

IMPACT AREA: NOTUS

FUTURE LAND USE 2011-2022 : AG

FLU Overlay Zone Desc 2030:

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: AG

**IRRIGATION DISTRICT: UPPER CENTER POINT DITCH CO \ LOWER CENTERPOINT
DITCH CO**

**FEMA FLOOD ZONE: AE \ AE \ X FLOODWAY: FLOODWAY FIRM PANEL:
16027C0208F**

WETLAND: Riverine \ Riverine

NITRATE PRIORITY: NO Nitrate Prio

FUNCTIONAL Classification: Major Collector

INSTRUMENT NO. : 2008035105

SCENIC BYWAY: NOT In Scenic Byway

**LEGAL DESCRIPTION: 03-4N-4W NE E1/2 NE AND SE LS TX 1, 7, 8, 06937, 98341, 07273 & LS
RD, DRAIN, AND 25'STRIP W OF DRAIN**

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



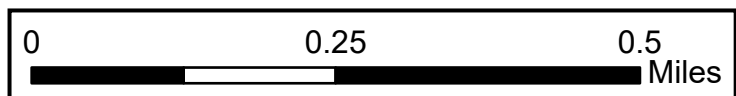
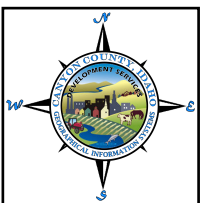
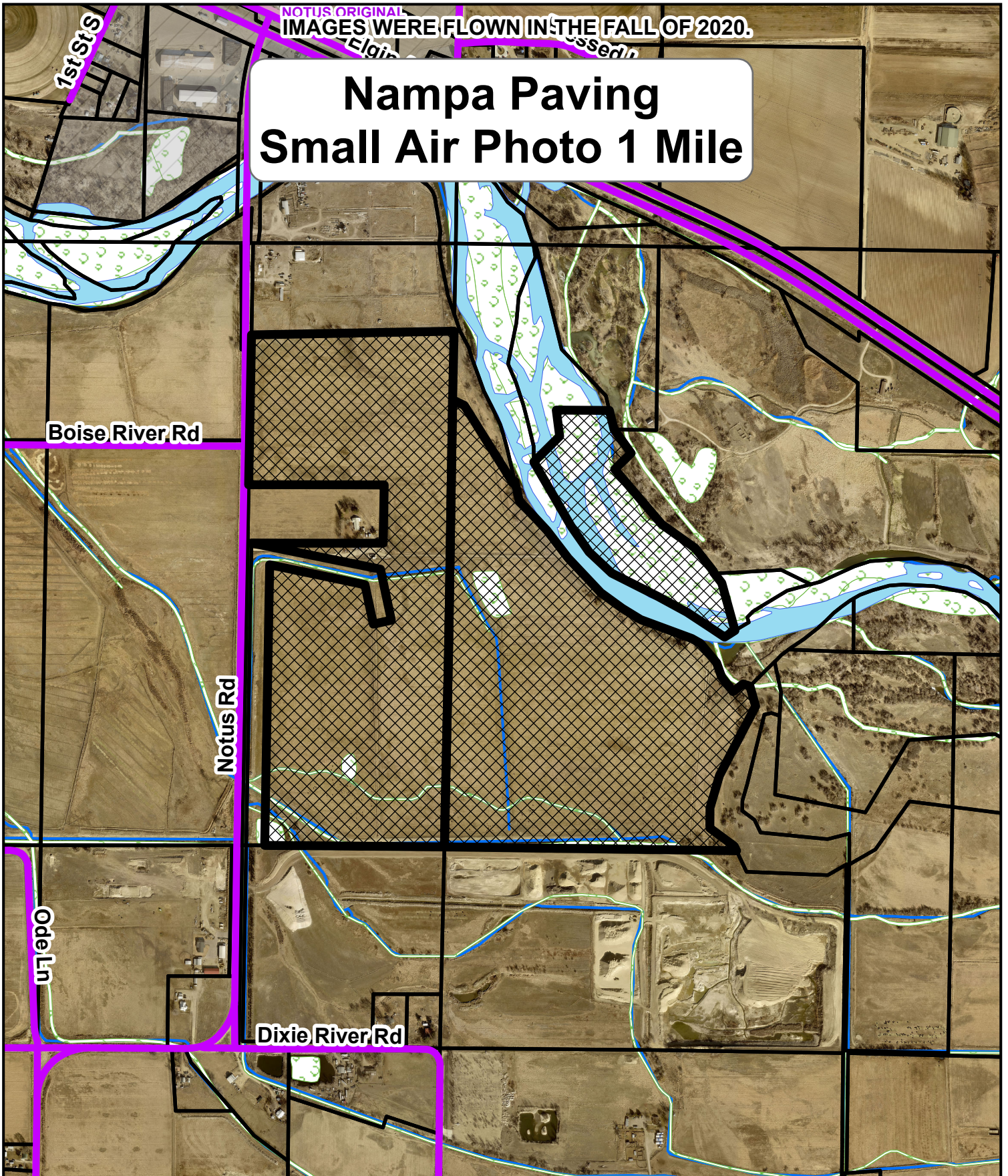
DISCLAIMER:

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERIFFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

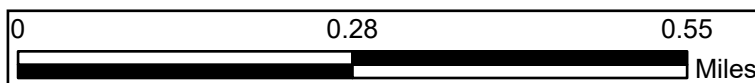
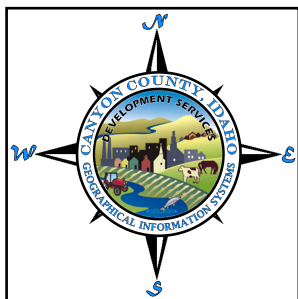
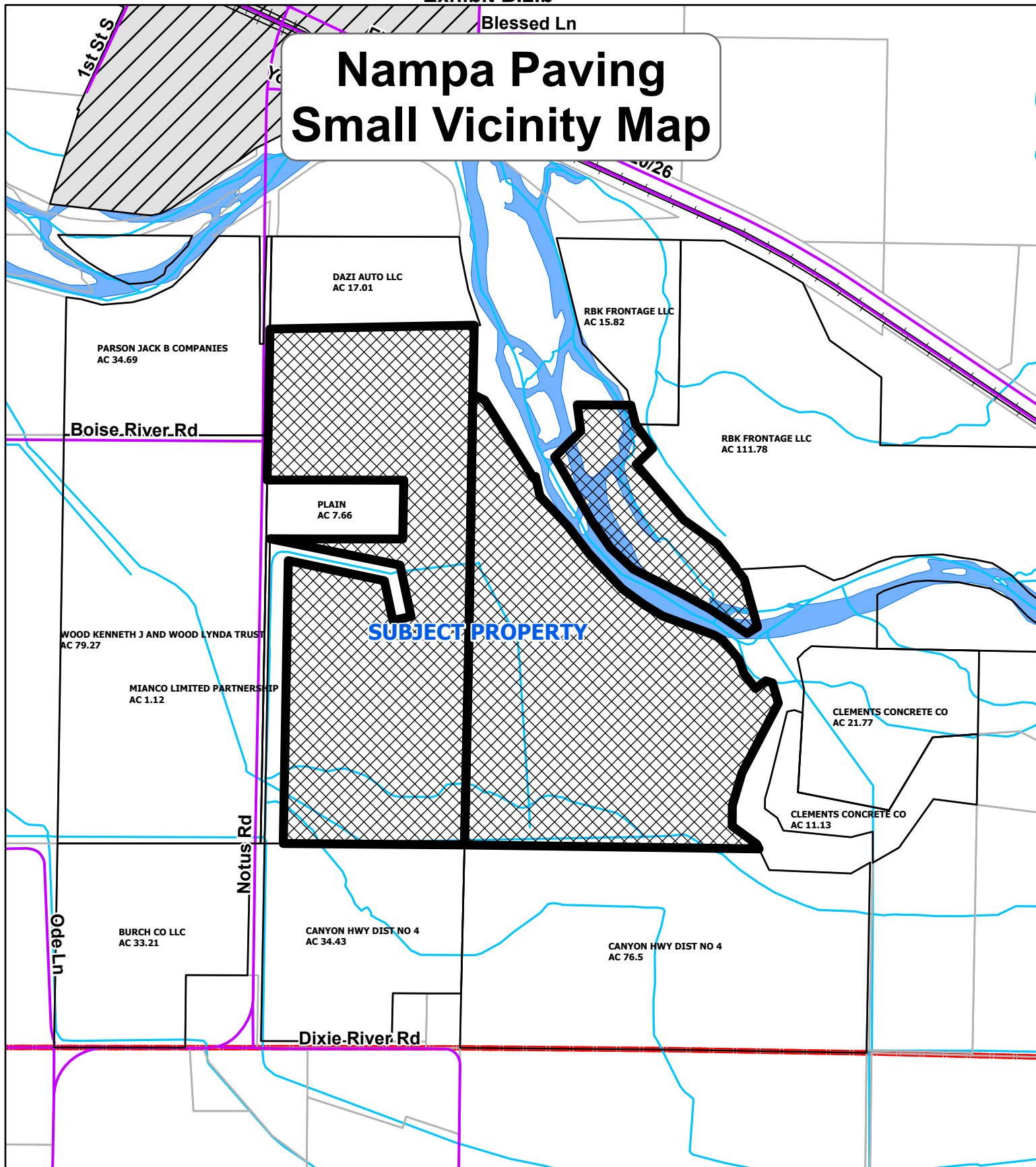
CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM
THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.

NOTUS ORIGINAL
IMAGES WERE FLOWN IN THE FALL OF 2020.

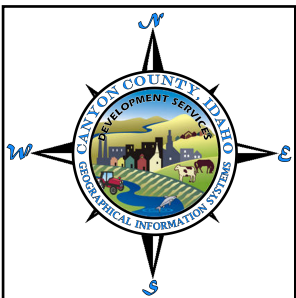
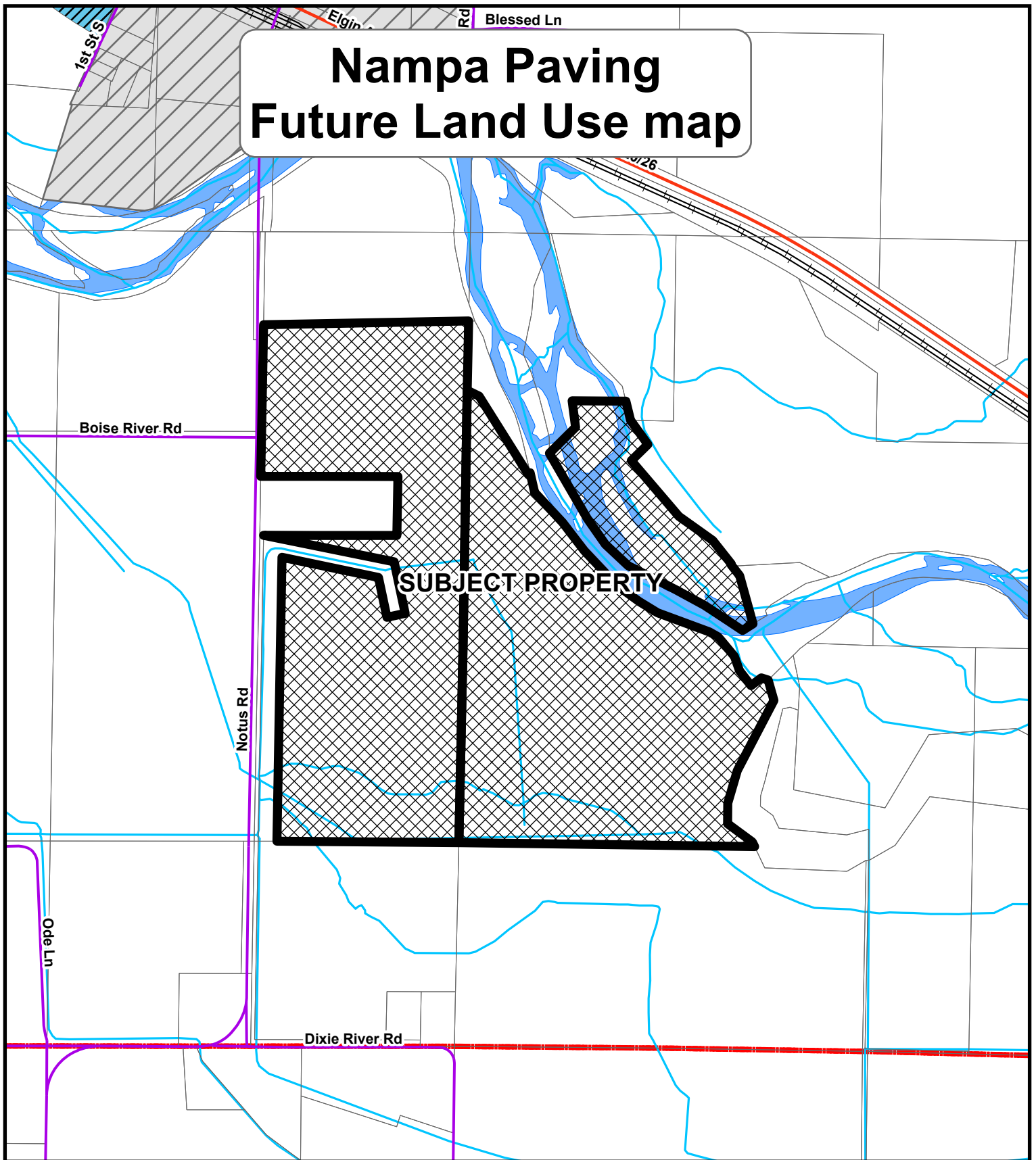
Nampa Paving Small Air Photo 1 Mile



Nampa Paving Small Vicinity Map

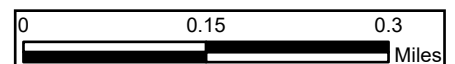


Nampa Paving Future Land Use map

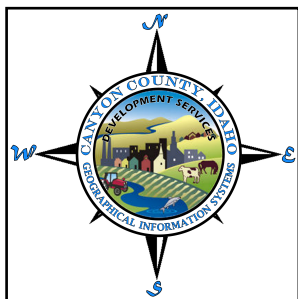
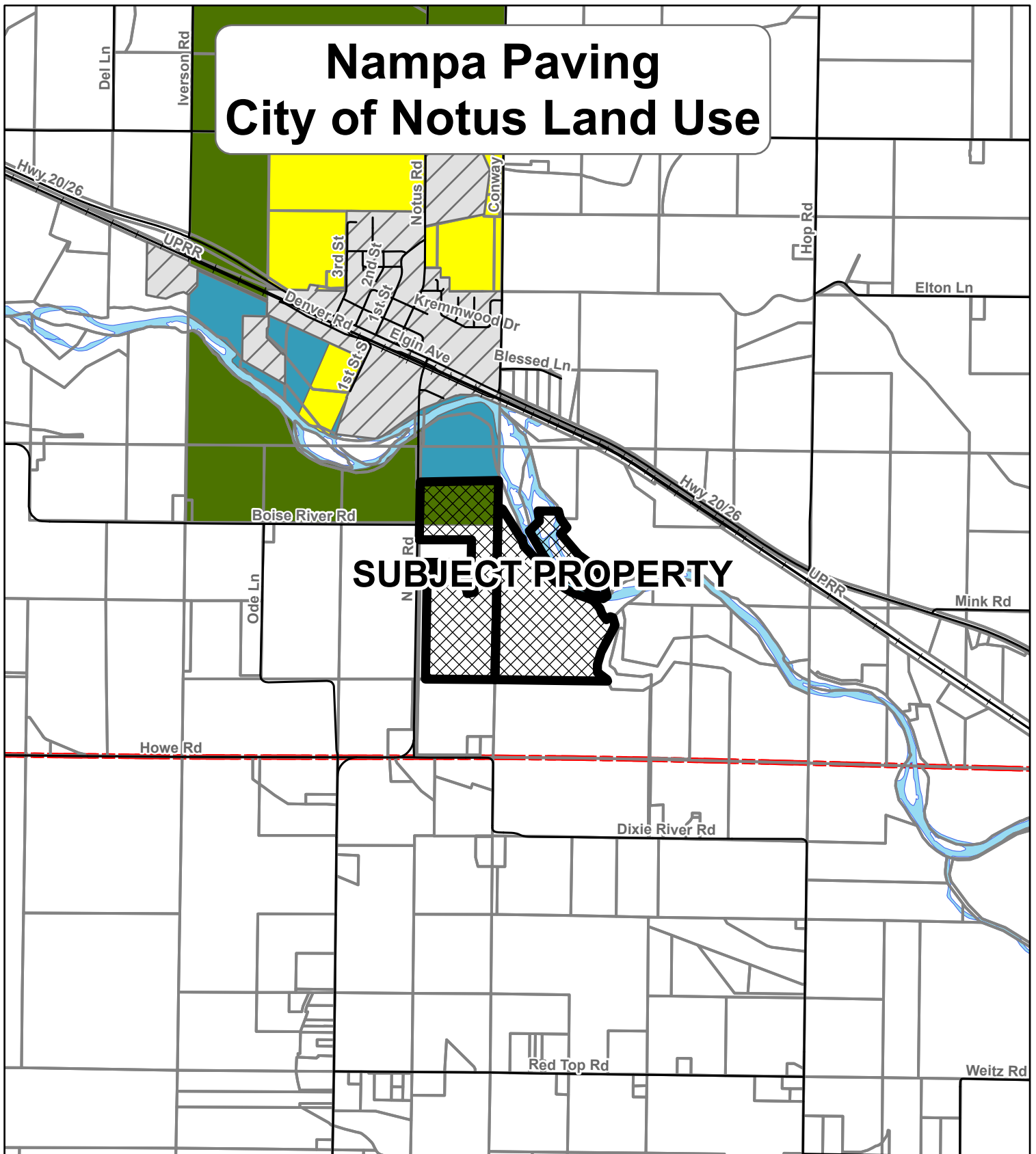


Legend Future Land Use 2030

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL

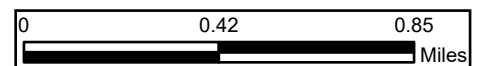


Nampa Paving City of Notus Land Use

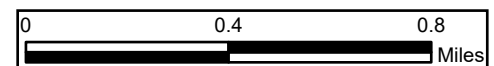
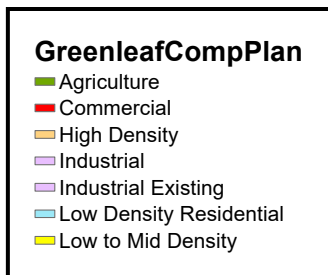
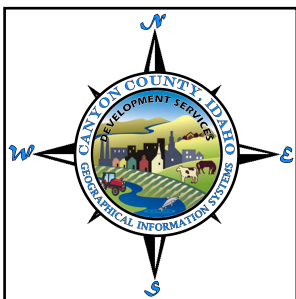
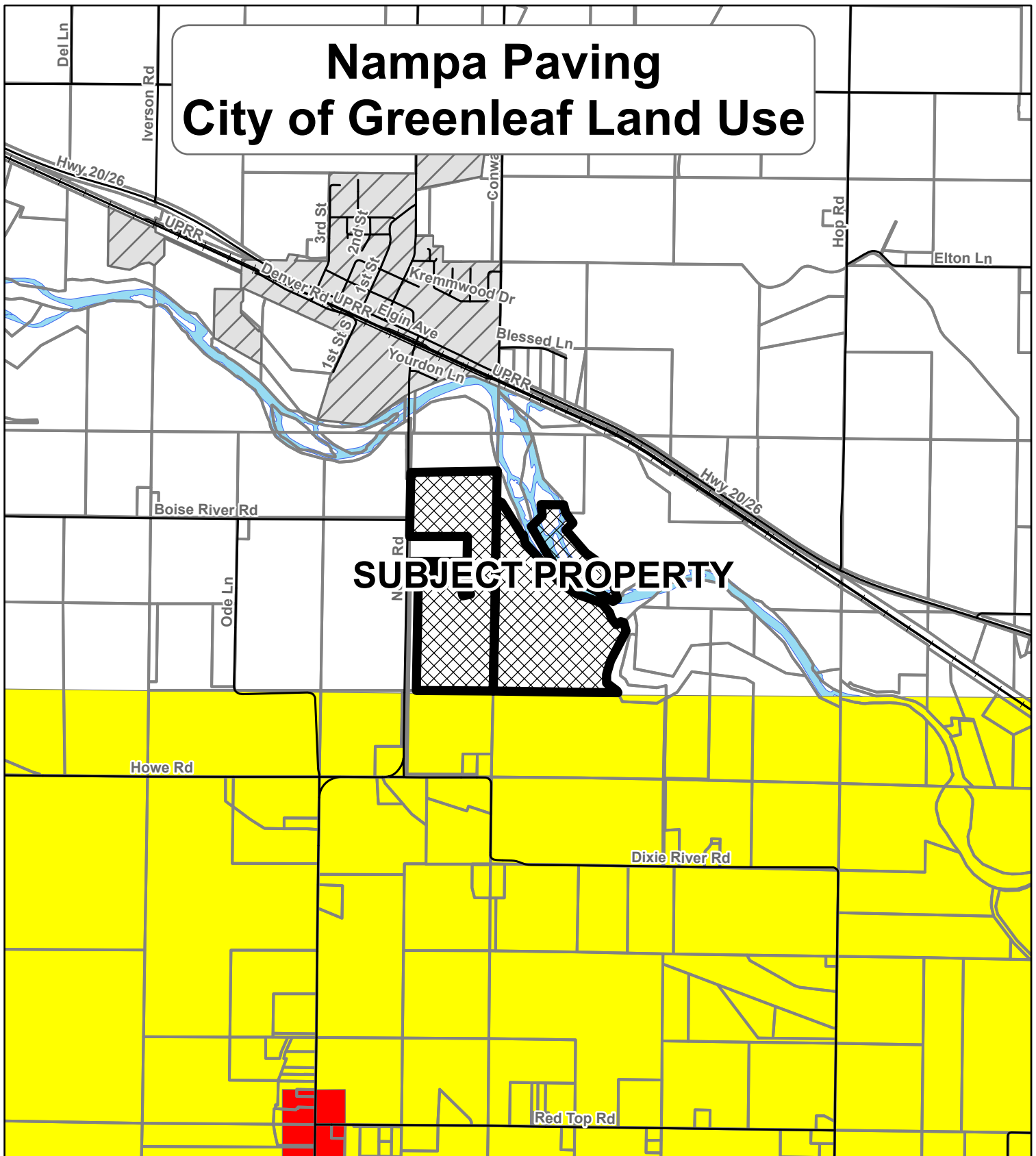


Notus Comp Plan 2019

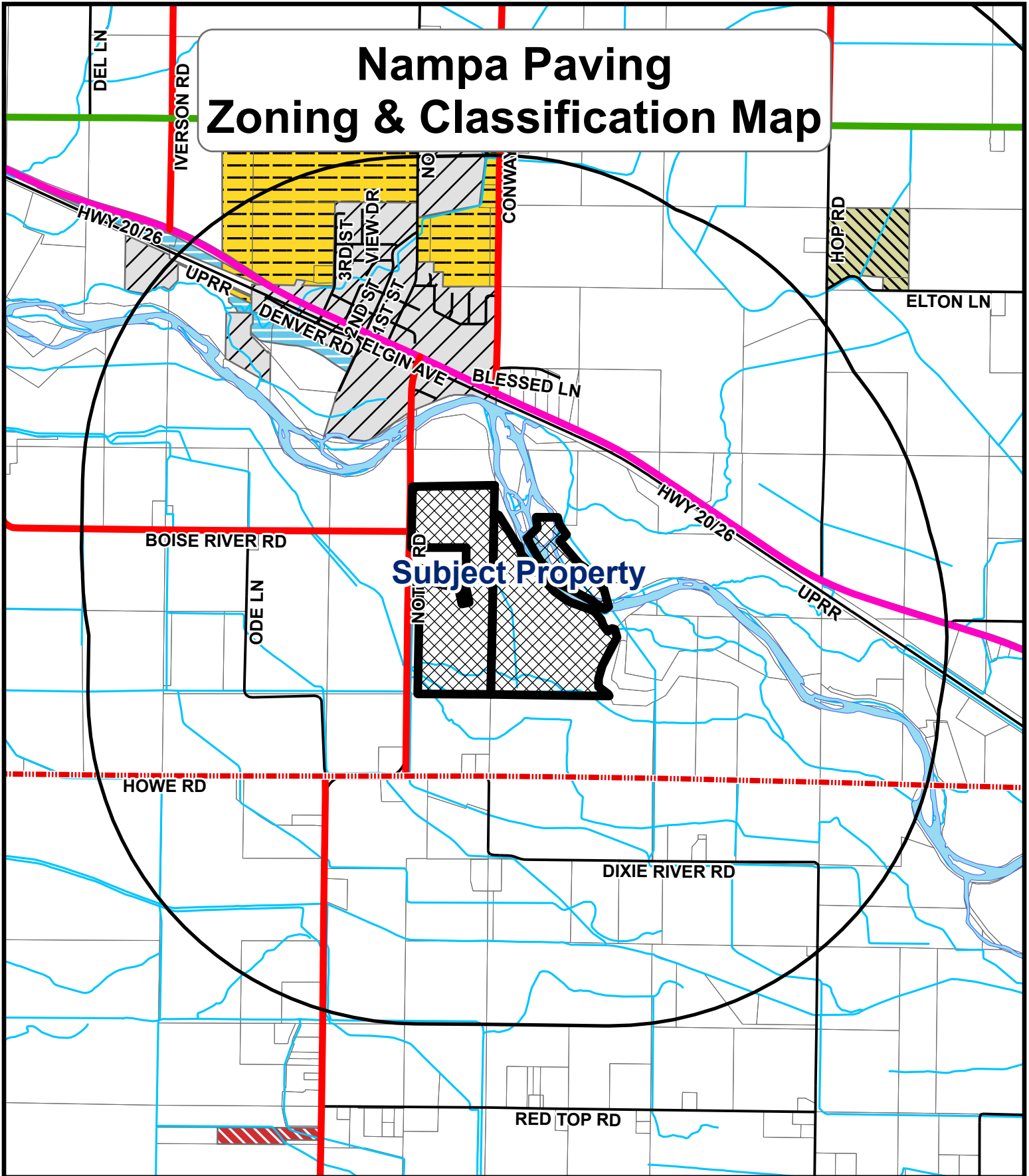
- Agricultural
- Commercial
- Industrial
- Public
- Residential



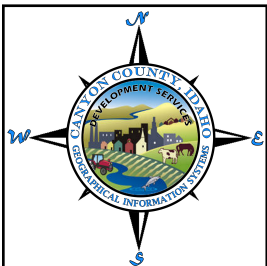
Nampa Paving City of Greenleaf Land Use



Nampa Paving Zoning & Classification Map



Subject Property



Current Zoning



AG

ITD Functional Classification

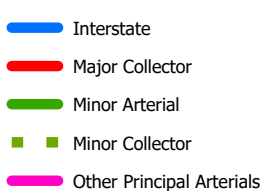
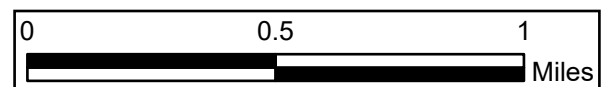
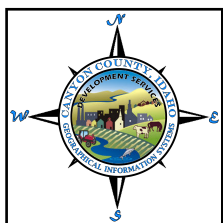
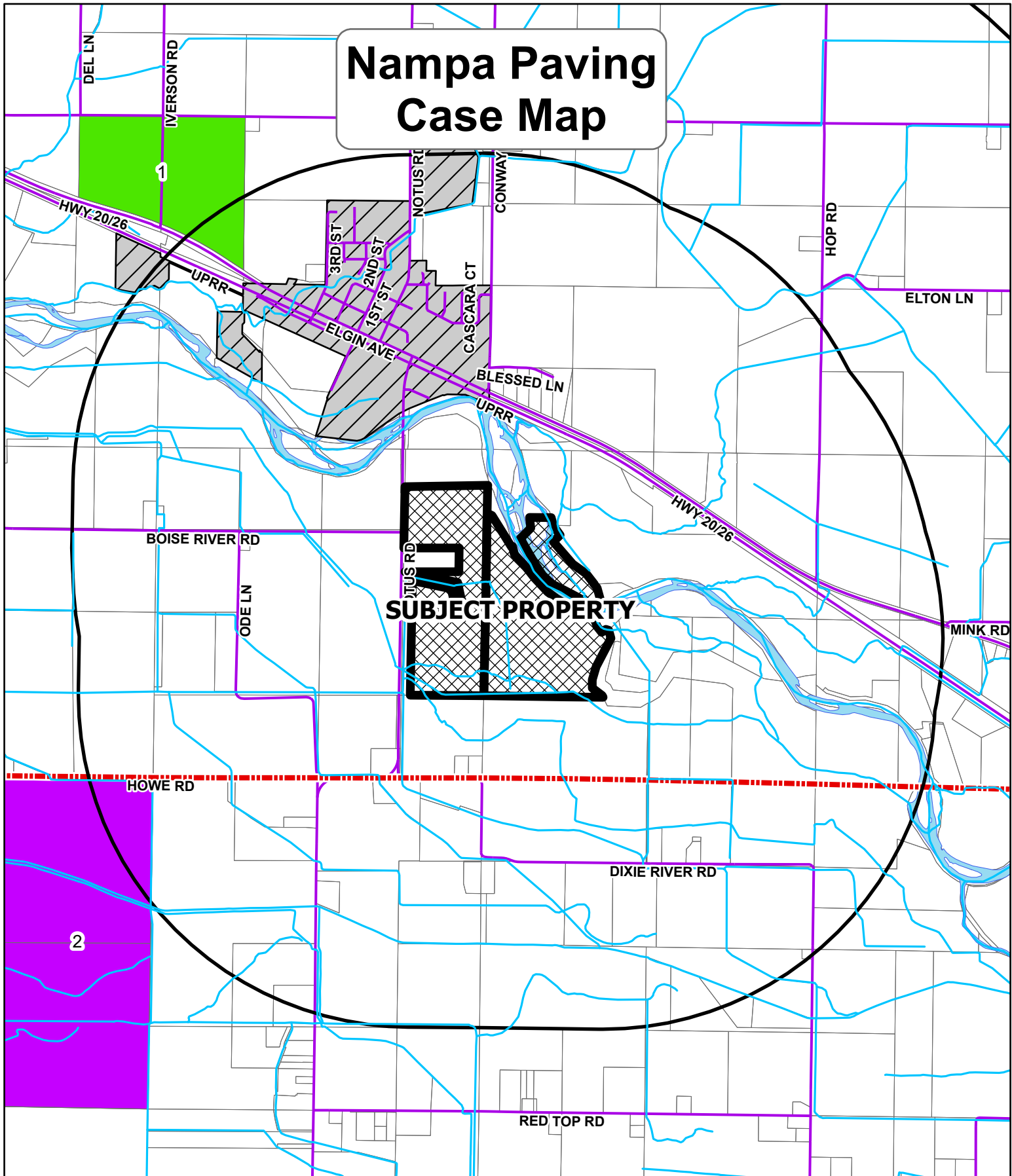


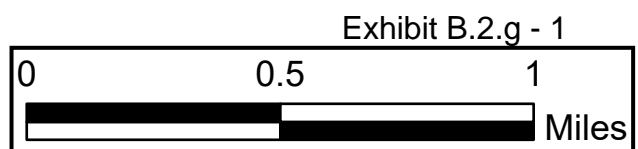
Exhibit B.2.f



Nampa Paving Case Map



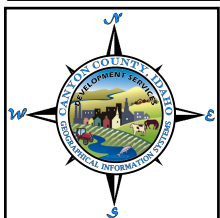
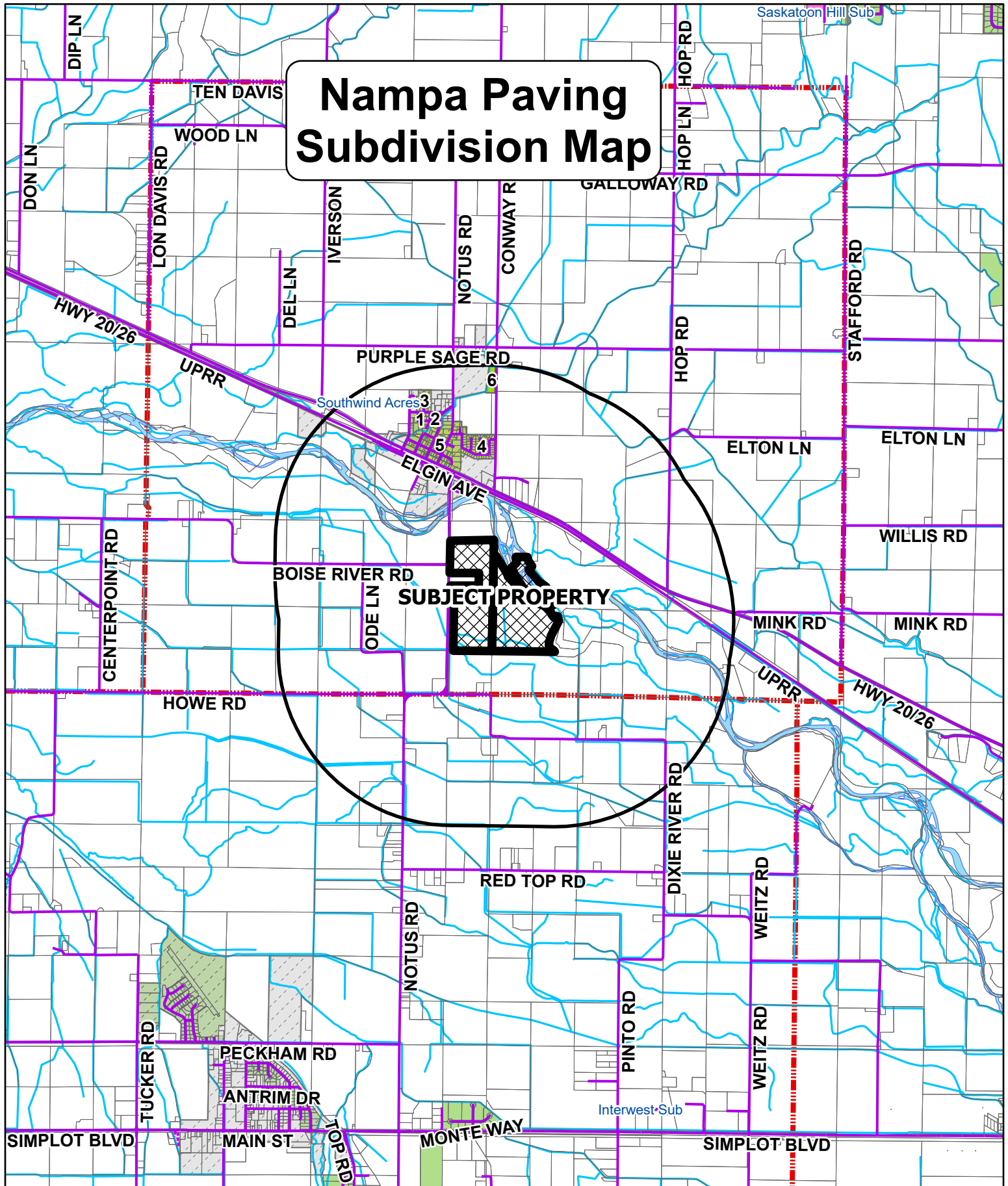
| YEAR | | | |
|------|------|------|------|
| 2023 | 2020 | 2019 | 2018 |
| 2022 | 2021 | | |



CASE SUMMARY

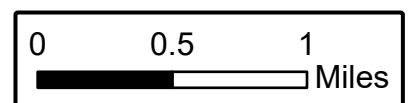
| ID | CASENUM | REQUEST | CASENAME | FINALDECIS |
|----|-------------|-----------------------------------------------|--------------------------------|------------|
| 1 | CU2020-0003 | CUP - Telecommunications co-location Facility | Maverick Towers | APPROVED |
| 2 | CU2020-0005 | CUP Mineral Extraction | Idaho Materials & Construction | APPROVED |

Nampa Paving Subdivision Map



| |
|-----------------------------------------------------------------------------------------------------------------------------------------------|
| SUBDIVISIONS |
| Plat Type,Plat Status |
| Preliminary,Approved |
| Preliminary,Pending |

Exhibit B.2.h - 1



SUBDIVISION & LOT REPORT

| NUMBER OF SUBS | ACRES IN SUB | NUMBER OF LOTS | AVERAGE LOT SIZE | |
|-----------------------------|--------------|-----------------|--------------------|---------|
| 6 | 78.05 | 208 | 0.38 | |
| NUMBER OF SUBS IN PLATTING | ACRES IN SUB | NUMBER OF LOTS | AVERAGE LOT SIZE | |
| 0 | 0 | 0 | 0 | |
| NUMBER OF LOTS NOTIFIED | AVERAGE | MEDIAN | MINIMUM | MAXIMUM |
| 24 | 28.19 | 14.17 | 0.32 | 111.78 |
| NUMBER OF MOBILE HOME PARKS | ACRES IN MHP | NUMBER OF SITES | AVG HOMES PER ACRE | MAXIMUM |
| 0 | 0 | 0 | 0 | 0 |

PLATTED SUBDIVISIONS

| SUBDIVISION NAME | Label | LOCATION | ACRES | NO. OF LOTS | AVERAGE LOT SIZE | CITY OF... | Year |
|---------------------------|-------|----------|-------|-------------|------------------|------------|------|
| COCHRAN ADD | 1 | 5N4W34 | 6.35 | 14 | 0.45 | NOTUS | 1957 |
| SLEEPER'S ADD | 2 | 5N4W34 | 2.12 | 6 | 0.35 | NOTUS | 1948 |
| STEPHENS ADD | 3 | 5N4W34 | 6.16 | 16 | 0.39 | NOTUS | 1973 |
| KREMMWOOD HEIGHTS | 4 | 5N4W34 | 16.70 | 65 | 0.26 | NOTUS | 1999 |
| NOTUS ORIGINAL | 5 | 5N4W34 | 41.70 | 105 | 0.40 | NOTUS | 1904 |
| DOLPHIN RIDGE SUBDIVISION | 6 | 5N4W34 | 5.01 | 2 | 2.51 | NOTUS | 2010 |

SUBDIVISIONS IN PLATTING

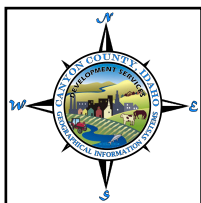
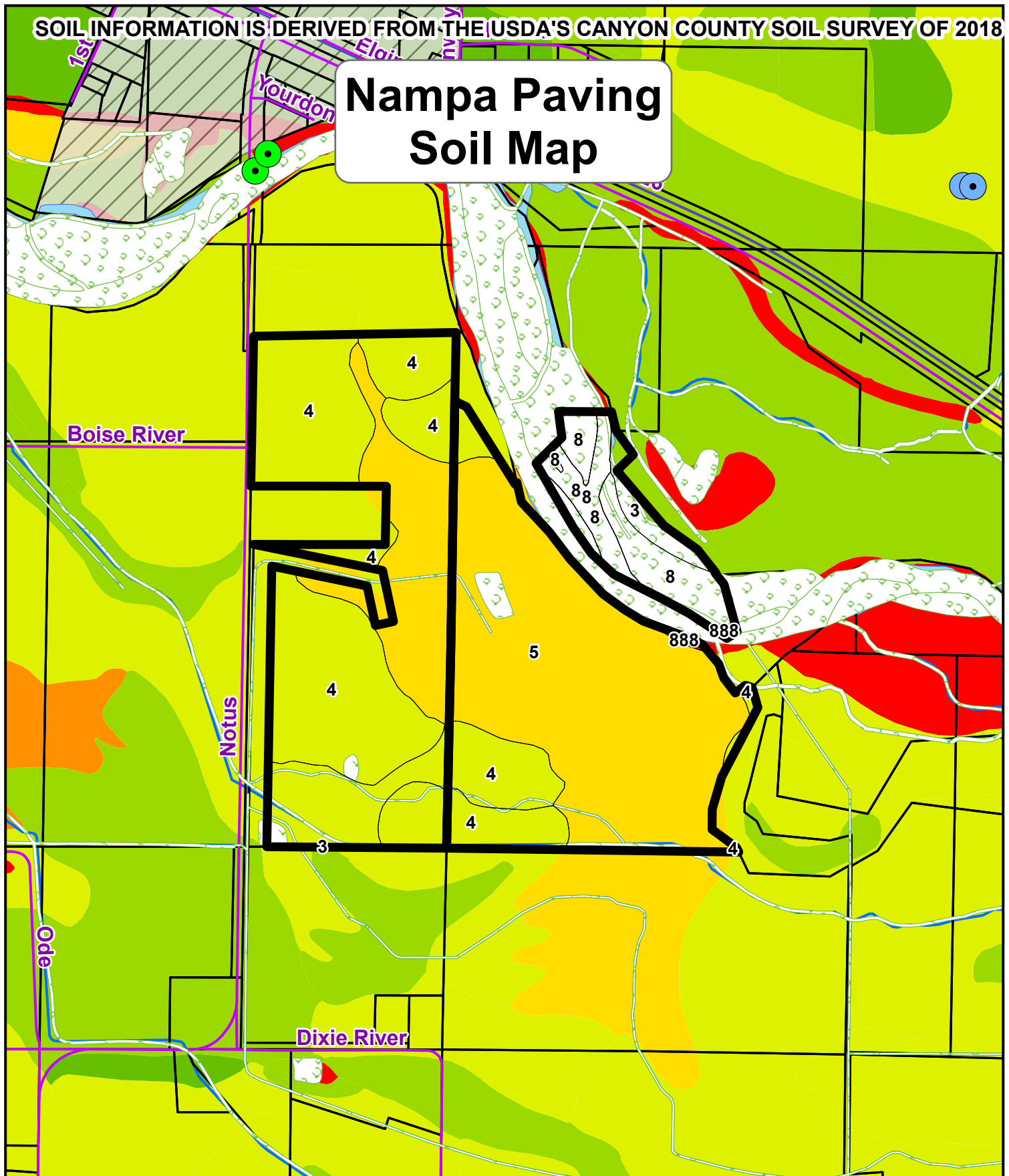
| SUBDIVISION NAME | ACRES | NO. OF LOTS | AVERAGE LOT SIZE |
|------------------|-------|-------------|------------------|
| | | | |
| | | | |

MOBILE HOME & RV PARKS

| SUBDIVISION NAME | SITE ADDRESS | ACRES | NO. OF SPACES | UNITS PER ACRE | CITY OF... |
|------------------|--------------|-------|---------------|----------------|------------|
| | | | | | |

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

Nampa Paving Soil Map



Nitrate Priority Wells

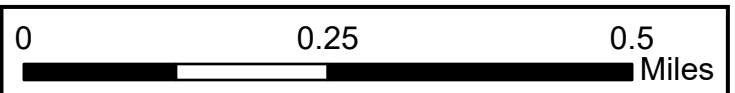
- 0.005000 - 2.000000
- 2.000001 - 5.000000
- 5.000001 - 10.000000
- ▲ 10.000001 - 49.800000



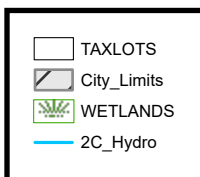
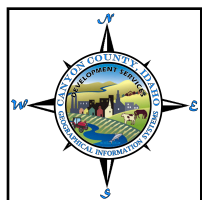
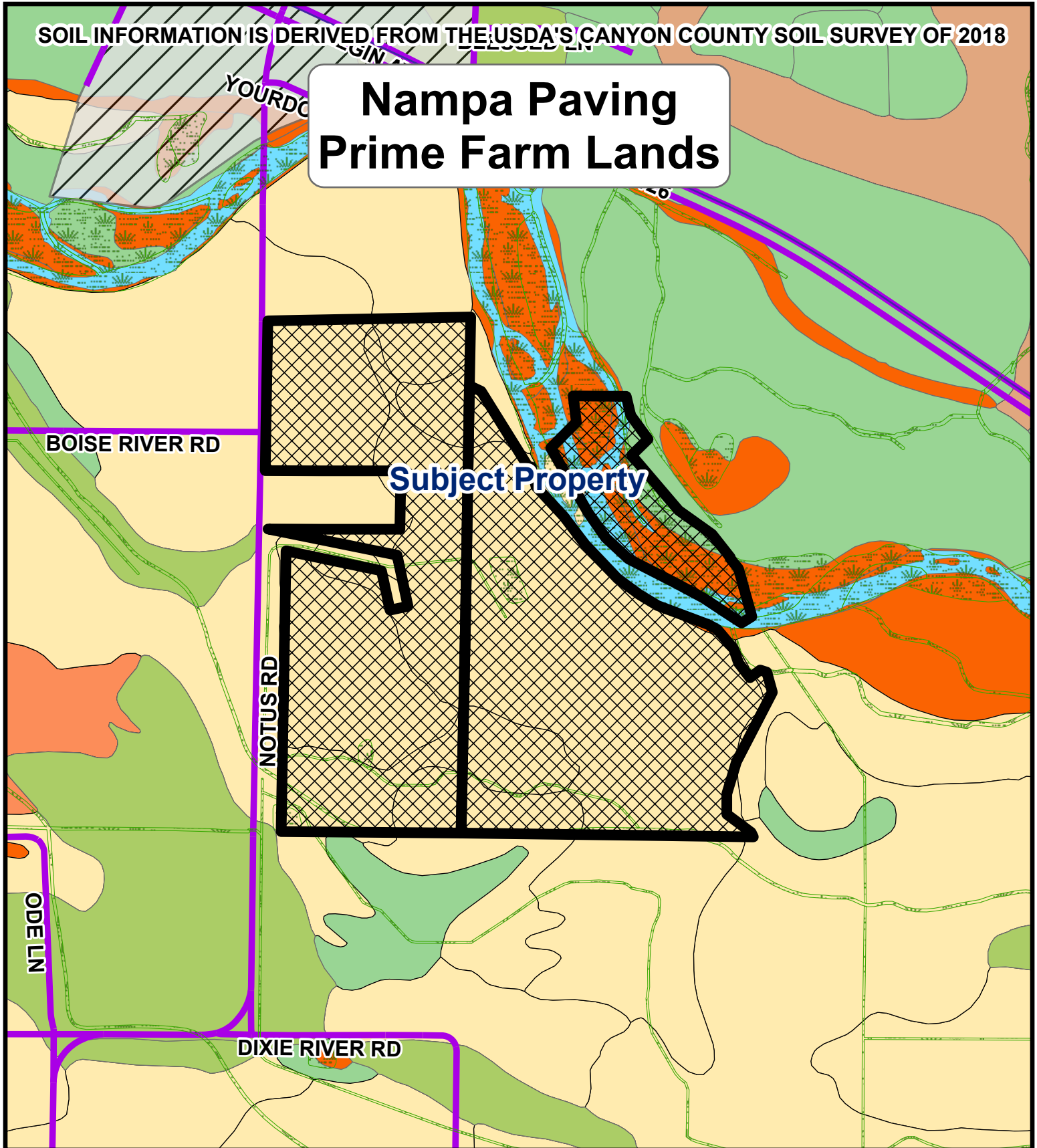
IDWR_2C_Geothermal_



Wetlands

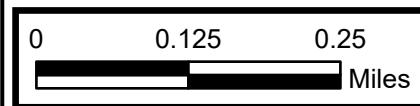


Nampa Paving Prime Farm Lands



FARMLAND

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



SOIL REPORT

| SOIL CAPABILITY CLASS | SOIL CAPABILITY | SQUARE FOOTAGE | ACREAGE | PERCENTAGE |
|-----------------------|------------------------|----------------|---------|------------|
| 8 | LEAST SUITED SOIL | 89341.56 | 2.05 | 1.08% |
| 4 | MODERATELY SUITED SOIL | 1540891.44 | 35.37 | 18.66% |
| 4 | MODERATELY SUITED SOIL | 225727.92 | 5.18 | 2.73% |
| 4 | MODERATELY SUITED SOIL | 391647.96 | 8.99 | 4.74% |
| 8 | LEAST SUITED SOIL | 261795.60 | 6.01 | 3.17% |
| 3 | MODERATELY SUITED SOIL | 479.16 | 0.01 | 0.01% |
| 4 | MODERATELY SUITED SOIL | 27878.40 | 0.64 | 0.34% |
| 4 | MODERATELY SUITED SOIL | 2308.68 | 0.05 | 0.03% |
| 3 | MODERATELY SUITED SOIL | 130941.36 | 3.01 | 1.59% |
| 8 | LEAST SUITED SOIL | 217059.48 | 4.98 | 2.63% |
| 4 | MODERATELY SUITED SOIL | 233133.12 | 5.35 | 2.82% |
| 4 | MODERATELY SUITED SOIL | 993080.88 | 22.80 | 12.03% |
| 5 | LEAST SUITED SOIL | 3708349.92 | 85.13 | 44.91% |
| 8 | LEAST SUITED SOIL | 217059.48 | 4.98 | 2.63% |
| 8 | LEAST SUITED SOIL | 217059.48 | 4.98 | 2.63% |
| | | 8256754.44 | 189.55 | 100% |

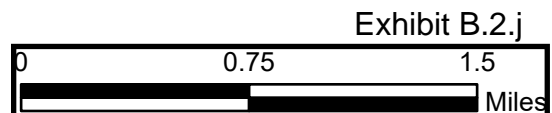
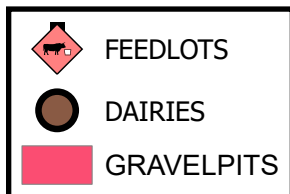
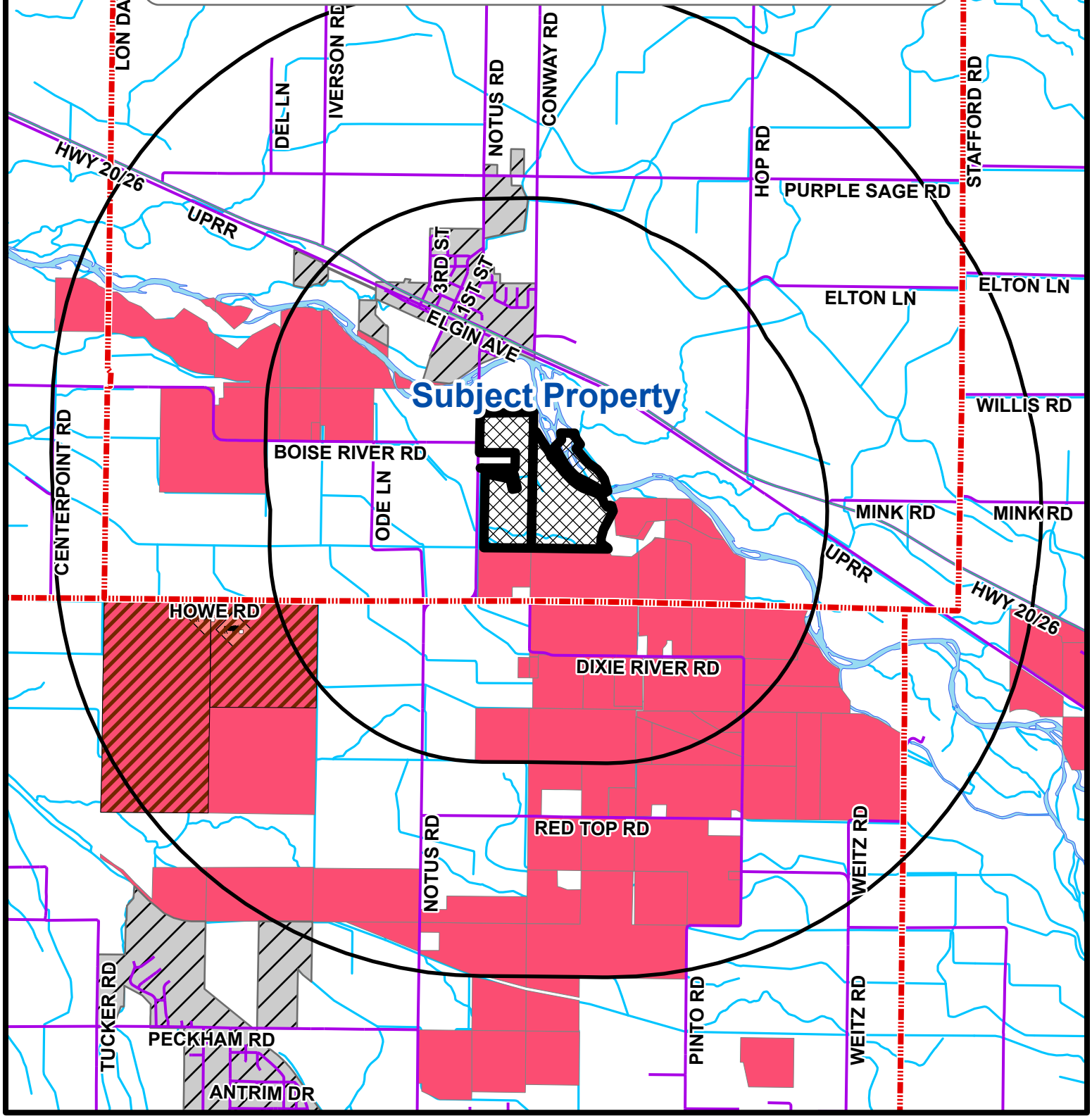
FARMLAND REPORT

| SOIL NAME | FARMLAND TYPE | SQUARE FOOTAGE | ACREAGE | PERCENTAGE |
|-----------|-----------------------------------------|----------------|---------|------------|
| Re | 0 | 89341.56 | 2.05 | 1.08% |
| MwA | Prime farmland if irrigated and drained | 1540891.44 | 35.37 | 18.66% |
| MuA | Prime farmland if irrigated and drained | 225727.92 | 5.18 | 2.73% |
| MvA | Prime farmland if irrigated and drained | 391647.96 | 8.99 | 4.74% |
| Re | 0 | 261795.60 | 6.01 | 3.17% |
| No | Prime farmland if irrigated | 479.16 | 0.01 | 0.01% |
| MA | Prime farmland if irrigated and drained | 27878.40 | 0.64 | 0.34% |
| MuA | Prime farmland if irrigated and drained | 2308.68 | 0.05 | 0.03% |
| No | Prime farmland if irrigated | 130941.36 | 3.01 | 1.59% |
| W | 0 | 217059.48 | 4.98 | 2.63% |
| MwA | Prime farmland if irrigated and drained | 233133.12 | 5.35 | 2.82% |
| MuA | Prime farmland if irrigated and drained | 993080.88 | 22.80 | 12.03% |
| Ch | Prime farmland if irrigated and drained | 3708349.92 | 85.13 | 44.91% |
| W | 0 | 217059.48 | 4.98 | 2.63% |
| W | 0 | 217059.48 | 4.98 | 2.63% |
| | | 8256754.44 | 189.55 | 100% |

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

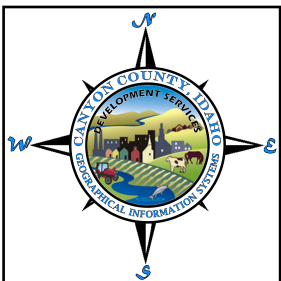
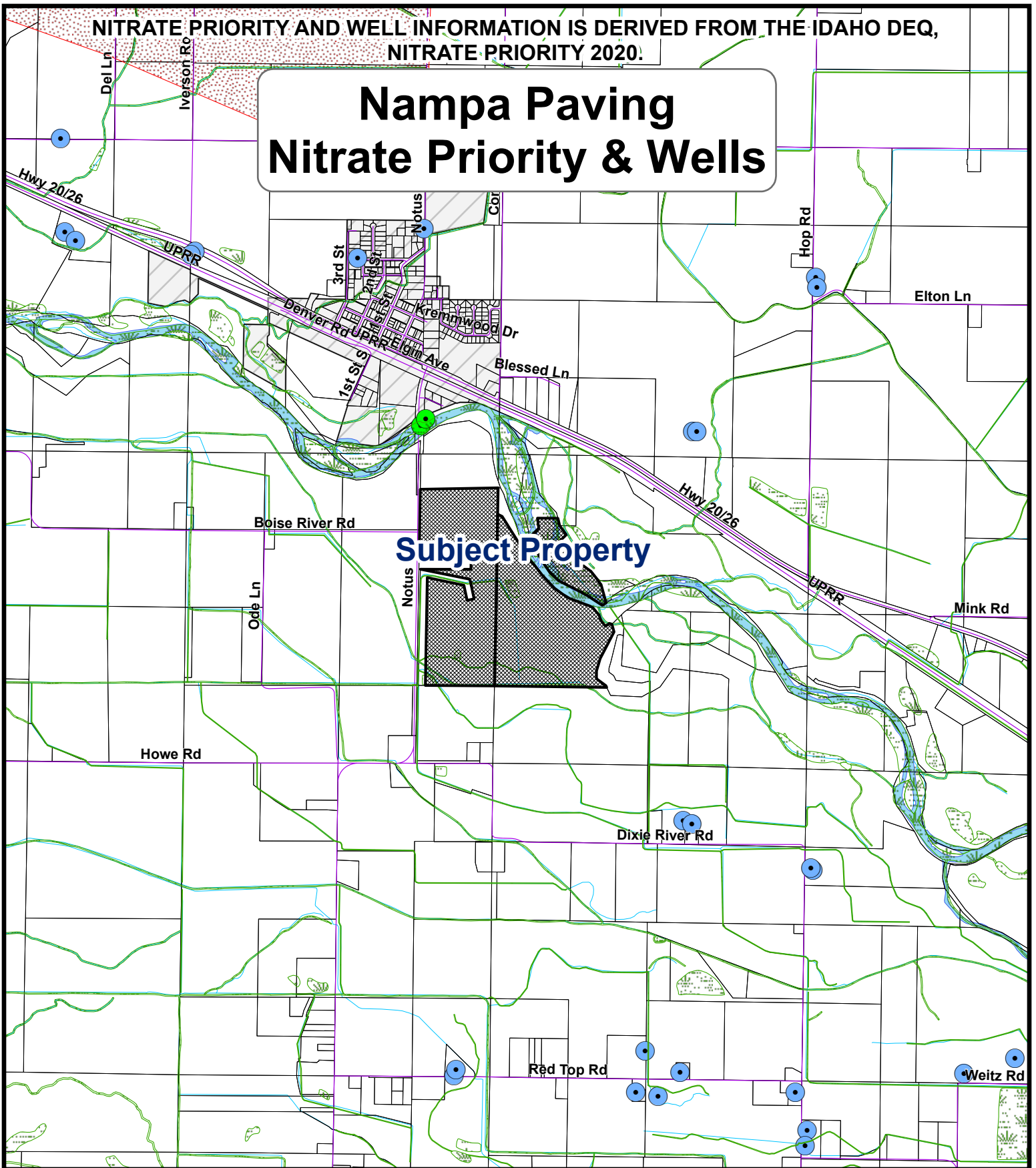
| GRADE | SOILTYPE |
|-------|------------------------|
| 1 | BEST SUITED SOIL |
| 2 | BEST SUITED SOIL |
| 3 | MODERATELY SUITED SOIL |
| 4 | MODERATELY SUITED SOIL |
| 5 | LEAST SUITED SOIL |
| 6 | LEAST SUITED SOIL |
| 7 | LEAST SUITED SOIL |
| 8 | LEAST SUITED SOIL |
| 9 | LEAST SUITED SOIL |

Nampa Paving Dairy, Feedlot, and Gravel Pit Map



NITRATE PRIORITY AND WELL INFORMATION IS DERIVED FROM THE IDAHO DEQ,
NITRATE PRIORITY 2020.

Nampa Paving Nitrate Priority & Wells



GEO-THERMAL LOCATIONS



WETLANDS



NITRATE_PRIORITY

DEQ WELLS
N03_MGL



0.005 - 2.00



2.000001 - 5.00

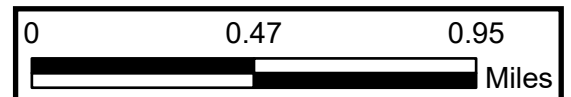


5.000001 - 10.00

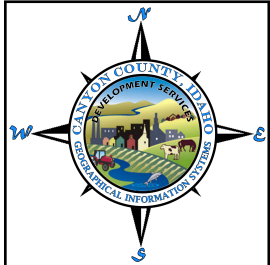
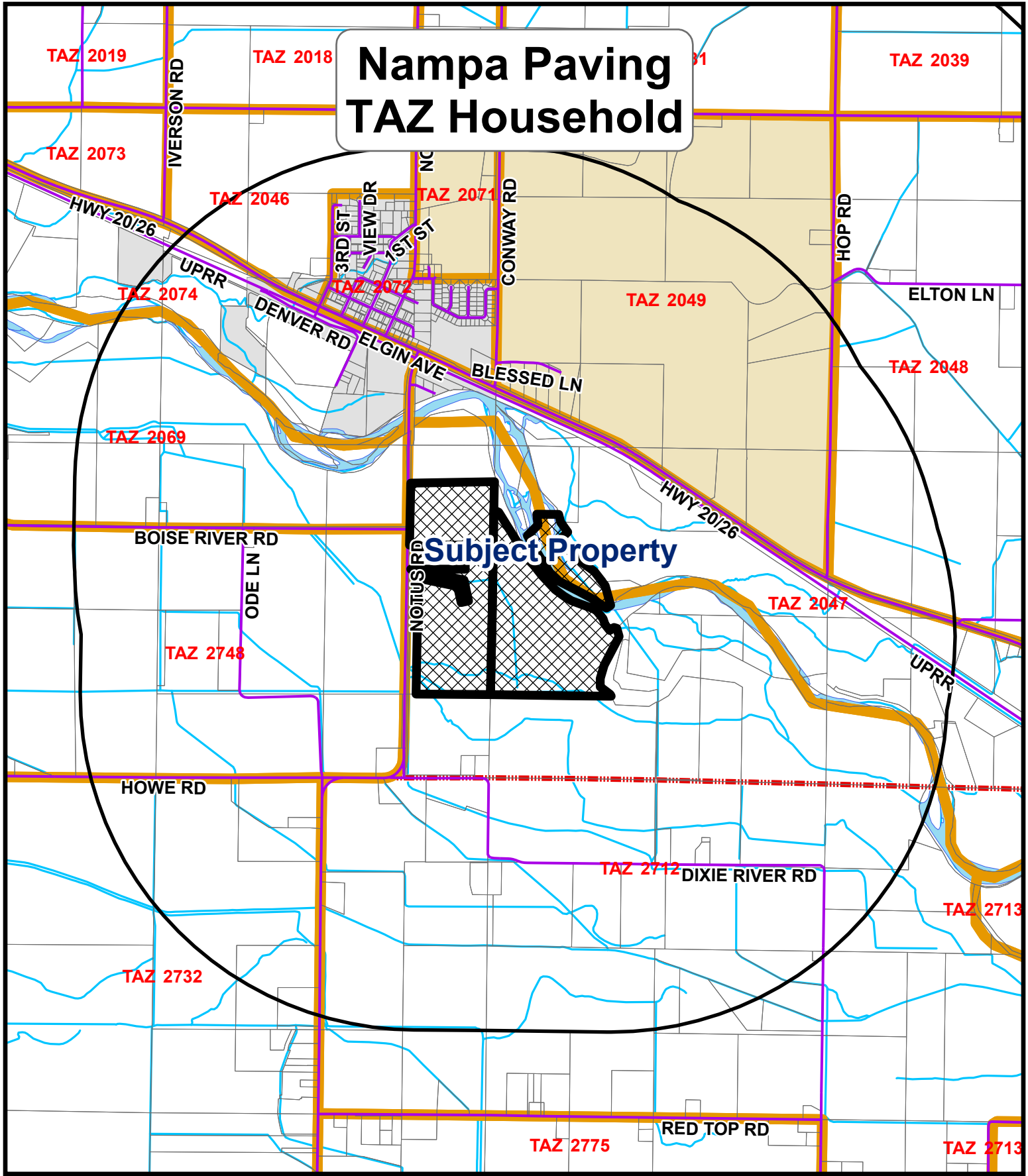


10.000001 - 49.80

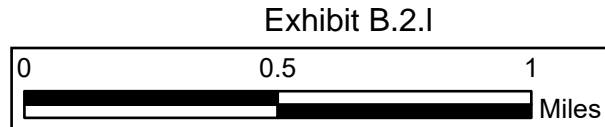
Exhibit B.2.k



Nampa Paving TAZ Household



| House Hold 2025-2050 | | | |
|----------------------|-----------|--|------------|
| | -4 - 50 | | 251 - 500 |
| | 51 - 150 | | 501 - 750 |
| | 151 - 250 | | 751 - 1263 |



BEFORE THE BOARD OF COUNTY COMMISSIONERS

IN THE MATTER OF APPEALS

BY:

CAROL L. JONES, et al., and
SUTRO CORPORATION

CASE NO. CU2005-62

Two (2) appeals in regards to the Canyon County
Planning and Zoning Commission's decision to
grant a request by Sutro Corporation for a
Conditional Use Permit for the purpose of
operating a sand and gravel mine, operation of a
crusher, stockpiling, and an asphalt batch plant on
three parcels totaling approximately 112.46 acres
in an "A" Agricultural Zone.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

1. Carol L. Jones, et al., appeals the Planning and
and Zoning Commission's decision to grant a
Conditional Use Permit to Sutro Corporation for
the purpose of operating a sand and gravel mine,
operation of a crusher, stockpiling, and an asphalt
batch plant on three parcels totaling approximately
112.46 acres in an "A" Agricultural Zone.

2. Sutro Corporation appeals the following
conditions of the Planning and Zoning
Commission's approval: #14 requiring a 20 foot
high topsoil berm constructed and landscaped along
the west, north and east perimeter of the Cobiskey
property; and #33 prohibiting access onto Dixie
River Road for the operation. However, at the
hearing in this matter, Sutro Corporation retracted
its appeal of Condition #33 of the Planning and
Zoning Commission's approval.

Hearings were held before the Board of County Commissioners (hereinafter "Board") on
July 11, 2006 and July 24, 2006 for the purpose of considering two (2) appeals in regards to the
Canyon County Planning and Zoning Commission's (hereinafter "Commission") decision to

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER

1

DSD CASE NO. CU2005-62

H:\Civil\Planning and Zoning\2006\Sutro Corp - New Ordinance CUP Approval FCOs.wpd

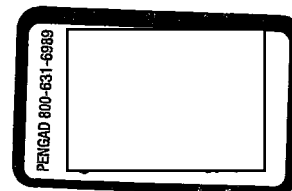


Exhibit B.3.a - 1

grant a request by Sutro Corporation (hereinafter ("Sutro")) for a Conditional Use Permit for the purpose of operating a sand and gravel mine, operation of a crusher, stockpiling, and an asphalt batch plant on three parcels totaling approximately 112.46 acres in an "A" Agricultural Zone with 33 conditions of approval. The appeals are as follows:

1. Carol L. Jones, et al., (hereinafter "Jones") appeals the Commission's decision to grant a Conditional Use Permit to Sutro Corporation for the purpose of operating a sand and gravel mine, operation of a crusher, stockpiling, and an asphalt batch plant on three parcels totaling approximately 112.46 acres in an "A" Agricultural Zone.

2. Sutro appeals the following conditions of the Commission's approval: Condition #14 requiring "[a] 20 foot high topsoil berm shall be constructed landscaped with appropriate grass planted with trees and maintained by the applicant along the west, north and east property perimeter of the Cobiskey property or whomever buys the property in the future"; Sutro requests that Condition #14 be removed for the reason that "the required berm is unusually high and may not be in the best interest of the parties affected." Condition #33 requiring "[t]he access entry egress/ingress, shall be in the northwest portion of the subject property there will be no access onto Dixie River Road"; however, Sutro retracted its appeal of Condition #33 at the beginning of the hearing in this matter.

The following persons were in attendance at the July 11, 2006 hearing concerning the Jones appeal: Canyon County Commissioner Matt Beebe; Canyon County Commissioner David Ferdinand; Deputy Prosecuting Attorney, Scott Spears, Counsel to the Board; Deputy Clerk, Monica Reeves; Brent Danielson, Canyon County Development Services Department (hereinafter "DSD"); Carol Jones; Wayne Palmer; Dan Blele; Aaron Coleman; Todd Lakey,

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER

2

DSD CASE NO. CU2005-62

H:\CivilPlanning and Zoning\2006\Sutro Corp - New Ordinance CUP Approval FCOs.wpd

Exhibit B.3.a - 2

Attorney, representing Sutro; John Runkle; Ryan Cutler; Nyle Winn; Casey Bequeath; Frank Lanum; and Dave Cockrum.

The following persons were in attendance on July 24, 2006 for the continued hearing concerning the Jones appeal: Canyon County Commissioner Matt Beebe; Canyon County Commissioner David Ferdinand; Deputy Prosecuting Attorney, Scott Spears, Counsel to the Board; Deputy Clerk, Monica Reeves; Brent Danielson, Canyon County DSD; Carol Jones; Todd Lakey, Attorney, representing Sutro; John Runkle; Ryan Cutler; Casey Bequeath; Frank Lanum; Dave Cockrum; Von Bowman; John McEvoy; Rex Nichols; Stewart Constantine; Alan Brock; and Dan Thompson.

The following persons were in attendance for the July 24, 2006 hearing concerning the Sutro appeal: Canyon County Commissioner Matt Beebe; Canyon County Commissioner Robert Vasquez; Canyon County Commissioner David Ferdinand; Deputy Prosecuting Attorney, Scott Spears, Counsel to the Board; Deputy Clerk, Monica Reeves; Brent Danielson, Canyon County DSD; Todd Lakey, Attorney, representing Sutro; John Runkle; Ryan Cutler; Casey Bequeath; Frank Lanum; Dave Cockrum; Von Bowman; John McEvoy; Rex Nichols; Stewart Constantine; Alan Brock; Dan Thompson; Carol Jones; and Dan Blele.

SUMMARY OF THE RECORD

The record in this appeal is comprised of:

1. County Exhibits No. 1-8.
2. Neutral Exhibits: Jones Appeal - No. 1; Sutro Appeal - No. 1
3. Jones Exhibits No. 1-9
4. Sutro Exhibits No. 1-10 for Jones Appeal; Sutro Appeal No. 1.

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER

DSD CASE NO. CU2005-62

PROCEDURAL ITEMS

1. A public hearing was held by the Commission on December 15, 2005.
2. Section A of Canyon County Exhibit No. 2 shows that proper notices were given for the Commission's hearing.
3. On January 5, 2006 the Commission issued its Findings of Facts, Conclusions of Law and Decision granting Sutro's request for a Conditional Use Permit for the purpose of operating a sand and gravel mine, operation of a crusher, stockpiling, and an asphalt batch plant on three parcels totaling approximately 112.46 acres in an "A" Agricultural Zone with 33 conditions of approval.
4. On or about January 19, 2006, the Board received a Notice of Appeal by Jones, appealing the Commission's Findings of Facts, Conclusions of Law and Decision.
5. On or about January 20, 2006, the Board received a Notice of Appeal by Sutro, appealing two (2) conditions of the Commission's approval.
6. Legal notice of the Board's hearing was published in the Idaho-Press Tribune on or about June 12, 2006. On or about June 13, 2006, persons owning property within 1 mile of the site and selected agencies were notified of the hearing by mail. On or about June 27, 2006, a hearing notice was posted on the site.
7. On July 11, 2006, at the beginning of the hearing on the Jones' appeal, Carol Jones requested a continuance because adjacent property owners who had joined in the opposition to the Commission's decision had sold their properties and she needed time to regroup. Jones' request for a continuance was denied.

SUMMARY OF THE TESTIMONY

HEARING ON JONES et al. APPEAL

July 11, 2006

1. **Brent Danielson**, DSD, gave a brief staff report.

a. Danielson said Sutro requests a Conditional Use Permit for the purpose of operating a sand and gravel mine, operation of a crusher, stockpiling, and an asphalt batch plant on three parcels totaling approximately 112.46 acres in an "A" Agricultural Zone.

b. Danielson referred to the vicinity map, address map, the Assessor's plat map, residential map, land use map, a subdivision map, and a large aerial photograph and noted the location of the subject property on each. He referred to a zoning map, noting the location of the subject property and said the subject property is zoned Agricultural. Danielson referred to the site plan for the proposal.

c. Danielson said there are no structures on the subject property. He said the subject property is currently in pasture. Danielson said the subject property consists of moderately suited (75%) soils and least suited (25%) soils. He said the subject property uses surface water irrigation.

d. Danielson said there are 3 gravel pits within 1 mile of the subject property. He said there is 1 dairy within 1 mile of the subject property. Danielson said that there are 6 feedlots within 2 miles of the subject property. He said approximately 83 of the 162 parcels within 1 mile of the subject property have existing homes. Danielson said the median lot size within 1 mile of the subject property is 13.11 acres. He said the parcels within 1 mile of the subject property range from .17 acre to 160.00 acres. Danielson said there are no platted subdivisions within 1

**FINDINGS OF FACT, CONCLUSIONS OF
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Exhibit B.3.a - 5

mile of the subject property. He said there are no subdivisions in the platting stage within 1 mile of the subject property. Danielson said all surrounding land is zoned "A" Agricultural. He said that land north and east of the subject property is in agriculture. Danielson said that land south and west of the subject property is in agriculture with rural residences.

e. Danielson said the subject property is not within a nitrate priority area as determined by the Idaho Department of Environmental Quality (hereinafter "DEQ").

f. Danielson said the subject property has frontage onto Notus Road and Dixie River for access and he said there are no obstructed vehicular views onto Notus Road or Dixie River from the subject property. Danielson said the Commission approval allowed access onto Notus Road only, at the northwest corner of the subject property, and that Sutro is proposing a second access onto Dixie River Road.

g. Danielson said the subject property is ½ mile south of the Notus Area of City Impact. He said the subject property is ¾ mile south of the Notus City Limits. Danielson said the subject property is approximately 1 mile northeast of the Greenleaf Area of City Impact and he said the subject property is approximately 2½ miles northeast of the Greenleaf City Limits.

h. Danielson noted the locations of R-1 zoning and M-1 zoning near the Notus City Limits.

Testimony in Support of Jones et al. Appeal

2. **Carol Jones** testified in support of the Jones et al. appeal as the Jones et al. representative.

a. Jones said the Commission's decision was based on the 1995 Canyon County Comprehensive Plan which she said is outdated. Jones said the 1995 Canyon County

Comprehensive Plan does not support the request and cited the following policies which she said do not support Sutro's proposal: the Overall Planning Goal; the Planning Process; Property Rights; Population Policy No. 2, 3 and 4; School Facilities and Transportation Policy No. 2 and 4; Economic Policy No. 3, and 5; Overall Land Use Policy No. 1, 2, 5, 7, 9, and 10; Agricultural Land Policy No. 1, 2, 3, 4; Areas of City Impact Policy No. 1 and 2; Rural Residential Policy No. 1; Heavy Industrial Land Uses Policy No. 1; Recreation, Special Areas and Sites, and Community Design Policy No. 2 and 4; Hazardous Areas Policy No. 1 and 2; Natural Resource Policy No. 1, 2 and 3.

b. Jones said the historical use of the subject property was for grazing livestock. Jones said that if the use in the area has changed, it has been by Conditional Use Permits for gravel pits. She said approximately 12 open gravel pits have been approved in the area. Jones said the gravel pits are being granted for 30 to 40 years. She said citizens are being displaced and driven from their homes and farms by these gravel pits.

c. Jones said the proposed project is encroaching on the city of Notus, a platted municipality. She said the subject property is within $\frac{3}{4}$ mile of the city of Notus. Jones said the Mayor of Notus testified before the Commission as to the noise and smell of the asphalt batch plant. Jones said the Mayor said she understands the need for gravel but that the development will affect the Notus Area of City Impact. Jones said the Mayor of Notus testified at the Commission hearing that she had approached the county about extending the Notus Area of City Impact to Howe Road.

d. Jones said ground water contamination is a concern because there is a high water table in the area and they have shallow wells. Jones said a portion of the subject property is within the

100 year flood plain for the Boise River and that all of the subject property is in the 500 year flood plain. She said asphalt is a crude oil by-product that it should not be stored in a flood zone because of the potential for ground water contamination and domestic and agricultural water well contamination. Jones said that according to the Environmental Protection Agency (hereinafter "EPA"), there is concern the water in the gravel pit's settling ponds contains silt which may filter into the aquifer that their wells draw from and this could contaminate their wells. Jones said the operation site plan shows a 1 acre settling pond and the water in the pond goes right into the Boise River. She said that in the process of gravel mining, the water will be held in settling ponds where it will be warmed and then drained back into the Boise River and this creates algae and kills fish. Jones said there is also a levee in the area of the subject property and there is a concern that the levee could break and flow over the subject property and contaminate the wells in the area. Jones said the North drain runs along the subject property and the settling pond is to be placed adjacent to the drain. She said that if there was a flood or heavy rain, the water in the settling pond could run into the drain and then into the Boise river.

e. Jones said mosquitos fly within 1 mile of where they are hatched. She said there was no requirement in the Commission approval for mosquito control. Jones said Commissioner Glenn said the gravel pits use special oil and that mosquitos do not hatch in water. She said these statements were incorrect and they are a concern to her.

f. Jones said she tried to review Sutro's reclamation plan in advance of the Commission's hearing but it was presented at the hearing as late evidence.

g. Jones said her house was built in 1898 and yet it is not on the DSD map showing residences in the area of the subject property. She said there are other errors in the DSD map.

h. Jones said Runkle testified before the Commission that he farmed the subject property for 11 years.

i. Jones said a petition in opposition to the Sutro proposal was signed by 22 residents and it was not read at the hearing before the Commission and yet a traffic count prepared by a private party was allowed in the hearing before the Commission.

j. Jones said the Board should consider the long list of unenforceable conditions that were placed on the project by the Commission. She said the first 13 conditions refer to law and regulations that the development must comply with and the rest are vague and will not protect the people in the area.

k. Jones said traffic is a concern and she said there have been approximately 43 accidents in the area of the subject property. Jones said there are two, 90 degree corners on Dixie River Road adjacent to the subject property and that Sutro is proposing an access between these two 90 degree corners. Jones said Dixie River Road is braking up and is dangerous.

l. Jones said the "pug mill" asphalt plant is a concern. She said a study shows that fumes are worse from a "pug mill" than from other asphalt batch plants.

m. Jones said Silicosis is a common cause of death of people that work in the gravel and cement business. She said approximately 200 workers die each year of Silicosis. Jones said Silicosis is 100% preventable if employers and workers work to eliminate exposure.

n. Jones said the highway district is spending \$1.5 million dollars for gravel and these are tax dollars.

o. Jones referred to a map of property in the area of the subject property which noted ownership changes; the map was admitted as Jones Exhibit No. 2 without objection. Jones noted

the location of her property on the map and said it is southeast of the subject property. She noted the locations of properties that are owned by persons who contributed to the appeal by Jones et al. Jones said Mills was a contributor to the appeal and Mills owns property immediately north of the subject property. She said Rayne is opposed to the project and owns property south of the subject property. Jones said Rayne used to own the property marked as Spencer on the vicinity map. Jones said Eric and Amanda Cobiskey sold their property to Canyon Highway No. 4 and that she thinks they did this because of the Sutro project and their desire not to raise their children in an industrial area. She said Gene Cobiskey still owns his property but is negotiating its sale to the highway district. Jones said Palmer owns property farther southeast of the subject property, off of Dixie River Road. She said Zimmerman lives east of the subject property. Jones said Blele owns property immediately west of the subject property.

p. Jones said the concentration of gravel pits in the area is dangerous because of the dust in the air and potential for Silicosis, the increased traffic, the poor roads, and the potential for ground water contamination. Jones submitted a map showing gravel pits in the area of the subject property. The map was admitted as Jones Exhibit No. 6 without objection.

q. Jones said cool mix asphalt plants known as “pug mills” are worse than hot mix asphalt because of the chemicals that are used that put off dangerous emissions. Jones submitted Jones Exhibit No. 7 which was admitted without objection.

r. Jones said the dairy in the DSD staff report is the Turner dairy and it is really a feedlot.

s. Jones said the Dixie community is between the city of Notus and Simplot Boulevard from the north to south but that she is not sure about the east and western boundaries of the Dixie community.

t. Jones submitted a roadway and traffic accident report which was admitted as Jones Exhibit No. 8 without objection. Jones said the roads in the area of the subject property are breaking up and submitted photographs which were admitted as Jones Exhibit No. 9 without objection.

3. Dan Blele testified in support of the Jones et al. appeal.

a. Blele said he is present at the hearing for himself and as a Commissioner of Drain District Number 6. He said the Drain District Number 6 has a couple of drains that run through, or adjacent to, the subject property and that it does not want the drains impacted by the project. Blele referred to the site plan and reclamation plan for the project and noted the drains on the subject property. He said the drain district cannot deal with additional water being put into the drains. Blele said the drain district is concerned that water generated on the subject property not be pumped into the drains. He said that if the ground water comes up there will be leaching into the drains. Blele said that once the drain district sees a plan, they can deal with it.

b. Blele said he had never planned on moving from the area but now they have gone from an area with a mix of residential and commercial operations such as farming and cattle grazing to an area with industrial uses of gravel pits. He said there are gravel companies all over the area. Blele said that due to the changes, the area of the subject property is not viable for farming and cattle grazing. Blele said that everything from Notus Road east has sold for \$20,000 to \$30,000 per acre for development. Blele said he has been approached by developers who want to purchase his land. He said Mills does not want to sell his land.

c. Blele discussed the hearing before the Commission. He said the hearing ended at 1:45 a.m. and Sutro did not have a reclamation plan and there was not a reclamation plan to discuss at

the Commission hearing.

d. Blele said the Mayor of Notus has told him that the Notus Area of City Impact is going to move south of Howe Road.

e. Blele said there was never talk about an asphalt batch plant during the Commission hearing. Blele said he has heard that some asphalt batch plants put off fumes and he is not sure if these are known as “pug mills”.

4. **Wayne Palmer** testified in support of the Jones et al. appeal.

a. Palmer referred to the Assessor’s plat map and noted the location of his property located east of property identified as Gould, between Dixie River Road and the Boise River.

b. Palmer said his family has been in the area since 1908. Palmer said he sold some land to a person in Boise who is using his property for a horse farm and does not want to see changes.

c. Palmer said Brush was offered a tremendous amount of money for his property and so he sold his land. He said Gould was offered a lot of money and so he sold his property. Palmer said Rayne built a house on his property but he had to bring in gravel from somewhere else to build up the site for his house because there was a problem with the gravel on the Rayne property.

d. Palmer said Runkle cannot farm the subject property and so he has no objection to Runkle selling his property for the gravel.

e. Palmer said he is not opposed to the gravel operation but he is opposed to the asphalt batch plant on the subject property.

f. Palmer said that at this time his property is assessed as agricultural land but that he is concerned that development in the area will increase his property values to such a point that he

will have to sell.

Neutral Testimony Regarding Jones et al. Appeal

5. **Aaron Coleman** testified in a neutral position concerning the Jones et al. appeal.

a. Coleman said he is Mills' grandson. He said Mills owns the property immediately north of the subject property.

b. Coleman said Mills found the project to be acceptable but that Mills is concerned about an asphalt batch plant on the subject property.

c. Coleman said he would like to see a specific schedule for inspections of the operation to make sure the conditions are being met. Coleman said he would like to see the reclamation plan modified so that there is periodic reclamation. He proposed that the project be reclaimed in 40 acre pieces after they have been mined and that the mining moving from west to east.

Testimony in Opposition to Jones et al. Appeal

6. **Nyle Winn** testified in opposition to the Jones et al. appeal.

a. Winn said he runs a small asphalt company and mixes asphalt for highway districts.

b. Winn said concerns about emissions are about hot plants or cut back asphalt which is emulsified with petroleum chemicals. Winn said that with the proposed cold mix asphalt plant, they use asphalt that is emulsified with water and detergents and that this is done in an effort to reduce harmful emissions. He said cold mix asphalt uses emulsifiers that do not put out very much emissions. Winn said he has used cold mix detergent emulsified asphalt since 1978 and it puts out much less emissions. Winn said the oil they use in the cold mix asphalt plant is heated to 125 degrees and is not heated to 300 degrees like hot mix asphalt plants. He said that if you heat up cold mix asphalt it puts out more emissions. Winn said that with cold mix asphalt batch

plants, the oil comes to the “pug mill” in trucks at approximately 125 degrees and is mixed with the gravel and emulsified asphalt in the “pug mill” which is a mixing chamber. He said the “pug mill” is a closed chamber and so it reduces potential for emissions. Winn said that emissions occur mostly after the cold asphalt is put down on the road and is drying out.

c. Winn said that much of the material Jones submitted talks about hot asphalt batch plants that this is not applicable to the proposed cold mix asphalt batch plant and he referred to Jones Exhibit No. 8. Winn referred to a state of Pennsylvania study concerning cold asphalt batch plants and hot asphalt batch plants. The report was admitted as Sutro Exhibit No. 4. He said the report says cold asphalt reduces harmful emissions by 60 to 84 percent over hot asphalt batch plants. Winn said that many of the highway districts in Canyon County switched to cold mix emulsified asphalt over 10 years ago for environmental concerns.

7. **Casey Bequeath** testified in opposition to the Jones et al. appeal.

a. Bequeath said he is with the Canyon Highway District No. 4.

b. Bequeath said the gravel pit will be operated by 3 highway districts. Bequeath said the project will have an access road that will be either recycled asphalt and/or gravel with magnesium chloride to keep dust down. He said they will be starting in the northeastern portion of the subject property and will use a road on the northern edge of the subject property for access to Notus Road and will access Notus Road at the northwest corner of the subject property. Bequeath said they will work their way to the west of the subject property toward Notus Road. He said they will do a phased reclamation as they move across the subject property from east to west. Bequeath said they will not be accessing onto Dixie River Road.

c. Bequeath said there is about 3,000,000 yards of gravel in the subject property. He said their cost of mining and crushing the gravel will be 50 cents per yard and that they will save money over having to purchase gravel on the open market.

d. Bequeath referred to photographs of recycled asphalt and a “pug mill” which were admitted as Sutro Exhibit No. 5 without objection.

e. Bequeath said the recycled asphalt will come to the site and will be crushed and then mixed with oil in the “pug mill” to make new asphalt. He said they will only be making asphalt on the subject property about 30 days a year. Bequeath said the Canyon Highway District No. 4 has been using cold mix asphalt for around 25 years. He said cold mix asphalt costs about \$11.00 per ton versus over \$40.00 dollars per ton for hot asphalt.

f. Bequeath said they have not had any silica related health problems known as silicosis, with dust from the gravel.

g. Bequeath said he thinks they are only required to pave the access point onto Notus Road with asphalt and that they have the option of paving the remainder of the access road with asphalt or gravel with magnesium chloride. He said that if use gravel with magnesium chloride for the access road, they will apply water about 3 times a day for dust control.

8. Todd Lakey testified in opposition to the Jones et al. appeal as Sutro’s representative.

a. Lakey said that when Sutro first applied for the Conditional Use Permit it did not have an exclusive option with the highway districts for purchase of the subject property.

b. Lakey said the Canyon County Comprehensive Plan is in support of the request. He said this is especially true since the gravel pit will be owned and operated by 3 highway districts located in Canyon County.

c. Lakey said that prior to the hearing before the Commission, Sutro was thinking of a “pug mill” on the subject property but that “pug mills” are also considered a batch plant. He said the “pug mill” is not a hot asphalt batch plant. Lakey said Sutro is not requesting a concrete batch plant.

d. Lakey said Conditions No. 23 and 24 should be consolidated and that the access road be 40 feet wide and paved at the access point and that the rest of the road either be paved or gravel with dust control measures applied.

e. Lakey said it is difficult to finalize a reclamation plan before have land use approval. He said the mining will start at the east end of the subject property and move west.

f. Lakey said Sutro does not want to access onto Dixie River Road and so it is withdrawing its appeal of Condition No. 33.

g. Lakey said that much of the documentation provided by Jones was not site specific.

h. Lakey said the gravel pit will be a wet pit operation and this will address dust and any potential for Silicosis.

i. Lakey said the gravel pit operation will have set times of operation with provisions for emergency exception times also.

j. Lakey said the Canyon County Comprehensive Plan is in favor of the request. He said the Property Rights policy supports the land owner. Lakey said Population policies No. 1 relating to the planning base supports the proposal because of the population growth in the county. Lakey said School Facilities and Transportation Policy No.3 supports the request because the gravel pit will be shared by 3 highway districts which will maximize the use of the gravel pit. Lakey said Economic Policies No. 1, 2, 3, and 4 support the proposal because the

proposal will provide good paying jobs and the highway districts provide roads for transportation of goods and agricultural products in the county.

k. Lakey said that Overall Land Use Policy No. 1 supports the proposal because the area has historically had gravel pits and agriculture. He said that water issues are addressed in the reclamation plan. Lakey said Overall Land Use Policy No. 2 supports the request because there are already intensive uses in the area such as agriculture and gravel pits. He said Overall Land Use Policy No. 4 supports the proposal because the gravel pit will be used by 3 highway districts in Canyon County to construct roads in Canyon County and this will promote the safe and efficient movement of goods and people. Lakey said Overall Land Use Policy No. 7 supports the request because the proposal calls for a 30 foot wide undisturbed buffer around the perimeter of the subject property on the north, east and south sides along with a 100 foot wide site and sound obscuring buffer along Notus Road on the western boundary of the subject property. Concerning the 20 foot high berm required by the Commission in Condition No. 14, Lakey said Cobiskey has sold his property to Canyon Highway District No. 4 and so the berm is not needed anymore.

l. Lakey said Agricultural Lands Policies No. 1 and 2 support the request because the subject property is mostly moderately and least suited soils. He said the subject property is poor farm ground and that farming on the subject property has been disastrous and they have mostly been running cattle on the subject property. Lakey said Agricultural Lands Policies No. 4 supports the request because they are using data when considering the proposed land use change.

m. Lakey said Transportation Policy No. 1 supports the proposal because the gravel pit will be used by 3 highway districts in Canyon County to construct roads in Canyon County and this will promote the safe and efficient movement of goods and people. He said Sutro is now

proposing only one access point for the gravel pit with the access being at the northwest corner of the subject property onto Notus Road and this will also promote safety. Lakey said Public Services Policy No. 1 supports the request because roads are public services and the proposal will help in the construction of roads in Canyon County. Lakey said Natural Resources Policy No. 1 supports the proposal because there is gravel on the subject property and gravel is a natural resource.

n. Lakey said the conditions imposed by the Commission help to minimize impact. He said the proposed “pug mill” is not obtrusive. Lakey said there had been concern about a hot asphalt batch plant but Sutro is not proposing a hot asphalt batch plant. He said the Mayor of Notus had been concerned about hot asphalt batch plan on the subject property.

o. Lakey said the gravel pit will be a wet pit and this will minimize dust. He said the proposed use will be less intensive than a private gravel pit because the highway districts use of the gravel pit will be staggered.

p. Lakey said there are already mosquitos on the subject property.

q. Lakey referred to Sutro Exhibit No. 3, a large assessors plat map which was admitted without objection. He said Eric Cobiskey’s property has been sold to one of the highway districts and Gene Cobiskey’s property is the process of being sold to one of the highway districts. Lakey said other adjacent property owned by Brush has been sold to Summit Corporation for a proposed gravel pit. He said other properties in the immediate area have been sold. Lakey said there area several other gravel pits in the immediate area and he said there are significant plans for additional gravel pits in the area. Lakey said that there have historically been gravel pits in the area of the subject property and there will not be a negative change to the area if the proposal

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is allowed. He said there are no platted subdivisions within 1 mile of the subject property.

r. Lakey said the highway district engineer has done a traffic analysis to see what the current traffic in the area is and what impacts on traffic will result from the proposal. He said Sutro does not intend to access onto Dixie River Road in order to work with the neighbors and so it is dropping its appeal of Condition No. 33. Lakey said that Notus Road is the better access point. Lakey said the project will have acceleration and deceleration lanes per Condition No. 22.

s. Lakey said there is no need for concern about buffering for the Brush property because it has been sold to Summit Corporation and is going to be proposed for a gravel pit. He said there will be landscaped buffer areas along Notus Road and Dixie River Road to mitigate impact. Lakey said Gould has also sold his property for a potential gravel pit development and this will buffer Palmer's property which is located east of the Gould property.

July 24, 2006

Continued Testimony in Opposition to Jones et al. Appeal

9. **Todd Lakey** continued with testimony in opposition to the Jones et al. appeal as Sutro's representative.

a. Lakey said Sutro is withdrawing the request to amend Condition No. 33 relating to Dixie River Road. He said the only access will be onto Notus Road, at the northwest corner of the subject property.

b. Lake said the proposed cold asphalt batch plant is to be a "pug mill" that will be brought onto the property on a trailer. He said the "pug mill" is a cold mix asphalt batch plant. Lakey said Sutro does not intent to have a hot mix asphalt batch plant on the subject property. Lakey provided a photograph which was admitted as Sutro Exhibit No 6 without objection. He

said the photograph demonstrates that a “pug mill” is a relatively small piece of equipment.

Lakey said the proposed cold mix asphalt batch plant will have lower emissions and odors and is more environmentally friendly than a hot mix asphalt batch plan. He said a cold mix asphalt batch plant “pug mill” has operated in other areas of the county without significant complaints.

c. Lakey said the proposed hours of operation are Monday through Friday, 7:00 a.m. to 6:00 p.m. with an exception for emergencies; he said this is spelled out in Commission Condition No. 16 which Sutro has no objections to.

d. Lakey said that not all of the 3 highway districts will be operating in the gravel pit at once. He said Commission Condition No. 32 mandated that a single crusher be operated by the 3 highway districts and Sutro has no objections to this condition. Lakey said each of the highway district will not have its own crusher on the subject property.

e. Lakey said the gravel pit will be for the highway districts only and it will not be a commercial or retail gravel pit.

f. Lakey referred to a large assessors plat map, Sutro Exhibit No. 3 and said the Eric Cobiskey property has been sold to Canyon Highway District No. 4. He said Eric Cobiskey had requested a 20 foot high berm at the hearing before the Commission and that with Eric Cobiskey selling his property, there is no need for the berm. Lakey said Gene Cobiskey is in discussions to sell his property to the highway district.

g. Lakey recommended landscaping along the south, west and western edge of the subject property rather than berms. He said Brush has sold his property to Summit and this eliminates the need for berms along the southern boundary of the subject property.

h. Lakey said a Joint Powers Agreement has been entered into between the 3 highway districts to purchase the subject property from Sutro and operate the gravel pit.

i. Lakey suggested that the Board consider modification of Condition No. 22 relating to deceleration lanes.

j. Lakey said he has driven on Dixie River Road and has not seen any problems with the pavement.

k. Lakey referred to a large assessors plat map, Sutro Exhibit No. 3 and said Sutro does not operate any other gravel pits in the immediate area. He said the orange markings identify historic or existing gravel pits as well as properties that have been sold for future gravel pit operations. Lakey said one of the highway districts has a gravel operation farther south of the subject property.

l. Lakey said the subject property will be reclaimed per a reclamation plan.

10. Dave Cockrum testified in opposition to the Jones et al. appeal.

a. Cockrum said he is a Registered Geologist with Geodesy

b. Cockrum said the proposal is for a gravel operation on 112 acres.

c. Cockrum said the gravel pit operation will be relatively small with an average of 7 truck trips per hour and a maximum of 10 truck trips per hour. Cockrum referred to an aerial photograph of the subject property which was admitted without objection as Sutro Exhibit No. 7 and described the route that trucks will take when they are traveling to, or away from, the proposed operation. He said that most trucks will travel north and south on Notus Road. Cockrum said the access road will be on the north boundary of the subject property and said it will access onto Notus Road at the northwest corner of the subject property.

d. Cockrum said the flood way of the Boise River is northwest of the subject property and that the subject property is outside of the flood way of the Boise River. He said the gravel stock pile, the "pug mill", and all operations will be outside of the flood way of the Boise River. Cockrum said the depleted gravel pits will become ponds. He said there will be de-watering in the active gravel pits. Cockrum said the operation will have a settling pond in the northwest portion of the subject property and then water may be drained into drainage ditches. He said the settling pond will be active only when active mining and crushing are underway, about 30 to 60 days per year. Cockrum said they will only use the drain system in the winter and that there will be less water in the drain at that time so there should not be a problem. Cockrum said they will work with the drain district and canal company and will make what ever improvements to the drain and canal that are necessary for them to accept water from de-watering activity. He said the operation will not pump water into the canal and drain without permission of the drain district and the canal company. Cockrum said he does not see the need for a settling pond for about 5 years because the water level is about 8 feet below the surface.

e. Cockrum said there will be a 30 foot wide buffer along the north, south and east sides of the subject property and a 100 foot wide buffer along the west boundary of the subject property, along Notus Road.

f. Cockrum said the operation will mine the gravel beginning in the east of the subject property and moving to the western portion of the subject property. He said this minimizes impact on surrounding neighbors for a long time. Cockrum said this also makes sense considering the access on the northern boundary of the subject property.

g. Cockrum said Summit Stone may develop land south of the subject property for a gravel pit and may access across the subject property to its northern boundary to Notus Road. He said Summit Stone will help pay for the improvements to the access road that will travel across the subject property to Notus Road.

h. Cockrum said the gravel pit operations on the subject property will be wet and the gravel will still be wet when it gets to the crusher and this will minimize dust. He said water will be added to the gravel during the crushing and this minimizes dust. Cockrum said that as dust is reduced, the likelihood of Silicosis is also reduced. Cockrum said he has never heard of anyone having Silicosis in gravel pits operated in Canyon County. Cockrum said the Mining Safety and Health Administration (hereinafter "MSHA") is a regulatory agency that tests gravel pit operations with dust badges. He said the Occupational Safety and Health Administration (hereinafter "OSHA") also regulates gravel pits.

i. Cockrum said the EPA will regulate the operation regarding storm water. He said water in gravel ponds next to the river is cleaner than water in the river. Cockrum said the gravel in the settling ponds filters the clay and silt and prevents them from getting into the aquifer and that this keeps the silt out of the ground water.

11. **Dan Thompson** testified in opposition to the Jones et al. appeal.

a. Thompson said he is a Traffic Engineer and is a Registered Engineer.

b. Thompson said he was retained by Canyon Highway District No. 4 and did a traffic study for the proposed gravel pit operation. Thompson submitted the traffic study which was admitted without objection as Sutro Exhibit No. 8. Thompson said the traffic study was done per the requirements of the Idaho Transportation Department (hereinafter "ITD"). He said the traffic

study included Notus Road, Highway 20/26 and Highway 19.

c. Thompson he estimated about 52 truck trips per hour during peak hours. Thompson said he based this on records of the Canyon Highway District No. 4 which indicated 78 trucks per day during chip sealing and that he multiplied this number by three for the three highway districts, estimated 234 trucks per day with a total of 468 trips per day in a 9 hour day for 52 truck trips per hour. Thompson said he assumed trucks would all go north and/or south. Thompson said anticipated maximum build out for the operation, and truck traffic, will be during 2010. Thompson said he found that the impacted intersections, Notus Road at Highway 20/26 and Notus Road at Highway 19 would operate at acceptable levels of service. Thompson said his traffic study recommended turn lanes on Notus Road for the access point onto the subject property.

d. Thompson said the speed limit on Highway 20/26 at Notus road is 35 miles per hour. He said the speed limit on Highway 19 at Notus Road is 60 miles per hour but site conditions are very good.

12. **Von Bowman** testified in opposition to the Jones et al. appeal.

a. Bowman said he is the Work Director of the Notus/Parma Highway District. Bowman said the Notus/Parma Highway District maintains approximately 195 miles of roads.

b. Bowman said that as the population of Canyon County increases, the highway district's road projects increase making gravel products more and more important.

c. Bowman said the highway district will use approximately 15,000 yards of pit run yearly. He said the highway district will use on average, 10,000 yards $\frac{3}{4}$ inch road mix, 3,000 yards of $\frac{1}{2}$ inch road mix and 7,000 yards of $\frac{1}{2}$ inch chips. He said the highway district currently

uses 2 acres of land yearly for gravel. Bowman said the highway district predicts its share of the gravel on the subject property will last it 15 to 20 years. He said that with the value of ground increasing, they are looking to secure ground at reasonable prices today for future road projects.

d. Bowman said the location of the proposed gravel pit site is important because it will allow the three highway districts to combine operations and share the costs. He said the location is also important because it is near the Notus area and this is where the products from the site would be used and this would minimize travel. Bowman said that less travel means money saved. Bowman said the highway district uses 3 other gravel pits for other areas in the district to minimize travel and the cost of the gravel but those are private gravel pits and so the gravel in them costs more. Bowman estimated the costs of gravel in the proposed operation will be 30 cents to 40 cents per cubic yard.

13. **John McEvoy** testified in opposition to the Jones et al. appeal.

a. McEvoy said he is with the Canyon Highway District No. 4. He said the highway district maintains about 325 miles of roads.

b. McEvoy said they have estimated the costs of gravel from the proposed operation at 50 to 60 cents per yard. He said the gravel from commercial gravel pits is about \$3.00 per yard.

c. McEvoy said the highway district does not need the gravel in the subject property now but it will need the gravel the future. He said the highway district's current gravel source in the area will end in about 10 years. McEvoy said the subject property is at an appropriate location for their future needs.

d. McEvoy provided photographs of berms associated with gravel operation in the county; the photographs were admitted without objection as Sutro Exhibit No. 9. McEvoy said

the photographs show berms that are not being kept up and that have native grasses and weeds on them. He said trees planted on berms tend to die if they are not irrigated. McEvoy said the preferable approach is to plant trees in a landscaped buffer area that is lower so that the trees can get to the water naturally and without irrigation systems. McEvoy proposed to berm for noise on the subject property only adjacent to their operations and then to remove the berms when operations stop.

14. **Rex Nichols** testified in opposition to the Jones et al. appeal.

a. Nichols said he is a Commissioner of the Notus/Parma Highway District. He said the subject property is in the right location for their operations in the Notus area. Nichols said he has had no discussions with the Mayor of Notus concerning the proposed operation.

15. **Stewart Constantine** testified in opposition to the Jones et al. appeal.

a. Constantine said he is the Highway Director for the Golden Gate Highway District. He said the highway district has 225 miles of paved roads and 13 miles of gravel roads.

b. Constantine said Notus Road has held up very well and that it is physically sound for truck traffic. He said Notus Road is rated as a major collector and it is eligible for federal funding.

c. Constantine said the highway district's current source of gravel is being depleted and they need another gravel pit.

d. Constantine said there is much growth in the population of the area that the highway district serves.

e. Constantine said that after the proposed gravel pit is depleted, the subject property could be used for residential development and with the cost of land, this will serve as a financial

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benefit for the three highway districts.

16. **Alan Brock** testified in opposition to the Jones et al. appeal.

a. Brock said he is a Commissioner of the Notus/Parma Highway District. He said the Mutual Ownership Joint Operation board that the three highway districts are a part of will own the subject property and will operate the gravel pit.

b. Brock said he spoke with the Mayor of Notus and she thought the batch plant was going to be a hot asphalt batch plant but that he told her it will be a cold plant.

c. Brock discussed road projects in the area and said projects are upcoming that will use gravel.

d. Brock said they want to be good neighbors and so they are going to operate on the east end of the subject property first and will only access onto Notus Road, at the northwest corner of the subject property. He said the operations in the eastern portion of the subject property will be at the back end of the subject property and will be out of site of the neighbors. Brock said the trucks will travel in north and south directions on Notus Road.

e. Brock said the subject property is in the perfect location for their needs.

17. **Frank Lanum** testified in opposition to the Jones et al. appeal.

a. Lanum said he owns a real estate brokerage company.

b. Lanum said the key issue for the proposal is its location. He said that in looking at the location of the subject property and the three highway districts, the subject property will reduce transportation for the highway districts. Lanum referred to a map of Canyon County highway districts which was admitted without objection as Sutro Exhibit No. 9. He said the subject property lies at the junction of the three highway districts.

c. Lanum said the cost of gravel produced in the proposed gravel the pit will be 50 cents per yard versus the current cost of \$3.00 per yard for private gravel.

18. John Runkle testified in opposition to the Jones et al. appeal.

a. Runkle said he is President of Sutro.

b. Runkle said Sutro bought the subject property in 1996 and looked at it as a good place to run Black Angus cattle. He said that due to the soil, the subject property is not good for crops but it is good for good for pasture for cattle. Runkle said the subject property has a lot of gravel.

c. Runkle said Sutro sprays the noxious weeds on the subject property.

d. Runkle said mining of gravel will begin in the eastern portion of the subject property and will move west.

e. Runkle said Sutro has an agreement with the three highway districts to continue to irrigate the subject property and have pasture in the western portion the subject property for a number of years. He discussed plans for wheel lines on the western $\frac{2}{3}$ of the subject property that will be irrigated and in pasture for cattle. Runkle said the worst irrigating portion of the subject property is the southwest portion and that the wheel lines will help green this area up. He said the cattle will be in the western portion of the subject property for a number of years.

19. Ryan Cutler testified in opposition to the Jones et al. appeal.

a. Cutler said the operations will begin on the eastern portion of the subject property moving west. He said Sutro is giving up access onto Dixie River Road. Cutler said these are concessions made to address concerns of the neighbors.

b. Cutler said the testimony indicates that the subject property has poor soil and weeds.

c. Cutler said the traffic study was conservative and used the highest possible numbers possible with trucks from all three highway districts using the gravel pit at the same time.

d. Cutler said there are no platted subdivisions in the area. He said the gravel pits in the area have established the character of the area.

e. Cutler said there may be more mosquitos in areas that are irrigated farm land rather than gravel mining operations.

f. Cutler said the need for a 20 foot berm along the Cobiskey property has gone away with the sale of Cobiskey property to the highway district.

g. Cutler said there will be a sound buffering berm that will move on the subject property along with the gravel operations and the soil will go back onto the subject property as gravel mining operations moves along. Cutler said there will be landscaped buffering along the north, south, east, and west sides of the subject properties. He said trees will be in this landscaped buffer.

Rebuttal Testimony in Support of Jones et al. Appeal

20. **Carol Jones** testified in support of the Jones et al. appeal as the Jones et al. representative.

a. Jones said the proceedings do not support due process because there were two Commissioners for the hearing, not three, and there is a potential for a split vote.

b. Jones said the applicant is Sutro Corporation, not the highway districts.

c. Jones said proof of ownership or letter of congruence is necessary. She said that neither is in record and therefore, the application should be denied.

d. Jones said the highway districts testified that the proposal will save money. Jones said she wants to know who the highway districts are.

e. Jones said the Board needs to consider the mental and physical health of the constituents. She said the Board needs to consider the people, not just the highway districts and gravel pit owners.

f. Jones expressed concern about \$250,000 being spent by the highway districts on the proposed project.

g. Jones said there was misinformation at the hearing before the Commission concerning ownership of the subject property.

h. Jones said she is concerned about mosquitos because of her two autistic grandchildren and their impaired immune systems.

i. Jones said she is also concerned about dust because her husband has asthma.

j. Jones said she called the Sheriff five times to report automobile accidents on Dixie River Road. Jones said she is concerned about traffic on Dixie River and the 90 degree curve at Notus Road and Dixie River Road. She said the speed limit on Notus Road in this area is 55 miles per hour. Jones said Notus Road is 23.9 feet wide in front of her house. Jones referred to photographs of intersections on Notus Road and Dixie River Road and said they show the pavement breaking down; the photographs were admitted without objection as Jones Exhibit No. 9. She discussed traffic signs and speed limits in the area on Notus Road.

k. Jones said she is concerned about 30 foot buffer setbacks along the south, east, and north side of the subject property and the 100 feet buffer set back along Notus Road. She said the 30 feet wide buffer not keep the dust away and is not adequate.

1. Jones referred to a letter from Lee Woodruff of the EPA regarding silt from settling ponds getting into the groundwater and aquifer. The letter was not admitted as an exhibit.

HEARING ON SUTRO APPEAL

July 24, 2006

1. **Brent Danielson**, DSD, gave a brief staff report.

a. Danielson said Sutro requests a Conditional Use Permit for the purpose of operating a sand and gravel mine, operation of a crusher, stockpiling, and an asphalt batch plant on three parcels totaling approximately 112.46 acres in an "A" Agricultural Zone.

b. Danielson referred to the vicinity map, address map, the Assessor's plat map, residential map, land use map, a subdivision map, and a large aerial photograph and noted the location of the subject property on each. He referred to a zoning map, noting the location of the subject property and said the subject property is zoned Agricultural. Danielson referred to the site plan for the proposal.

c. Danielson said there are 3 gravel pits within 1 mile of the subject property. He said there is 1 dairy within 1 mile of the subject property. Danielson said that there are 6 feedlots within 2 miles of the subject property. He said approximately 83 of the 162 parcels within 1 mile of the subject property have existing homes. Danielson said the median lot size within 1 mile of the subject property is 13.11 acres. He said the parcels within 1 mile of the subject property range from .17 acre to 160.00 acres. Danielson said there are no platted subdivisions within 1 mile of the subject property. He said there are no subdivisions in the platting stage within 1 mile of the subject property.

Testimony in Support of Sutro Appeal

2. Todd Lakey testified in support of the Sutro appeal as Sutro's representative.

a. Lakey said that Sutro is withdrawing its appeal as to the condition limiting access onto Dixie River Road.

b. Lakey said regarding the condition requiring a 20 foot berm on the subject property adjacent to the Cobiskey property, that the condition was at the request of Eric Cobiskey during the Commission's hearing. Lakey said that Eric Cobiskey sold his property to the Canyon Highway District No.4. He said Eugene Cobiskey owns the adjacent Cobiskey property and is not in attendance at the hearing to express any concerns regarding the Sutro request to have the condition removed. Lakey said Eugene Cobiskey is in negotiations to sell his property to the highway district also. Lakey said that the change in the reclamation plan and mining operations beginning on the east takes away the need for a berm adjacent to the Cobiskey property. Lakey said the fact that landscaping will begin when the gravel pit is dug also takes away the need for the berm. Lakey referred to a drawing which was admitted without objection as Sutro Exhibit No. 1 for the Sutro Hearing and said the 20 foot high berm would require a 90 foot base. Lakey said that with trees on top of the berm, the trees would be above the house. He said that even with a 10 foot berm, the trees on top of the berm would be level with the peak of the house. Lakey said that if the Board wants to require a berm on the common boundaries with the Cobiskey property, that Sutro would request a 10 foot berm. Lakey said discussions with Eugene Cobiskey have reflected his desire to continue to live in the house after he sells his property to the highway district.

3. **Casey Bequeath** testified in support of the Sutro appeal.

a. Bequeath said he is Director of Canyon Highway District No. 4. He said that when the highway district bought Eric Cobiskey's property it bought Cobiskey's property with the understanding that the modular home on it would eventually be moved. Bequeath said Eugene Cobiskey has been in negotiations with the highway district concerning the sale of his property to the highway district. Bequeath said he understands that if Eugene Cobiskey sells, he will be allowed to live on the property as long as he wants.

4. **John McEvoy** testified in support of the Sutro appeal.

a. McEvoy said he is a Commissioner of the Canyon Highway District No. 4.

b. McEvoy said Eric Cobiskey was adamant at the hearing before the Commission about the 20 foot berm but he has sold his property.

c. McEvoy said the highway district has been discussing the purchase of the Eugene Cobiskey property and that he anticipates that eventually it will be sold by highway district to someone as a residential lot and will not be mined for gravel. McEvoy said the highway district will do the same with the Eric Cobiskey property. He said there is a higher value in the Cobiskey parcels as building lots and that in the mean time, they will rent out the properties.

d. McEvoy said the 20 foot high berm would cost a fortune to build and it will also cost a lot to landscape the berm with trees on the top and keep them in a living condition.

e. McEvoy said Eugene Cobiskey was at the Board's hearing and saw the direction the hearing was going and left.

f. McEvoy said they are planning for a landscaped barrier with trees in the 30 foot set back buffer area on the north, east and south boundaries of the subject property and in the 100

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Exhibit B.3.a - 33

foot buffer area adjacent to Notus Road on the western boundary of the subject property.

5. **Alan Brock** testified in support of the Sutro appeal.

a. Brock said he is a Commissioner of the Notus/Parma Highway District.

b. Brock said Eugene Cobiskey's 4 daughters are heirs to his estate and have control of the estate.

Neutral Testimony Regarding Sutro Appeal

6. **Carol Jones** testified in a neutral position concerning the Sutro appeal.

a. Jones said Eugene Cobiskey came to her house and spoke with her on June 13th, 2006 and they discussed the landscaping and berm. Jones said that Eugene Cobiskey told her he did not want the 20 foot high berm and that he wants landscaping instead. Jones submitted a hand written note which was admitted without objection as Neutral Exhibit No. 1 for the Sutro Appeal. Jones said Cobiskey wants to make sure that the landscaping is kept up and maintained.

b. Jones said the county should monitor projects such as this. She said the Turner gravel pit had conditions for landscaping before construction of the gravel pit and the conditions have not been met.

Rebuttal Testimony in Support of Sutro Appeal

7. **Todd Lakey** testified in support of the Sutro appeal as Sutro's representative.

a. Lakey said people will buy and build next to gravel pits. He said Jones' testimony clarified Eugene Cobiskey's wishes and that he does not want the berm next to his property.

BOARD ACTION

Upon the conclusion of public testimony, after deliberating on the evidence presented, the Board voted to uphold the Commission and to grant Sutro Corporation for a Conditional Use

Permit for the purpose of operating a sand and gravel mine, operation of a crusher, stockpiling, and an asphalt batch plant on three parcels totaling approximately 112.46 acres in an "A" Agricultural Zone with conditions. The Board then conducted the hearing regarding the Sutro Corporation appeal and conclusion of public testimony, after deliberating on the evidence presented, the Board voted to eliminate the condition requiring a 20 foot high topsoil berm constructed and landscaped along the west, north and east perimeter of the Cobiskey property as such was imposed by the Commission. Therefore, as a result of its deliberations on the two (2) appeals, the Board upheld the Commission and granted Sutro Corporation for a Conditional Use Permit for the purpose of operating a sand and gravel mine, operation of a crusher, stockpiling, and an asphalt batch plant on three parcels totaling approximately 112.46 acres in an "A" Agricultural Zone with 18 conditions. On August 28, 2006, the Board will adopt Findings of Fact and Conclusions of Law and an Order.

APPLICABLE LAW

1. Whether the proposed use is permitted in the zone. [Canyon County Code of Ordinances (CCCO); Section 07-07-05(1)].
2. A statement of the nature of the request. [CCCO; Section 07-07-05(2)].
3. Whether the proposed use is consistent with the Comprehensive Plan. [CCCO; Section 07-07-05(3)].

PROPERTY RIGHTS

In the 1994 Legislative Session, Idaho Code "67-8001, 8002, and 8003 were adopted to establish a process to better provide that land use policies, restrictions, conditions, and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of private property. It is the policy of the County to comply with the requirements of the Idaho Code provisions. [p. 4].

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POPULATION POLICIES

Policy No. 1. To provide the planning base for an anticipated population of at least 105,000 by the year 2000, and 120,000 by the year 2010. This policy estimates and anticipates an annual increase of approximately 1.2 percent between 1990 and 2000, and could reach 1.5 percent between 2000 and 2010. This policy also recognizes that planning policies combined with past trends can anticipate the location of the expected population reasonably close and that the intent of the plan is to forecast and plan for the needs of population growth areas in terms of future facilities and services. [p. 5].

ECONOMIC DEVELOPMENT POLICIES

Policy No. 1. To encourage development of additional employment opportunities and economic diversity in Canyon County. This policy establishes an estimated employment forecast of approximately 52,000 jobs by the year 2,000, and a forecast to about 63,000 jobs by the year 2010. This increase corresponds to an increase of 2.4 percent per year in the 1990 to 2000 decade to approximately 2.1 percent per year in the 2000 to 2010 decade. [p. 6].

Policy No. 3. To plan for economic growth that is consistent with and supports the agricultural industry of Canyon County. This policy is established in recognition of the county's economic position where agriculture comprises a significant share of the local economy. This policy also supports other recommendations and policies that seek to lessen the loss of best and moderately suited agricultural land to other land uses. [p. 6-7].

OVERALL LAND USE POLICIES

Policy No. 1. To encourage orderly growth throughout Canyon County while avoiding scattered development of land that may result in either or both of the following:

(A) An adverse impact upon water quality, water supply, irrigation ditches, canals and systems, sewage disposal, public safety and emergency services, educational facilities and surroundings, transportation and transportation facilities, and other desired and essential services; and

(B) The unnecessary imposition of an excessive expenditure of public funds for delivery of desired and essential services. [p. 7].

Policy No. 2. To protect agricultural, residential, commercial, industrial and public areas from the unreasonable intrusion of incompatible land uses. [p. 7].

Policy No. 4. To promote the safe efficient movement of people and goods and the provision of adequate off-street parking and loading facilities to support land uses. [p. 8].

Policy No. 9. To use buffer areas and/or screening devices between certain land uses in order to properly address the need to protect all land uses insofar as possible. This policy is intended to forestall land use conflicts that may occur when a variety of land uses are located in relatively close proximity, especially residential uses adjacent to non-residential uses such as agriculture and industry. [p. 8].

AGRICULTURAL LANDS

Policy No. 2. To permit development on lands where soils are determined to be either "least suited" or "moderately suited" for agriculture only after careful study and review of surrounding land uses that consider the long range impacts of mixed land uses in the area. This policy recognizes that land may be developed for other purposes only, when such developments do not harm or conflict with the agricultural activities in the immediate area and when adequate public services and facilities are either available or are made available as part of the development. This policy also recognizes that non-agricultural costs of development should not create increased tax burdens to current property owners. [p. 9].

Policy No. 4. To use data, expertise and other available information from all pertinent sources when considering land use change proposals. This policy recognizes there are numerous resources available from the public and private sectors to facilitate the presentation, analyzation, deliberation and resolution of land use proposals where consideration is being given to changes in land use patterns away from agriculture. [p. 9].

HAZARDOUS AREAS POLICIES

Policy No. 1. To continue to adhere to FEMA requirements in Flood Plain areas of Canyon County. This policy emphasizes already existing regulations and their importance in reducing hazardous conditions. [p. 16].

NATURAL RESOURCE POLICIES

Policy No. 4. To recognize that Canyon County has many unique resources that exemplify the vitality of the county's residents, the desirability of the county as a place to live and the importance of maintaining these resources into the future. Open spaces, clean air and water, trees and vegetation, wildlife, especially game birds, and a peaceful country setting are abundantly apparent in Canyon County. Rich resources that come from the land are also plentiful. These range from basic agriculture to industry, from unique areas such as where fruit growing is paramount to gravel

extraction and a variety of other activities. The Plan seeks to protect, conserve, and make available these assets. [p. 18].

All additional portions of the comprehensive plan which may be deemed applicable are incorporated by reference herein.

4. Whether the proposed use will be injurious to other property in the immediate vicinity and/or will negatively change the essential character of the area. [CCCO; Section 07-07-05(4)].

5. Whether, if applicable, adequate water, sewer, irrigation, drainage and storm water drainage facilities, and utility systems are to be provided to accommodate said use. [CCCO; Section 07-07-05(5)].

6. Whether legal access to the subject property for the development exists or will exist at the time of final plat. [CCCO; Section 07-07-05(6)].

7. Whether there will be undue interference with existing or future traffic patterns. [CCCO; Section 07-07-05(7)].

8. Whether essential services are to be provided to accommodate said use; such as, but not limited to, school facilities, police and fire protection, emergency medical services, and whether or not services will be negatively impacted by such use or will require additional public funding in order to meet the needs created by the requested use. [CCCO; Section 07-07-05(8)].

9. CCCO, Section 07-07-07 allows specific conditions to be attached to a conditional use permit including, but not limited to conditions which:

- (1) Minimize adverse impact, such as damage, hazard, and nuisance, to persons or the subject property or property in the vicinity;
- (2) Control the sequence and timing of development;
- (3) Control the duration of development;
- (4) Designate the exact location and nature of development;
- (5) Require the provision for on-site or off-site public facilities or services;
- (6) Require more restrictive standards than those generally required in this ordinance;

- (7) Mitigate the negative impacts of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the county.

10. Whether the Appellant has met its burden of persuasion. [CCCO; Section 07-05-03(1)H].

FINDINGS OF FACT

JONES ET AL. APPEAL

If any of these Findings of Fact are deemed to be Conclusions of Law, they are incorporated in to the Conclusions of Law section accordingly.

1. Location and Zoning:

a. Location: The subject property consists of the following parcels: R35944 is located at the northeast corner of the intersection of Notus Road and Dixie River Road, Caldwell, Idaho in the Southeast quarter of Section 3, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho; R35936 is located ¼ mile north of Dixie River Road, approximately ¼ mile east of the of the intersection of Notus Road and Dixie River Road, Caldwell, Idaho in the Southwest quarter of Section 2, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho; and R35935 is located ¼ mile north of Dixie River Road, approximately ½ mile east of the of the intersection of Notus Road and Dixie River Road, Caldwell, Idaho in the Southwest quarter of Section 2, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

b. The subject property is currently zoned "A" Agricultural.

2. Size and Ownership:

a. The subject property is approximately 112.46 acres.

b. Sutro Corporation is the current owner of the property.

3. With regard to the Findings of Fact required for CCCO, Section 07-07-05, the following facts apply:

a. CCCO Section, 07-10-19(3)A, 07-10-19(3)F, 07-10-19(3)W and 07-10-19(3)FF permit the use in the zone by Conditional Use Permit. [CCCO, Section 07-07-05(1)].

b. Sutro Corporation requests a Conditional Use Permit for the purpose of operating a sand and gravel mine, operation of a crusher, stockpiling, and an asphalt batch plant on three parcels totaling approximately 112.46 acres in an "A" Agricultural Zone. [CCCO; Section 07-07-05(2).]

c.(1). The subject property is approximately ½ mile south of the Notus Area of City Impact. The subject property is approximately ¾ mile south of the Notus City Limits. The subject property is approximately 1 mile northeast of the Greenleaf Area of City Impact. The subject property is approximately 2½ miles northeast of the Greenleaf City Limits. The subject property is not in an area of the county which provides the most favorable conditions for future community services. The proposed use will not require additional community services.

(2). There are no structures on the subject property. The subject property is currently in pasture and weeds. The subject property consists of moderately suited (75%) soils and least suited (25%) soils. The subject property has significant amounts of gravel and it is not suitable for row crop production. The subject property uses surface water irrigation. The proposed use will not require irrigation. Due to its soil and agricultural history the subject property is not considered to be prime farm ground.

(3). There are 3 gravel pits within 1 mile of the subject property. There is 1 dairy within

1 mile of the subject property. There are 6 feedlots within 2 miles of the subject property. Approximately 83 of the 162 parcels within 1 mile of the subject property have existing homes. The median lot size within 1 mile of the subject property is 13.11 acres. The parcels within 1 mile of the subject property range from .17 acre to 160.00 acres. There are no platted subdivisions within 1 mile of the subject property. There are no subdivisions in the platting stage within 1 mile of the subject property. All surrounding land is zoned "A" Agricultural. Land north and east of the subject property is in agriculture. Land south and west of the subject property is in agriculture with rural residences. The predominant land uses in the immediate area are gravel pits and agriculture.

(4). Two owners of a rural residential property located almost adjacent to the southwest corner of the subject property, on the west side of Notus Road, expressed concerns about the proposal. One of these property owners expressed concerns about traffic from the proposed operation, safety of the roads in the area of the subject property and their present condition and ability to handle trucks from the proposed operation, potential ground water contamination, noise and dust from the proposed operation on the subject property, potential surface water contamination, potential harmful emissions from the proposed asphalt batch plant. This property owner also expressed concerns that owners of similar adjacent properties are selling their properties following the Commission's approval of the proposal. The other property owner expressed similar concerns and noted that the area of the subject property is changing from agricultural to a mix of agricultural and gravel pits. This property owner also expressed concerns as a Commissioner of Drain District Number 6 and on behalf of the Drain District Number 6 that the proposed operation not damage or put water into the district's drains which run on the subject

property without the district's permission. An owner of agricultural property located east of, but not adjacent to, the subject property said he is not opposed to the proposed gravel operation on the subject property but that he is opposed to the proposed asphalt batch plant on the subject property.

(5). In an effort to mitigate the concerns raised by these property owners, Sutro will not access directly onto Dixie River Road from the subject property. The operation is proposed to begin on the eastern portion of the subject property with berms for sight and sound obstruction adjacent to said operations. The western $\frac{2}{3}$ portion of the subject property will remain in pasture for cattle for a number of years until the operations move into that area of the subject property. The operation will feature 30 foot wide landscaped buffers on the north, east and south sides of the subject property and a 100 foot wide landscaped buffer on the west side of the subject property adjacent to Notus Road. The proposed operation will be operated exclusively by three (3) highway districts which will share the gravel pit and the operational equipment including the crusher and cold mix asphalt batch plant and the operation will not be open to the public. Data shows that the proposed cold mix asphalt batch plant will have significantly less emissions than a hot mix asphalt batch plant. The proposed operation will be a wet pit and water will be added to the gravel during crushing and these measures will greatly mitigate dust. The proposed operation will utilize a settling pond which serves to filter silt from the water before it reenters the aquifer or is pumped into the drainage ditches or canals. The proposed operation will only pump water into the drains on the subject property with permission of the drain district or the canal company. These concessions by the Applicant/Appellant greatly diminish any potential impact of the proposed operation on adjacent property owners.

(6). The subject property is not within a nitrate priority area and the proposed operation will not require sewer or domestic water.

(7). It is estimated that the highest possible traffic from the operation, with all three (3) highway districts engaged in activities at the same time, is 52 truck trips per hour during peak hours. It is estimated that normal operations will result in traffic from the subject property of approximately 7 truck trips per hour. Notus Road is rated as a major collector and is adequate to handle this increased traffic. A turn lane on Notus Road into the proposed operation at the access point is recommended and the required improvements will be constructed.

(8). The proposed operation will be operated jointly by three (3) highway districts which construct and maintain the roads in Canyon County and it will provide significant cost savings to these highway district in regard to the cost of gravel and asphalt. Therefore, the proposed operation will ensure the efficient construction and maintenance of roads in Canyon County and it will ensure the continued transportation of goods, agricultural products, and people within Canyon County.

(9). The Board finds that the proposed use is consistent with the Comprehensive Plan.
[CCCO; Section 07-07-05(3).]

d.(1).Two owners of a rural residential property located almost adjacent to the southwest corner of the subject property, on the west side of Notus Road, expressed concerns about the proposal. One of these property owners expressed concerns about traffic from the proposed operation, safety of the roads in the area of the subject property and their present condition and ability to handle trucks from the proposed operation, potential ground water contamination, noise and dust from the proposed operation on the subject property, potential surface water

contamination, potential harmful emissions from the proposed asphalt batch plant. This property owner also expressed concerns that owners of similar adjacent properties are selling their properties following the Commission's approval of the proposal. The other property owner expressed similar concerns and noted that the area of the subject property is changing from agricultural to a mix of agricultural and gravel pits. This property owner also expressed concerns as a Commissioner of Drain District Number 6 and on behalf of the Drain District Number 6 that the proposed operation not damage or put water into the districts drains which run on the subject property without the district's permission. An owner of agricultural property located east of, but not adjacent to, the subject property said he is not opposed to the proposed gravel operation on the subject property but that he is opposed to the proposed asphalt batch plant on the subject property.

(2). In an effort to mitigate the concerns raised by these property owners, Sutro will not access directly onto Dixie River Road from the subject property. The operation is proposed to begin on the eastern portion of the subject property with berms for sight and sound obstruction adjacent to said operations. The western $\frac{2}{3}$ portion of the subject property will remain in pasture for cattle for a number of years until the operations move into that area of the subject property. The proposed operation will feature 30 foot wide landscaped buffers on the north, east and south sides of the subject property and a 100 foot wide landscaped buffer on the west side of the subject property adjacent to Notus Road. The proposed operation will operated exclusively by three (3) highway districts which will share the gravel pit and the operational equipment including the crusher and cold mix asphalt batch plant and the operation will not be open to the public. Data shows that the proposed cold mix asphalt batch plant will have significantly less

emissions than a hot mix asphalt batch plant. The proposed operation will be a wet pit and water will be added to the gravel during crushing and these measures will greatly mitigate dust. The proposed operation will utilize a settling pond which serves to filter silt from the water before it reenters the aquifer or is pumped into the drainage ditches or canals. The proposed operation will only pump water into the drains on the subject property with permission of the drain district or the canal company. These concessions by the Applicant/Appellant greatly diminish any potential impact of the proposed operation on adjacent property owners.

(3). It is estimated that the highest possible traffic from the operation, with all three (3) highway districts engaged in activities at the same time, is 52 truck trips per hour during peak hours. It is estimated that normal operations will result in traffic from the subject property of approximately 7 truck trips per hour. Notus Road is rated as a major collector and is adequate to handle this increased traffic. A turn lane on Notus Road into the proposed operation at the access point is recommended and the required improvements will be constructed.

(4). There are 3 gravel pits within 1 mile of the subject property. There is 1 dairy within 1 mile of the subject property. There are 6 feedlots within 2 miles of the subject property. Approximately 83 of the 162 parcels within 1 mile of the subject property have existing homes. The median lot size within 1 mile of the subject property is 13.11 acres. The parcels within 1 mile of the subject property range from .17 acre to 160.00 acres. There are no platted subdivisions within 1 mile of the subject property. There are no subdivisions in the platting stage within 1 mile of the subject property. All surrounding land is zoned "A" Agricultural. Land north and east of the subject property is in agriculture. Land south and west of the subject property is in agriculture with rural residences. The predominant land uses in the immediate area

are gravel pits and agriculture.

(5). The Board finds that the proposed use will not be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area. [CCCO; Section 07-07-05(4).]

e. The subject property currently has irrigation water rights and the request will not require irrigation. Electricity is already available to the subject property. The proposed use will not require other public services. The proposed operation will only pump water into the drains on the subject property with permission of the drain district or the canal company. [CCCO; Section 07-07-05(5).]

f. The subject property has or can obtain legal access to Notus Road and Sutro has withdrawn its desire to access onto Dixie River. [CCCO; Section 07-07-05(6).]

g. The highway district has not objected to access for the proposed operation onto Notus Road. It is estimated that the highest possible traffic from the operation, with all three (3) highway districts engaged in activities at the same time, is 52 truck trips per hour during peak hours. It is estimated that normal operations will result in traffic from the subject property of approximately 7 truck trips per hour. Notus Road is rated as a major collector and is adequate to handle this increased traffic. A turn lane on Notus Road into the proposed operation at the access point is recommended and the required improvements will be constructed. There will not be undue interference with existing or future traffic patterns. [CCCO; Section 07-07-05(7).]

h. All regulations of the agencies having jurisdiction over the subject property must be complied with during the development process. None of the agencies have objected to approval of the requested Conditional Use Permit. [CCCO; Section 07-07-05(8).]

4. The Board finds that Appellant Jones et al. did not meet its burden of persuasion.
[CCCO; Section 07-05-03(1)H].

CONCLUSIONS OF LAW

If any of these Conclusions of Law are deemed to be Findings of Fact, they are incorporated into the Findings of Fact section.

1. The Board concludes that the Commission's decision should be upheld Sutro Corporation should be granted a Conditional Use Permit for the purpose of operating a sand and gravel mine, operation of a crusher, stockpiling, and an asphalt batch plant on three parcels totaling approximately 112.46 acres in an "A" Agricultural Zone.

2. The following conclusions of law are consistent with, and meet the tests of CCCO, Section 07-07-05 pertaining to conditional use permits in that:

a. CCCO Section, 07-10-19(3)A, 07-10-19(3)F, 07-10-19(3)W and 07-10-19(3)FF permit the use in the zone by Conditional Use Permit. [CCCO, Section 07-07-05(1)].

b. Sutro Corporation requests a Conditional Use Permit for the purpose of operating a sand and gravel mine, operation of a crusher, stockpiling, and an asphalt batch plant on three parcels totaling approximately 112.46 acres in an "A" Agricultural Zone. [CCCO; Section 07-07-05(2).]

c.(1). The subject property is approximately ½ mile south of the Notus Area of City Impact. The subject property is approximately ¾ mile south of the Notus City Limits. The subject property is approximately 1 mile northeast of the Greenleaf Area of City Impact. The subject property is approximately 2½ miles northeast of the Greenleaf City Limits. The subject property is not in an area of the county which provides the most favorable conditions for future

community services. The proposed use will not require additional community services.

(2). There are no structures on the subject property. The subject property is currently in pasture and weeds. The subject property consists of moderately suited (75%) soils and least suited (25%) soils. The subject property has significant amounts of gravel and it is not suitable for row crop production. The subject property uses surface water irrigation. The proposed use will not require irrigation. Due to its soil and agricultural history the subject property is not considered to be prime farm ground.

(3). There are 3 gravel pits within 1 mile of the subject property. There is 1 dairy within 1 mile of the subject property. There are 6 feedlots within 2 miles of the subject property. Approximately 83 of the 162 parcels within 1 mile of the subject property have existing homes. The median lot size within 1 mile of the subject property is 13.11 acres. The parcels within 1 mile of the subject property range from .17 acre to 160.00 acres. There are no platted subdivisions within 1 mile of the subject property. There are no subdivisions in the platting stage within 1 mile of the subject property. All surrounding land is zoned "A" Agricultural. Land north and east of the subject property is in agriculture. Land south and west of the subject property is in agriculture with rural residences. The predominant land uses in the immediate area are gravel pits and agriculture.

(4). Two owners of a rural residential property located almost adjacent to the southwest corner of the subject property, on the west side of Notus Road, expressed concerns about the proposal. One of these property owners expressed concerns about traffic from the proposed operation, safety of the roads in the area of the subject property and their present condition and ability to handle trucks from the proposed operation, potential ground water contamination, noise

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and dust from the proposed operation on the subject property, potential surface water contamination, potential harmful emissions from the proposed asphalt batch plant. This property owner also expressed concerns that owners of similar adjacent properties are selling their properties following the Commission's approval of the proposal. The other property owner expressed similar concerns and noted that the area of the subject property is changing from agricultural to a mix of agricultural and gravel pits. This property owner also expressed concerns as a Commissioner of Drain District Number 6 and on behalf of the Drain District Number 6 that the proposed operation not damage or put water into the district's drains which run on the subject property without the district's permission. An owner of agricultural property located east of, but not adjacent to, the subject property said he is not opposed to the proposed gravel operation on the subject property but that he is opposed to the proposed asphalt batch plant on the subject property.

(5). In an effort to mitigate the concerns raised by these property owners, Sutro will not access directly onto Dixie River Road from the subject property. The operation is proposed to begin on the eastern portion of the subject property with berms for sight and sound obstruction adjacent to said operations. The western $\frac{2}{3}$ portion of the subject property will remain in pasture for cattle for a number of years until the operations move into that area of the subject property. The operation will feature 30 foot wide landscaped buffers on the north, east and south sides of the subject property and a 100 foot wide landscaped buffer on the west side of the subject property adjacent to Notus Road. The proposed operation will be operated exclusively by three (3) highway districts which will share the gravel pit and the operational equipment including the crusher and cold mix asphalt batch plant and the operation will not be open to the public. Data

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shows that the proposed cold mix asphalt batch plant will have significantly less emissions than a hot mix asphalt batch plant. The proposed operation will be a wet pit and water will be added to the gravel during crushing and these measures will greatly mitigate dust. The proposed operation will utilize a settling pond which serves to filter silt from the water before it reenters the aquifer or is pumped into the drainage ditches or canals. The proposed operation will only pump water into the drains on the subject property with permission of the drain district or the canal company. These concessions by the Applicant/Appellant greatly diminish any potential impact of the proposed operation on adjacent property owners.

(6). The subject property is not within a nitrate priority area and the proposed operation will not require sewer or domestic water.

(7). It is estimated that the highest possible traffic from the operation, with all three (3) highway districts engaged in activities at the same time, is 52 truck trips per hour during peak hours. It is estimated that normal operations will result in traffic from the subject property of approximately 7 truck trips per hour. Notus Road is rated as a major collector and is adequate to handle this increased traffic. A turn lane on Notus Road into the proposed operation at the access point is recommended and the required improvements will be constructed.

(8). The proposed operation will be operated jointly by three (3) highway districts which construct and maintain the roads in Canyon County and it will provide significant cost savings to these highway district in regard to the cost of gravel and asphalt. Therefore, the proposed operation will ensure the efficient construction and maintenance of roads in Canyon County and it will ensure the continued transportation of goods, agricultural products, and people within Canyon County.

(9). The Board concludes that the proposed use is consistent with the Comprehensive Plan. [CCCO; Section 07-07-05(3).]

d.(1).Two owners of a rural residential property located almost adjacent to the southwest corner of the subject property, on the west side of Notus Road, expressed concerns about the proposal. One of these property owners expressed concerns about traffic from the proposed operation, safety of the roads in the area of the subject property and their present condition and ability to handle trucks from the proposed operation, potential ground water contamination, noise and dust from the proposed operation on the subject property, potential surface water contamination, potential harmful emissions from the proposed asphalt batch plant. This property owner also expressed concerns that owners of similar adjacent properties are selling their properties following the Commission's approval of the proposal. The other property owner expressed similar concerns and noted that the area of the subject property is changing from agricultural to a mix of agricultural and gravel pits. This property owner also expressed concerns as a Commissioner of Drain District Number 6 and on behalf of the Drain District Number 6 that the proposed operation not damage or put water into the districts drains which run on the subject property without the district's permission. An owner of agricultural property located east of, but not adjacent to, the subject property said he is not opposed to the proposed gravel operation on the subject property but that he is opposed to the proposed asphalt batch plant on the subject property.

(2). In an effort to mitigate the concerns raised by these property owners, Sutro will not access directly onto Dixie River Road from the subject property. The operation is proposed to begin on the eastern portion of the subject property with berms for sight and sound obstruction

adjacent to said operations. The western $\frac{2}{3}$ portion of the subject property will remain in pasture for cattle for a number of years until the operations move into that area of the subject property. The proposed operation will feature 30 foot wide landscaped buffers on the north, east and south sides of the subject property and a 100 foot wide landscaped buffer on the west side of the subject property adjacent to Notus Road. The proposed operation will operated exclusively by three (3) highway districts which will share the gravel pit and the operational equipment including the crusher and cold mix asphalt batch plant and the operation will not be open to the public. Data shows that the proposed cold mix asphalt batch plant will have significantly less emissions than a hot mix asphalt batch plant. The proposed operation will be a wet pit and water will be added to the gravel during crushing and these measures will greatly mitigate dust. The proposed operation will utilize a settling pond which serves to filter silt from the water before it reenters the aquifer or is pumped into the drainage ditches or canals. The proposed operation will only pump water into the drains on the subject property with permission of the drain district or the canal company. These concessions by the Applicant/Appellant greatly diminish any potential impact of the proposed operation on adjacent property owners.

(3). It is estimated that the highest possible traffic from the operation, with all three (3) highway districts engaged in activities at the same time, is 52 truck trips per hour during peak hours. It is estimated that normal operations will result in traffic from the subject property of approximately 7 truck trips per hour. Notus Road is rated as a major collector and is adequate to handle this increased traffic. A turn lane on Notus Road into the proposed operation at the access point is recommended and the required improvements will be constructed.

(4). There are 3 gravel pits within 1 mile of the subject property. There is 1 dairy within

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1 mile of the subject property. There are 6 feedlots within 2 miles of the subject property. Approximately 83 of the 162 parcels within 1 mile of the subject property have existing homes. The median lot size within 1 mile of the subject property is 13.11 acres. The parcels within 1 mile of the subject property range from .17 acre to 160.00 acres. There are no platted subdivisions within 1 mile of the subject property. There are no subdivisions in the platting stage within 1 mile of the subject property. All surrounding land is zoned "A" Agricultural. Land north and east of the subject property is in agriculture. Land south and west of the subject property is in agriculture with rural residences. The predominant land uses in the immediate area are gravel pits and agriculture.

(5). The Board concludes that the proposed use will not be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area.

[CCCO; Section 07-07-05(4).]

e. The subject property currently has irrigation water rights and the request will not require irrigation. Electricity is already available to the subject property. The proposed use will not require other public services. The proposed operation will only pump water into the drains on the subject property with permission of the drain district or the canal company. [CCCO; Section 07-07-05(5).]

f. The subject property has or can obtain legal access to Notus Road and Sutro has withdrawn its desire to access onto Dixie River. [CCCO; Section 07-07-05(6).]

g. The highway district has not objected to access for the proposed operation onto Notus Road. It is estimated that the highest possible traffic from the operation, with all three (3) highway districts engaged in activities at the same time, is 52 truck trips per hour during peak

hours. It is estimated that normal operations will result in traffic from the subject property of approximately 7 truck trips per hour. Notus Road is rated as a major collector and is adequate to handle this increased traffic. A turn lane on Notus Road into the proposed operation at the access point is recommended and the required improvements will be constructed. There will not be undue interference with existing or future traffic patterns. [CCCO; Section 07-07-05(7).]

h. All regulations of the agencies having jurisdiction over the subject property must be complied with during the development process. None of the agencies have objected to approval of the requested Conditional Use Permit. [CCCO; Section 07-07-05(8).]

3. The Board concludes that Appellant Jones et al. did not meet its burden of persuasion. [CCCO; Section 07-05-03(1)H].

FINDINGS OF FACT

SUTRO CORPORATION APPEAL

If any of these Findings of Fact are deemed to be Conclusions of Law, they are incorporated in to the Conclusions of Law section accordingly.

1. The Board hereby adopts by reference the Findings of Fact for the Jones et al. Appeal, No. 1 and 2, which are set forth above, as if fully set forth herein and in addition thereto, makes the following Findings of Fact.

2. Sutro has withdrawn its appeal of Condition #33 requiring “[t]he access entry egress/ingress, shall be in the northwest portion of the subject property there will be no access onto Dixie River Road”.

3. With regard to the Findings of Fact required for CCCO, Section 07-07-05, the following facts apply:

a. CCCO Section, 07-10-19(3)A, 07-10-19(3)F, 07-10-19(3)W and 07-10-19(3)FF permit the use in the zone by Conditional Use Permit. [CCCO, Section 07-07-05(1)].

b. Sutro requests the removal of a Condition #14 requiring “[a] 20 foot high topsoil berm shall be constructed landscaped with appropriate grass planted with trees and maintained by the applicant along the west, north and east property perimeter of the Cobiskey property or whomever buys the property in the future”; Sutro requests that Condition #14 be removed for the reason that “the required berm is unusually high and may not be in the best interest of the parties affected.” [CCCO; Section 07-07-05(2.)]

c.(1). Condition #14 was imposed by the Commission at the request of Eric Cobiskey who, since the approval of the Sutro request, has sold his property to the highway district. Eugene Cobiskey, the other owner of the Cobiskey properties referred to in Condition #14 has expressed that he does not want the berm placed on the subject property adjacent to his property as required in Condition #14. Sutro proposes a 30 foot wide landscaped buffer adjacent to the Cobiskey property instead of the required berm.

(2). The Board finds that the requested removal of Condition #14 requiring “[a] 20 foot high topsoil berm shall be constructed landscaped with appropriate grass planted with trees and maintained by the applicant along the west, north and east property perimeter of the Cobiskey property or whomever buys the property in the future”, and in the berm’s place, a 30 foot wide landscaped buffer, is consistent with the Comprehensive Plan. [CCCO; Section 07-07-05(3).]

d.(1). Condition #14 was imposed by the Commission at the request of Eric Cobiskey who, since the approval of the Sutro request, has sold his property to the highway district. Eugene Cobiskey, the other owner of the Cobiskey property referred to in Condition #14 has

expressed that he does not want the berm placed on the subject property adjacent to his property as required in Condition #14. Sutro proposes a 30 foot wide landscaped buffer adjacent to the Cobiskey property instead of the required berm.

(2). The Board finds that the requested removal of Condition #14 requiring “[a] 20 foot high topsoil berm shall be constructed landscaped with appropriate grass planted with trees and maintained by the applicant along the west, north and east property perimeter of the Cobiskey property or whomever buys the property in the future”, and in the berm’s place, a 30 foot wide landscaped buffer, will not be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area. [CCCO; Section 07-07-05(4).]

e. The requested removal of Condition #14 requiring “[a] 20 foot high topsoil berm shall be constructed landscaped with appropriate grass planted with trees and maintained by the applicant along the west, north and east property perimeter of the Cobiskey property or whomever buys the property in the future”, does not impact water, sewer, irrigation, drainage or storm drainage or utilities. [CCCO; Section 07-07-05(5).]

f. The requested removal of Condition #14 requiring “[a] 20 foot high topsoil berm shall be constructed landscaped with appropriate grass planted with trees and maintained by the applicant along the west, north and east property perimeter of the Cobiskey property or whomever buys the property in the future”, does not impact legal access for the subject property. [CCCO; Section 07-07-05(6).]

g. The requested removal of Condition #14 requiring “[a] 20 foot high topsoil berm shall be constructed landscaped with appropriate grass planted with trees and maintained by the applicant along the west, north and east property perimeter of the Cobiskey property or

whomever buys the property in the future”, will not create an undue interference with existing or future traffic patterns. [CCCO; Section 07-07-05(7).]

h. All regulations of the agencies having jurisdiction over the subject property must be complied with during the development process. None of the agencies have objected to the requested removal of Condition #14 requiring “[a] 20 foot high topsoil berm shall be constructed landscaped with appropriate grass planted with trees and maintained by the applicant along the west, north and east property perimeter of the Cobiskey property or whomever buys the property in the future”. [CCCO; Section 07-07-05(8).]

4. The Board finds that Appellant Sutro met its burden of persuasion. [CCCO; Section 07-05-03(1)H].

CONCLUSIONS OF LAW

If any of these Conclusions of Law are deemed to be Findings of Fact, they are incorporated into the Findings of Fact section.

1. The Board concludes that Condition #14 requiring “[a] 20 foot high topsoil berm shall be constructed landscaped with appropriate grass planted with trees and maintained by the applicant along the west, north and east property perimeter of the Cobiskey property or whomever buys the property in the future”, should be removed.

2. Sutro has withdrawn its appeal of Condition #33 requiring “[t]he access entry egress/ingress, shall be in the northwest portion of the subject property there will be no access onto Dixie River Road”.

3. The following conclusions of law are consistent with, and meet the tests of CCCO, Section 07-07-05 pertaining to conditional use permits in that:

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a. CCCO Section, 07-10-19(3)A, 07-10-19(3)F, 07-10-19(3)W and 07-10-19(3)FF permit the use in the zone by Conditional Use Permit. [CCCO, Section 07-07-05(1)].

b. Sutro requests the removal of a Condition #14 requiring “[a] 20 foot high topsoil berm shall be constructed landscaped with appropriate grass planted with trees and maintained by the applicant along the west, north and east property perimeter of the Cobiskey property or whomever buys the property in the future”; Sutro requests that Condition #14 be removed for the reason that “the required berm is unusually high and may not be in the best interest of the parties affected.” [CCCO; Section 07-07-05(2).]

c.(1). Condition #14 was imposed by the Commission at the request of Eric Cobiskey who, since the approval of the Sutro request, has sold his property to the highway district. Eugene Cobiskey, the other owner of the Cobiskey properties referred to in Condition #14 has expressed that he does not want the berm placed on the subject property adjacent to his property as required in Condition #14. Sutro proposes a 30 foot wide landscaped buffer adjacent to the Cobiskey property instead of the required berm.

(2). The Board concludes that the requested removal of Condition #14 requiring “[a] 20 foot high topsoil berm shall be constructed landscaped with appropriate grass planted with trees and maintained by the applicant along the west, north and east property perimeter of the Cobiskey property or whomever buys the property in the future”, and in the berm’s place, a 30 foot wide landscaped buffer, is consistent with the Comprehensive Plan. [CCCO; Section 07-07-05(3).]

d.(1). Condition #14 was imposed by the Commission at the request of Eric Cobiskey who, since the approval of the Sutro request, has sold his property to the highway district.

Eugene Cobiskey, the other owner of the Cobiskey property referred to in Condition #14 has expressed that he does not want the berm placed on the subject property adjacent to his property as required in Condition #14. Sutro proposes a 30 foot wide landscaped buffer adjacent to the Cobiskey property instead of the required berm.

(2). The Board concludes that the requested removal of Condition #14 requiring “[a] 20 foot high topsoil berm shall be constructed landscaped with appropriate grass planted with trees and maintained by the applicant along the west, north and east property perimeter of the Cobiskey property or whomever buys the property in the future”, and in the berm’s place, a 30 foot wide landscaped buffer, will not be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area. [CCCO; Section 07-07-05(4).]

e. The requested removal of Condition #14 requiring “[a] 20 foot high topsoil berm shall be constructed landscaped with appropriate grass planted with trees and maintained by the applicant along the west, north and east property perimeter of the Cobiskey property or whomever buys the property in the future”, does not impact water, sewer, irrigation, drainage or storm drainage or utilities. [CCCO; Section 07-07-05(5).]

f. The requested removal of Condition #14 requiring “[a] 20 foot high topsoil berm shall be constructed landscaped with appropriate grass planted with trees and maintained by the applicant along the west, north and east property perimeter of the Cobiskey property or whomever buys the property in the future”, does not impact legal access for the subject property. [CCCO; Section 07-07-05(6).]

g. The requested removal of Condition #14 requiring “[a] 20 foot high topsoil berm shall be constructed landscaped with appropriate grass planted with trees and maintained by the

applicant along the west, north and east property perimeter of the Cobiskey property or whomever buys the property in the future”, will not create an undue interference with existing or future traffic patters. [CCCO; Section 07-07-05(7).]

h. All regulations of the agencies having jurisdiction over the subject property must be complied with during the development process. None of the agencies have objected to the requested removal of Condition #14 requiring “[a] 20 foot high topsoil berm shall be constructed landscaped with appropriate grass planted with trees and maintained by the applicant along the west, north and east property perimeter of the Cobiskey property or whomever buys the property in the future”. [CCCO; Section 07-07-05(8).]

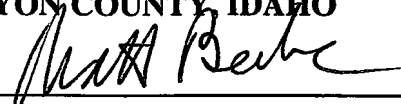
4. The Board concludes that Applicant/Appellant Sutro met its burden of persuasion. [CCCO; Section 07-05-03(1)H].

ORDER

Based upon the Findings of Fact and Conclusions of Law, reviewed above, the Board upholds the decision of the Canyon County Planning and Zoning Commission and hereby grants Sutro Corporation a Conditional Use Permit for the purpose of operating a sand and gravel mine, operation of a crusher, stockpiling, and an asphalt batch plant on three parcels totaling approximately 112.46 acres in an “A” Agricultural Zone. This approval is expressly subject to the 18 conditions of approval listed in Exhibit “A”, attached hereto and incorporated by reference herein.

APPROVED this 28th day of August, 2006

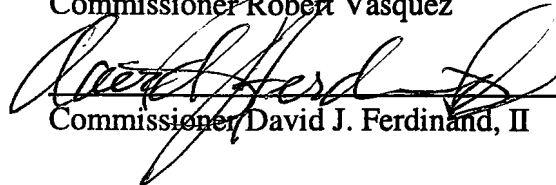
**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY, IDAHO**



Commissioner Matt Beebe, Chairman

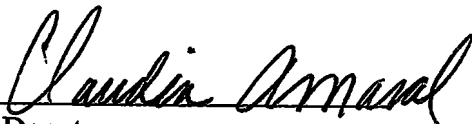
Did not participate

Commissioner Robert Vasquez



Commissioner David J. Ferdinand, II

ATTEST: G. Noel Hales, CLERK

By: 
Deputy

APPLICANT'S RIGHT TO REQUEST A REGULATORY TAKING ANALYSIS

According to Idaho Code § 67-6535(c), the Applicant/Landowner has a right to request from the Canyon County Board of Commissioners a regulatory taking analysis pursuant to Idaho Code § 67-8003. The written request of the Applicant/Landowner for a regulatory taking analysis shall be filed with the Clerk of the Board of County Commissioners not more than twenty-eight (28) days after the date of this decision. Upon the timely written request of the Applicant/Landowner for a regulatory taking analysis, Canyon County shall prepare a written taking analysis concerning this case and shall provide to the Applicant/Landowner a regulatory taking analysis no longer than forty-two (42) days after the date of filing of the Applicant/Landowner's request for regulatory taking analysis. Pursuant to Idaho Code § 67-8003(4), the twenty-eight (28) day time limitation described below in the "NOTICE OF APPELLATE PROCEDURE", shall be temporarily suspended during the preparation of the regulatory takings analysis. For more information, please consult an attorney.

NOTICE OF APPELLATE PROCEDURE

An affected person aggrieved by this decision may within twenty-eight (28) days after the date of this decision, seek judicial review under the procedures provided by Chapter 52, Title 67, Idaho Code.

CONDITIONS OF APPROVAL

EXHIBIT "A"

The following conditions of approval are hereby made a part of, and hereby incorporated into the Findings of Fact, Conclusions of Law and Order in DSD CASE NO. CU2005-62.

1. The development shall comply with all applicable federal, state, and county, laws, ordinances, rules and regulations that pertain to the property.
2. Canyon County Zoning Ordinance section 07-07-13(1) shall be waived to allow the sand and gravel mine, operation of a crusher, stockpiling, and an asphalt batch plant to operate in a reasonable manner.
3. The Applicant must comply with the Reclamation Plan approved by the Idaho Department of Lands.
4. Provide Canyon County Development Services Department a copy of the approved Reclamation Plan and bond prior to operation.
5. Operations, mining equipment, and stockpiles will be located away from active spring areas, topographically-low areas, and areas prone to standing water to reduce the potential for off-site erosion of disturbed land, and reduce the potential for mixing of storm water and mine dewatering water.
6. The distance between the proposed crusher and the nearest existing residence shall be no less than 600 feet.
7. Normal day to day operational hours shall be: Monday through Friday, 7:00 A.M. to 6:00 P.M. only to be exempted for emergency situations.
8. Equipment maintenance and repair shall be done during normal day to day operation hours, Monday through Friday.
9. There shall be a minimum of eight (8) parking spaces on the site.
10. Stockpiling of gravel shall not exceed 30 feet in height.
11. Acceleration and deceleration lanes shall be constructed on Notus Road to Golden Gate Highway District standards prior to the commencement of gravel pit operations.
12. The access road shall be 40' feet wide at the access point to the public road and shall consist of paved roads or if not paved, shall be watered and treated as necessary in order to control dust.

13. Diesel fuel and petroleum products will be stored near the shop area in enclosed tanks and all petroleum products will be stored and handled in accordance with Idaho Department of Transportation, Federal Department of Transportation, Occupational Safety and Health Administration, and Mining Safety and Health Administration standards.

14. The dewatering pumps of the gravel pits shall be powered by electricity only.

15. This is for mining, crushing, and an asphalt pug mill plant only. There will not be a concrete or hot asphalt plant.

16. One crushing plant on the subject property shall serve all three (3) highway districts.

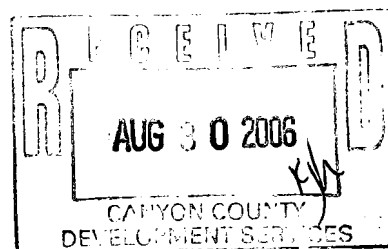
17. The access entry, egress/ingress, shall be in the northwest portion of the subject property and there will be no access onto Dixie River Road.

18. A landscaped buffer area providing a visual barrier shall be planted on the western edge of the subject property along Notus Road and on the southern edge of the subject property along Dixie River Road when excavation of the first gravel pit is commenced and shall be maintained in a living condition and shall be kept free of weeds.

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER
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BEFORE THE BOARD OF COUNTY COMMISSIONERS

IN THE MATTER OF AN APPEAL)

BY:)

CASE NO. CU2006-97

SUMMIT STONE INC., CLEMENTS)
CONCRETE CO. INC. & MIKE'S)
SAND AND GRAVEL INC.)

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

A request made by Summit Stone Inc., Clements)
Concrete Co. Inc. and Mike's Sand and Sand and)
Gravel for a Conditional Use Permit to operate two)
sand and gravel mining operations (gravel pits),)
operation of portable crushers, portable concrete)
batch plants, and offices, shops and parking areas)
on approximately 300 acres of parcels totaling)
approximately 344.20 acres in an "A" (Agricultural))
Zone. The Canyon County Planning and Zoning)
Commission denied this request. Summit Stone,)
Inc., Clements Concrete Co. Inc. and Mike's Sand)
and Gravel are appealing that decision to the Board)
of Canyon County Commissioners.)

A hearing was scheduled before the Board of County Commissioners (hereinafter
"Board") on March 27, 2007, for the purpose of considering the appeal of Applicants/Appellants
of the Canyon County Planning and Zoning Commission's (hereinafter "Commission") decision
denying a request for a Conditional Use Permit to operate two sand and gravel mining operations
(gravel pits), operation of portable crushers, portable concrete batch plants, and offices, shops

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
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and parking areas on approximately 300 acres of parcels totaling approximately 344.20 acres in an “A” (Agricultural) Zone.

The following persons were in attendance at the March 27, 2007 hearing: Canyon County Commissioner Matt Beebe; Canyon County Commissioner David J. Ferdinand II; Deputy Clerk, Monica Reeves; Leon Jensen, Director Canyon County Development Services Department (hereinafter “DSD”); Douglas D. Emery, Deputy Prosecuting Attorney (Civil Division); Jo Ann Butler, Attorney at Law of Spink Butler, LLP; and other parties as appeared before the Board. A summary of the testimony provided before the Board is contained herein below.

Canyon County Commissioner Steven J. Rule was not present at the hearing before the Board, did not participate in the decision making process, nor otherwise render a decision in this matter.

SUMMARY OF THE RECORD

The record in this appeal is comprised of:

1. County Exhibit Nos. 1-13;
2. Neutral Exhibits Nos. 1-2;
3. Applicants/Appellants Exhibits Nos. 1-14;
4. Opposition Exhibit Nos. 1-38.

PROCEDURAL ITEMS

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
SUMMIT STONE INC., CLEMENTS CONCRETE CO. INC. AND MIKE’S SAND AND GRAVEL INC;
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1. A public hearing on the Applicants/Appellants' initial request for a Conditional Use Permit was held before the Canyon County Planning and Zoning Commission, which denied such application;
2. On November 30, 2006, the Canyon County Planning and Zoning Commission issued their Findings of Facts, Conclusions of Law and Decision denying the Applicants/Appellants' request for a Conditional Use Permit;
3. Summit Stone, Inc., Clements Concrete Co. Inc. and Mike's Sand and Gravel appealed that decision to the Board of Canyon County Commissioners;
4. On or about December 15, 2006, the Board received a Notice of Appeal;
5. On or about February 21, 2007, persons owning property within one (1) mile of the site and selected agencies were notified of the hearing by mail. On or about March 16, 2007, a hearing notice was posted on the site;
6. Legal notice of the Board's hearing was published in the Idaho-Press Tribune on or about February 25th and 26th, 2007;
7. The hearing was initiated on March 27, 2007 and, taking voluminous testimony, was continued to April 3, 2007 for further hearing. The hearing was concluded before the Board on Friday, April 6, 2007.

PROCEDURAL ITEMS

HEARING: Tuesday, March 27, 2007:

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
SUMMIT STONE INC., CLEMENTS CONCRETE CO. INC. AND MIKE'S SAND AND GRAVEL INC;
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1. **Leon Jensen**, DSD Director, testified at the hearing before the Board. Such verbal testimony and/or the written Canyon County Department of Development Services **AMENDED STAFF REPORT** of March 8, 2007 reflects that:
 - a. The subject property is located in sections 2 and 11, Township 4 North, Range 4 West, Canyon County, Idaho;
 - b. Applicants/Appellants propose to operate two sand and gravel mining operations (gravel pits), operation of portable crushers, portable concrete batch plants, and offices, shops and parking areas on approximately 300 acres of parcels totaling approximately 344.20 acres in an “A” (Agricultural) Zone;
 - c. The property is not located within an Area of City Impact;
 - d. The property is not located within city limits;
 - e. The property is not located within the Urban Growth Area;
 - f. There are three (3) residential structures and outbuildings located on the subject property;
 - g. The existing vegetation on the subject property is irrigated crop land, feedlot area, and native vegetation;
 - h. The property is irrigated by surface irrigation, with the slope and/or drainage being relative flat, flowing north toward the Boise River;

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
SUMMIT STONE INC., CLEMENTS CONCRETE CO. INC. AND MIKE’S SAND AND GRAVEL INC;
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- i. The primary road frontage to the subject property is through Red Top Road and Dixie River Road and there are no obstructed views in either ingress nor egress;
- j. The soils consist of 68.41% Class III, moderately-suited; 27.31% Class IV, moderately-suited; 1.44% Class V, least-suited; and 2.55% Class VII, least-suited soil;
- k. The property is **not** located within a nitrate priority area;
- l. The surrounding property within one-quarter (1/4) of one (1) mile of the subject property is as follows — the area to the north is Agricultural/Boise River in an “A” (Agricultural) Zone; the property to the east is Gravel Pits/Agricultural/Sporadic Residences in an “A” (Agricultural) Zone; the property to the west is Agricultural/Sporadic Residences in an “A” (Agricultural) Zone; the property to the south is Agricultural/Sporadic Residences in an “A” (Agricultural) Zone;
- m. There are five (5) gravel pits within one (1) mile of the subject property. There are five (5) feedlots within two (2) miles of the subject property. There are no functional dairies within one (1) mile of the subject property;
- n. There are 101 home sites within one (1) mile of the subject property. The average lot size of such parcels within one (1) mile of the subject property is 24.88 acres, with the range being 0.17 to 160.86 acres and the median

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
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being 10.16 acres. Approximately thirty-four percent (34%) of the parcels in the notification area have homes;

- o. There are two (2) platted subdivisions within one (1) mile of the subject property for a total of 170 lots, with an average lot size being 0.27 acres. There are no subdivisions in the platting stages within one (1) mile of the subject property;
- p. Carol R. Jones sought to disqualify Commissioner Matt Beebe. That issue and the stated basis for such was placed upon the record. Commissioner Beebe indicated that he could be fair and impartial in this matter. Commissioner Beebe did not recuse himself.

Testimony in Support of Appeal/Application

2. **JoAnn Butler**, Attorney at Law; representative of Applicants/Appellants spoke in favor of the proposed project. JoAnn Butler testified that:

- a. Summit Stone, Inc., Clements Concrete Co. Inc. and Mike's Sand and Gravel have appealed this matter to the Board of Canyon County Commissioners;
- b. Summit Stone, Inc., one of the original applicants for this Conditional Use Permit CU2006-97, intends to assign all its right and interest in the application to Clements Concrete Co., Inc. and Mike's Sand and Gravel;

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
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- c. Applicants/Appellants provided materials which are now part of the DSD staff report;
- d. Applicants/Appellants are not seeking operation on a seven days per week around the clock basis except in case of an emergency or crisis or emergency situations only;
- e. Gravel pits and batch plants are allowed in the county by CUP;
- f. The Applicants/Appellants are willing to comply with all imposed conditions;
- g. The area is defined by geology and topography;
- h. The Applicants/Appellants recognize that Applicants/Appellants must “prove their worth” in the application process;
- I. Some in the audience will oppose this application regardless;
- j. The operation can and will be undertaken in an appropriate manner;
- k. There can be a fair share of the burdens and benefits of the application;
- l. The proposed use was previously approved but had to be reheard due to “notice issues;”
- m. Applicants/Appellants have met with the neighbors and addressed the concerns of all that would meet with them;
- n. Applicants/Appellants have a good track record and seek to insure compatibility with other neighboring uses;

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
SUMMIT STONE INC., CLEMENTS CONCRETE CO. INC. AND MIKE’S SAND AND GRAVEL INC;
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- o. Some neighbors have sought to ignore the positive features of the project;
- p. The facts and conditions speak for themselves;
- q. The Centerpoint Highschool (COSSA) intends to move from its present location and is seeking financial contribution to enable them to move;
- r. The Board can not require the Applicants/Appellants to bear the costs associated with moving the school to a new location. The position of the school “goes too far;”
- s. Applicants/Appellants have appropriately addressed the pertinent issues and concerns of those in the area;
- t. The application is an appropriate use of the area and should be approved;
- u. Applicants/Appellants No. 5 addresses the issues and concerns raised by those neighboring landowners who were willing to meet with the Applicants/Appellants' representative;
- v. Applicants/Appellants are willing to require the truck operators to comply with stringent operational procedures;
- w. This operation will be different and better than others like it in the bordering area and county/counties;
- x. The proposed conditions of approval encompass conditions initially set forth in the most recent staff report;

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
SUMMIT STONE INC., CLEMENTS CONCRETE CO. INC. AND MIKE’S SAND AND GRAVEL INC;
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- y. Applicants/Appellants are willing to comply with pertinent conditions of approval;
 - z. Mosquito, traffic, weed and gopher control, dust, noise, set backs, 100 year flood plain, and school concerns will each in turn be amicably addressed.
- There is significant need for the gravel which the property could generate.

3. **Mike Matzdorff**, spoke in favor of the intended use. He testified that:

- a. He is one-half owner of Mike's Sand and Gravel and a principle of the proposed project;
- b. He intends to move Mike's Sand and Gravel to Canyon County;
- c. His company has a desire to stay ahead of the growth;
- d. His company intends to partner with Clements Concrete as their businesses complement each other;
- e. The project was initially approved, then they had to go through hearing again due to a notice issue;
- f. Applicants/Appellants have complied with all of the terms of the initial approval;
- g. Applicants/Appellants have made a serious attempt to address all concerns of the neighboring landowners;
- h. The parcels total approximately 360 acres, not all of which is capable of being gravel mined;

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
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- I. There are two parcels under one family ownership (north and south parcels). Applicants/Appellants intend to use the south parcel, deplete that parcel, then move to the north parcel;
- j. The usage of twenty four hour, seven days per week is not intended for the project, except in rare governmental emergency or in situations of crisis;
- k. The intended exit route is through Red Top Road. The trucks in the area could remain away from the school building during the school year;
- l. The irrigations and drainage district(s) impacted by the area have been notified and have responded to this proposed use;
- m. The operation plan is to focus on the south parcel first and it is estimated that the site would be depleted in 10 - 12 years;
- n. The existing water rights in the area will be honored;
- o. The intended operation will not be a 24/7 operation. Summit Stone, Inc., Clements Concrete Co. Inc. and Mike's Sand and Gravel are willing to mitigate such demands other than that which may be required via emergency or crisis situations;
- p. The intended operational use is to be from 4:00 a.m. to 7:00 p.m. for ready mix operation and twenty-four hours only if an emergency or crisis situation for delivery were to arise;

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- q. The travel documentation reflects that the travel of the subject trucks is not through nor by the school. Applicants/Appellants are willing to make necessary accommodations to ensure such;
 - r. The northernmost part of the accretion area is not to be mined but is to be preserved as a wild life mitigation area;
 - s. There is a “global plan” for the subject properties for weed and gopher abatement.
4. **Melinda Matsdorf**, spoke in favor of the intended use. She testified that:
- a. She is the dispatcher of the intended use;
 - b. She is aware of the needs and safety of school-aged children;
 - c. She is willing to take reasonable measures to mitigate the traffic in the area;
 - d. They hire conscientious drivers who take their jobs very seriously;
 - e. They have good drivers with demonstrated longevity of several years. The company takes care of their equipment;
 - f. Applicants/Appellants will comply with all reasonable conditions of approval;
 - g. The intended operational trips per hour for the intended project will be seven to eight trucks with approximate one to two hour trip cycles.
5. **Steve Clements**, spoke in favor of the proposed use. He testified that:
- a. He made reference to Applicant No. 1 and related photographs;

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- b. He and his brother Dave are third generation concrete family operations;
- c. In their current operation, they operate on approximately three (3) acres;
- d. They have homes which are within 150 feet of the intended project;
- e. The culture of being a good neighbor is well-instilled in them;
- f. They have a history of complying with all pertinent governmental regulations;
- g. They are a small concrete operation and will address a large part of their business;
- h. Their current operating location of Look Lane will be depleted soon. This property is necessary for the livelihood of their business;
- I. It is anticipated that their family business will be in Canyon County for a projected period of ten to fifteen years, with a portable batch plant;
- j. It is projected that the subject site will ultimately be a future residential home site;
- k. They have to meet the necessary terms of operation in order to stay in business.

6. **Dave Clements**, spoke in favor of the proposed use. He testified that:

- a. They intend to run six (6) to eight (8) concrete trucks from the location;
- b. The intended operation will be moved to the north site once the south site is depleted;

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- c. Their trucks and equipment are well-maintained;
 - d. Their drivers are on a bonus and incentive program which rewards safe drivers;
 - e. The operation will not cause traffic to and in front of the school area;
 - f. They are committed to such traffic restrictions and will comply with such;
 - g. They will comply with the highway requirements to mitigate the “degradation” of the area roadways;
 - h. Canyon Highway No. 4 has required a three inch overlay on the adjoining county roadways;
 - I. Noise in the operation could be mitigated by modern equipment. The new Kenworths are run quietly;
 - j. The trucks will be maintained to mitigate noise;
 - k. The batch plant hours of operation are from 4:00 a.m. to 7:00 p.m.;
 - l. Their current operation typically runs from 6:00 a.m. through 6:00 p.m.
7. **Patrick Dobie**, spoke in favor of the intended use. He testified that:
- a. He is a registered professional engineer;
 - b. He has prepared a traffic study and has reviewed a related traffic study of the area;
 - c. Each site will generate approximately seventy (70) truck loads per day;

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- d. There would be approximately two-hundred twenty (220) site-generated traffic trips per day and approximately sixty (60) peak generated trips per hour;
- e. The north operation pit would come out through Dixie River Road;
- f. The south operation pit would access Red Top Road;
- g. There would be a total of four hundred forty (440) trips to and from the site per day;
- h. The volume of traffic which would be generated is actually tremendously low;
- I. As a possible mitigation effort to control the flow of truck traffic, non-mountable concrete barriers could be constructed to preclude truck traffic from going in the direction of the school;
- j. The commercial truck traffic would be approximately one hundred forty (140) vehicles per day;
- k. The average traffic to the site could approach ten to fifteen trucks per hour;
- l. Notus Road currently handles approximately one thousand (1000) vehicles per day. It is anticipated that the traffic on Notus Road will increase to two thousand (2000) in the future;
- m. The roads in the area are capable of handling the traffic demands in the area;

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- n. Applicants/Appellants would meet all regulations and requirements of Canyon Highway District No. 4 and/or Golden Gate Highway District;
 - o. The traffic flows on the county roads in the area are not significant enough to warrant traffic control signals.
8. **Don Brothers**, spoke in favor of the intended use. He testified that:
- a. He is a mosquito expert;
 - b. He has evaluated potential mosquito problems;
 - c. The mosquito problem is generally based upon ground which is flooded and is not generally associated with gravel pit operation;
 - d. The operation would not have a further impact upon the mosquito population in the area;
 - e. The mosquito abatement area sufficiently addresses the mosquito problem in the area and this project would not be a mosquito breeding source in the area;
 - f. The mosquitoes which carry West Nile Virus lay their eggs on the water. This project would not increase the area mosquito problem. Mosquitos do not breed in moving water;
 - g. Mosquito breeding issues are not of a significant concern for the subject property and the intended use.

9. **Dave Cockrum**, spoke in favor of the intended use. He testified that:

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- a. He is a registered professional geologist;
- b. The intended project and properties are to be undertaken in phases;
- c. It is anticipated that a waterfront development land would be undertaken after the mining operation is complete several years from now;
- d. No mining would take place in the flood way, only the flood plain;
- e. D.E.Q. standards would be met which provide that no dust leaves the property;
- f. Noise impacts would be minimal as the areas are a minimum of one mile from the school;
- g. Noise and impact berms could be constructed in the area to mitigate site noise and aesthetic issues;
- h. The ground water would be moved to a settlement pond before being discharged into the canal systems in the area;
- I. Access to Phase I would be through the west property line through the southwest portion of the south parcel, onto Red Top Road;
- j. There are some existing outbuildings on the southeast portion of the south parcel;
- k. Applicants/Appellants are willing to work with the neighbors in the area to determine the best option for the intended use;

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- l. Noise berms are anticipated on the property to mitigate impact upon the neighboring landowners;
- m. Applicants/Appellants are willing to make the best possible compromise with the neighbors on the issues of ingress and egress;
- n. The crusher and batch plant are intended to be built as far away from the neighboring landowners as possible;
- o. Access to the north property is intended to be through Dixie River Road in the northwest corner of the northern property, as far away from the neighboring landowners as possible;
- p. A Concept Reclamation Plan, Applicant No. 6a, has been submitted and has received tentative approval. Applicant No. 8 is the Amended Reclamation Plan which correctly reflects current site access;
- q. Applicants/Appellants are willing to submit an insurance bond in support of the reclamation plan. Applicants/Appellants are willing to submit surety bonding to ensure that reclamation takes place;
- r. A sufficient surety bond will be obtained to address the reclamation issues associated with the project;
- s. The existing structures on the property shown on the FEMA map are not problematic. As shown in County 9, mining in the flood way would require compliance with federal regulations and is not likely cost effective;

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- t. Mining is an allowable use in the flood plain;
- u. There is a strong and constant need for gravel in Canyon County;
- v. There is essentially no land left in Ada County for the establishment of gravel pits. Canyon County is growing rapidly at a rate faster than that of Ada County;
- w. A gravel operator has to find suitable ground and design it to mitigate impact upon other landowners;
- x. Concrete operations must be located near rivers as concrete requires washed gravel. The process lends itself well to sites within the area of rivers;
- y. Ada County's gravel sites are dwindling;
- z. The remaining reserves are very limited;
- aa. Canyon County will be a larger supplier of gravel for the Boise market places;
- bb. The majority of Ada County operations will be moved to Canyon County in the next few years.

10. **Janey Knipe**, spoke in favor of the intended use. She testified that:

- a. She is a real estate agent;
- b. Her parents had a gravel pit next to their property;
- c. The dust and noise was no greater than other agricultural uses in the area;

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- d. The traffic safety issues were not significant in the area;
- e. Mitigation efforts could be undertaken with respect to this proposed use to reduce noise and mosquito issues;
- f. No depreciation in value is caused from the completion of the gravel mining.

11. **Julie Tucker**, spoke in favor of the intended use. She testified that:

- a. She is a licensed realtor;
- b. Gravel in Canyon County is in high demand;
- c. The intended project should be approved.

12. **Lance Thueson**, spoke in favor of the intended use. He testified that:

- a. Applicants/Appellants are reputable business people and clean operators;
- b. He is a competitive gravel pit operator;
- c. Gravel is of great demand in Canyon County;
- d. There are very few areas left for gravel pit operation;
- e. The quality homes generated from exhausted gravel pits add greatly to the community;
- f. There are multiple gravel pits in the area;
- g. The gravel being mined in the area is quality gravel and is in great demand.

13. **Perry Peltier**, spoke in favor of the intended use. He testified that:

- a. He is a professional concrete driver who works for Applicants/Appellants;

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- b. The location of this site would yield to the effective distribution of gravel in the area;
 - c. He works hard to be conscientious in undertaking his work. He a professional;
 - d. This project would not negatively impact the area;
 - e. The project would actually reduce traffic demands in the area.
14. **Nathan Brown**, spoke in favor of the intended use. He testified that:
- a. The property is poor farm ground;
 - b. The area's highest and best use is a gravel pit;
 - c. He owns property adjacent to the subject parcels and such use should be "commended and not denied;"
 - d. The property has a lot of rock and sand content. The grass grows between the rocks and sand;
15. **Ken Brush**, spoke in favor of the intended use. He testified that:
- a. He owns most of the ground at issue;
 - b. He purchased the property approximately twenty (20) years ago as a cattle calf operation;
 - c. He raises pasture grass and runs cattle in the area;

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- d. He is involved in the irrigation district(s) in the area– Pioneer Dixies Canal District and Eureka Ditch Company. Applicants/Appellants have offered to maintain shares and involvement in ditch company/companies;
- e. This project will not negatively impact the surrounding area agricultural pursuits;
- f. Applicants/Appellants would be a good neighbor;
- g. Ground in the area is not very conducive to crop production. It is very marginal ground.

16. **Bill Blackburn**, spoke in favor of the intended use. He testified that:

- a. He has been working in conjunction with this site location for approximately two (2) years;
- b. He has found many people who are in support of this intended project;
- c. This is a good project and would not negatively impact upon the area;
- d. There is a true shortage of quality gravel in the area;
- e. This project should be approved;
- f. He is employed in real estate sales. He helped put the package together which is before the Board today;
- g. Many other sites were looked at but no other suitable sites were located.

17. **Milan Gould**, spoke in favor of the intended use. He testified that:

- a. He is a farmer;

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- b. He owns part of the property is question;
- c. A gravel operation has less impact than a comparable farm operating;
- d. There is no profit in farming rocks. The ground is not good farm ground.

18. **Chad Ryan Ivie**, spoke in favor of the intended use. He testified that:

- a. Applicants/Appellants are very reputable;
- b. Mike's Sand and Gravel is a good company;
- c. Their fleet is clean and the drivers are professional;
- d. He believes that the project should be approved.

19. The following persons appeared in support of the proposed use, but did not offer testimony: **Ray Sevy**, **Arden Savell**, **Orville Moore**, **John Andralenciz**, **Justine Andrewicz**, **Eric St. Pierce**, **Claudia Brush**, and **Sarah Klotther**.

Neutral Testimony

20. **Delores Cram** initially signed as neutral position but subsequently offered testimony in opposition to the proposed use. See a synopsis of such testimony beginning at page 34 below.

21. **Western Canyon Chronicle** (J. Christina Hodgson), appeared as a neutral party but did not testify.

Testimony in Opposition to the Appeal/Application

22. **Jeff Wardle**, Attorney at Law, for COSSA (Centerpoint High School) stood in opposition and testified that:

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- a. The school is opposed to the proposal;
- b. Land use decisions affect how children are educated;
- c. COSSA is concerned about the viability of the students at their school and the safety of the school;
- d. Many other gravel pits have been approved in the area;
- e. County B-13 reflects the area in question. An average of approximately three hundred (300) gravel trucks travel in front of the Centerpoint Highschool (COSSA);
- f. There is a high volume traffic impact in the area near Centerpoint Highschool (COSSA) and Dixie River Road;
- g. Applicants/Appellants are heading in the right direction;
- h. There is a great deal invested in this alternative high school;
- i. Mike's Sand and Gravel and Clements Concrete are reputable business who intend to make good on their representations and promises.

23. **Mark Cotner**, appeared in opposition to the project. He testified that;

- a. He is a representative of Centerpoint High School (COSSA);
- b. Centerpoint High School (COSSA) is a second chance highschool but the education is very successful;
- c. He is here today to speak in the best interests of the Centerpoint High School (COSSA) students, grades nine through twelve;

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- d. School busses load and unload students on Dixie River Road;
- e. Once the traffic counters were placed in the area, the truck traffic in the area of the school drastically declined;
- f. Traffic in the area is very significant;
- g. This gravel pit mining operation would negatively impact the area;
- h. The building was acquired from the Vallivue School District for the creation of an alternative school district by Centerpoint High School (COSSA) in the 1980s/early 1990s;
- I. Centerpoint High School (COSSA) has been in long-standing operation in that location;
- j. Centerpoint High School (COSSA) is located a long way from anywhere;
- k. The West Nile Virus has not been a documented problem in the area;
- l. He is aware that Applicants/Appellants have indicated that steps could be taken to prevent the commercial trucks from coming in the direction of the school, but other trucks may not comply with the instructions of Applicants/Appellants.

24. **Harold Nevill** spoke in opposition of the proposed use and mirrored the opposition of Centerpoint High School (COSSA) to the proposed use. He testified that:

- a. He previously served as a Canyon County Planning and Zoning Commissioner;

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- b. He heard this matter previously while serving on the Planning and Zoning Commission;
- c. He believes that the county has created this problem and that notice was not given in times past to Centerpoint High School (COSSA);
- d. There is a problem with the development and approval of gravel pits in the area;
- e. Centerpoint High School (COSSA) is responsible for the safety of the children attending their school;
- f. Centerpoint High School (COSSA) is responsible for the education and well-being of the students attending school at that location;
- g. The Board should require the owners of the other gravel pits in the area to financially assist Centerpoint High School (COSSA);
- h. He works with programs which sent students to Centerpoint High School (COSSA);
- I. He assists students in obtaining vocational technical skills and obtaining certification in those areas.

25. **Sharlene Adams**, testified in opposition to the proposed use. She testified that:

- a. She and her husband reside off of Dixie River Road and operate a riding arena for the handicapped;
- b. They raise and sell grass hay from their forty-five (45) acres;

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- c. She provides riding lessons to children;
- d. She wishes to create an indoor arena;
- e. This proposed use would make a dangerous area for her clients;
- f. Big businesses will compete with her small existing business;
- g. She has counted as many as eight (8) gravel trucks per minute in front of her house in times past;
- h. She has discussed problems or concerns which she has with the proposed use with the present Applicants/Appellants;
- I. The proposed use should be denied.

26. **Jeff Adams** opposed the project and testified that:

- a. He is opposed to this project;
- b. The present Applicants/Appellants are probably good neighbors, but there are already too many existing gravel pits in the area;
- c. He wants assurances that the area will be maintained and that conditions will be put in place to ensure compliance;
- d. The property is turning to gravel pits and it is negatively impacting the area landowners;
- e. His concerns relating to the proposed use include dust, noise, and traffic in the area.

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27. **Herb Book, Walt Spencer, and Judy Farrow** signed in opposition but did not testify.

28. **Lisa Dix-Warner** appeared in opposition to the proposed use. She testified that:

- a. She raises naturally-grown chickens and beef;
- b. There is already too much growth in the area;
- c. Gravel pits cause dust which is detrimental to her operation;
- e. The gravel pit as proposed would negatively impact the area;
- f. Dust in the area is causing her animals and fowl to become ill;
- g. All of the gravel pits will eventually become "pits" and only provide breeding areas for mosquitos and related diseases;
- h. The Applicants/Appellants have intentions of being good neighbors, but they may sell to others who may not be as conscientious;
- I. No more gravel pits should be approved in the county;
- j. She was not able to meet with the Applicants/Appellants to address her concerns with them.

29. **Phil Morford**, testified in opposition to the proposed use. He testified that:

- a. He opposes the proposed use;
- b. He owns a gravel pit;
- c. Sand in the gravel pit does blow with the wind;
- d. The intended use would interfere with his right to peace and quiet;

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- e. The terms of operation would not be enforced by DSD;
- f. He is opposed to the intended use;
- g. He believes that reasonable operational hours are from 8:30 a.m. to 4:30 p.m., no earlier and no later;
- h. The sand does not stay connected to the rocks after taken out of the gravel pit once it dries;
- I. The berms constructed on area gravel pits are allowed to fall into disrepair with noxious weeds. He would want a line of four (4) trees on the inside of the berms and maintained in an attractive manner.

30. **Don Couch** testified in opposition of the proposed use. He testified that:

- a. Twenty percent of the area traffic would be generated by this project;
- b. Red Top Road was never designed for commercial vehicles;
- c. The proposed use does not need twenty-four hour operation;
- d. Access to the location of the operation should be moved as far to the east as possible;
- e. Applicants/Appellants have made an effort to address his concerns regarding dust and berm issues;
- f. He has lived in the area for eleven (11) years. There is presently not much traffic in the area but this project would substantially increase the traffic impact.

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31. **Dawn Couch** testified in opposition to the proposed use. She testified that:
- a. She opposes an area gravel mining operation which would begin work at 4:00 a.m.;
 - b. She opposes seven days a week operation;
 - c. She is concerned about dust in the area;
 - d. The blowing dust in the area is injurious to livestock in the area;
 - e. She believes that no gravel or cement should be hauled on the weekends;
 - f. She is opposed to around the clock operation except in situations of dire emergencies.

CONTINUED HEARING: Tuesday, April 3, 2007:

Bonnie Ford Le Compte and Jarom Wagoneer appeared in behalf of DSD in lieu of Leon Jensen at the Tuesday, April 3, 2007 hearing. Commissioner Steven J. Rule did not appear and did not participate.

Neutral Testimony

32. **Pete McCarther**, spoke in a neutral capacity of the project on behalf of Thomas and Bobbie Rayne. He testified that:

- a. The Raynes are not opposed to progress;
- b. The Raynes desire to see reasonable operational hours;

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- c. The Board should prevent any commercial truck traffic on Dixie River Road and the back roads;
- d. The proposed use should be required to start later in the morning and stop earlier in the evening.

33. **Todd Lakey** spoke in a neutral capacity. Mr. Lakey testified that:

- a. He represents Sutro Corp. gravel application;
- d. Sutro Corp. is generally supportive of the application;
- c. Gravel is a highly needed commodity in this and the neighboring counties;
- d. The area is a mixed use of residential, agricultural, and gravel mining;
- e. Applicants/Appellants propose some very useful conditions. The proposed hours of operation, however, are objectionable;
- f. The intended 5:00 a.m. start time is too early. The hours should be limited to 7:00 a.m. through 6:00 p.m.;
- g. Sutro Corp. is concerned about Saturday operation as well;
- h. Any approved usage should be comparable with the other gravel mining operations and commercial uses in the area.

Testimony in Opposition to Appeal/Application

34. **Patrick Shannahan**, spoke in opposition to the proposed use. He testified that:

- a. He is concerned about the traffic, noise, and dust in the area;
- b. The roads are not well-suited for this type of project;

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- c. The project would negatively impact the area;
- d. The area has been a quiet agricultural area and this use will negatively affect the quality of his residence and country living;
- e. The additional truck traffic in the area is very dangerous;
- f. Eighty trucks were counted traveling through the area from the neighboring gravel pit on one day. This project would be further detrimental. The roads were not designed for this type of heavy commercial usage;

35. **Wayne Palmer**, spoke in opposition to the proposed use. He testified that:

- a. He owns property on Dixie River Road and his son lives there now;
- b. The area is a flood area. The Boise River has flooded several times over the years;
- c. He went to school on horse back in the 1940s through Red Top Road;
- d. There is a history of flooding in the area;
- e. There will always be concern about flooding in the area;
- f. He owns all of the accretion land from his property line on Dixie River Road to the river;
- g. He recommends that the hours be from 7:00am through 6:00 pm to allow the quality of life in the area to continue;
- h. The area roads are narrow two lane roads and are not readily adequate for large gravel trucks;

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- I. His family has traditionally grown corn and maintained a dairy on this property. The soil has a lot of rock in places.
36. **Rene Bine**, spoke in opposition to the proposed use. He testified that:
- a. He lives on Riverside Road, near Lake Lowell;
 - b. He does not live in the immediate vicinity of the proposed gravel pit;
 - c. He feels that the real problem with the proposal is that the Board cannot make the conditions imposed “stick;”
 - d. This project would negatively impact the area;
 - e. The operator should be required to hire an “outside inspector” or security firm to report all violations to the DSD enforcement officer/Canyon County Sheriff’s Office;
 - f. The area gravel pit operators should be required to join a gravel pit operators association with all governing rules;
 - g. There should be a "no truck zone" on Dixie River Road and the developer should be required to pay for traffic cameras, as a basis for issuing citations to truck operators;
 - h. If operators can’t or won’t follow the rules and conditions, then they should go on the “way side.”
37. **Carol R. Jones**, spoke in opposition to the proposed use. She presented multiple exhibits which were admitted and testified that:

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- a. She lives on Notus Road;
- b. She has gathered some ninety (90) signatures from people who are opposed to the intended project;
- c. The proposed project would be detrimental to the quality of life in the area;
- d. She is the only home next to the road;
- e. The roads in the area are not suitable in the present condition to enable the proposed project;
- f. The subject property is in the flood zone and some is in the flood way;
- g. One hundred and one homes will flood if this project is approved;
- h. It is time to stop this project. People in the area should be allowed to live in the area;
- I. This project will interfere with the right of quiet and safe enjoyment in the area;
- j. The intended use should not be allowed;
- k. The approval of one more gravel pit in the area would result in the flooding of the entire area during a flood year;
- l. This project would result in further heavy commercial traffic in the area and could cause an unsafe traffic condition in front of her residence;
- m. The roads in the area can not support any further commercial truck traffic impact.

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38. **Delores Cram**, spoke in opposition to the proposed use. She testified that:
- a. She lives on Orchard Avenue in Nampa;
 - b. She referenced, as Opposition No. 38, a packet of materials from the State Constitution, statutes, and Centerpoint High School (COSSA) policy;
 - c. This proposed use would be counter-productive to the Centerpoint High School (COSSA) in the area;
 - d. There are more than enough gravel pits for use in Canyon County;
 - e. The schools should be given priority in the county;
 - f. Gravel pit operators must “police” themselves;
 - g. The roads are very narrow and it is like “going back to Wyoming;”
 - h. The roads need to be improved and widened. The commercial gravel trucks must be precluded from traveling in front of Centerpoint High School (COSSA).
39. **Michael Dix**, spoke in opposition to the proposed use. He testified that:
- a. He lives on Dixie River Road, across from Red Top School;
 - b. He works as a truck driver;
 - c. He is concerned about truck safety in the area;
 - d. The number of vehicles in the area poses a negative impact upon the area;
 - e. There is a strong chance of an accident in the area;

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- f. Some of the curves on the area roadways including Notus, Howe, and Dixie River roads are very sharp and pose a safety hazard;
 - g. The area residents should not be required to bear the expense of upgrading the area roads to provide access to the subject commercial project and intended uses;
 - h. If a driver is “running a set of doubles,” the driver would have to slow or stop to enable traffic to proceed on the road way;
 - I. The roads need to be improved. The present roads are not designed to maintain heavy gravel truck travel;
 - j. The whole area roadway system needs to be designed to support the roadways;
 - k. The road is worn out from heavy usage, which would be complicated by this intended project;
 - l. His main concern about traffic in the area is the high rate of speed of those who travel upon the area roadways;
 - m. Large, heavily loaded gravel trucks require a great distance to stop from speeds of approximately fifty (50) miles per hour.
40. **Zimri Mills**, signed in opposition to the proposed use but did not testify.

Rebuttal Testimony in Support of the Appeal/Application

1. **JoAnn Butler**, testified in rebuttal that:

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- a. An agreement was drafted between the representative of Centerpoint High School (COSSA) and Applicants/Appellants wherein traffic and other engineers were retained to create a barrier as a Condition of Approval. Such agreement is encompassed in Applicant No.11 and the follow-up letter from Jeff Wardle submitted as Applicant No.12;
- b. Mr. Wardle testified of the authority to enter the agreement with the School Board , through their attorney, so that the mitigation measures proposed by Applicants/Appellants would be valid and enforceable. **Centerpoint High School (COSSA) withdrew its objection.** See Applicant Exhibit No. 12;
- c. The revised reclamation plan was submitted as Applicant No. 13;
- d. Applicants/Appellants have taken many remedial measures to mitigate the noise and impact upon the area;
- e. The hours of operation of this project would be Monday through Saturday, 5 a.m. to 7 p.m. The crusher operation would be 7 a.m. to 5 p.m. Monday through Friday only;
- f. The early morning and early evening hours are needed for concrete operations in Canyon County and such are typical for such operation;
- g. Flooding is not a significant issue. This operation would not cause flooding to the area, even on heavy flood years;

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- h. Applicants/Appellants are investing heavily in Canyon County with million dollar payrolls each year;
- I. Safety on the roadways is also very important to the Applicants/Appellants;
- j. Applicants/Appellants are seeking the most direct routes of egress and ingress to the property;
- k. Applicant No. 11, appendix No. 1, reflects the barriers that will be placed on site to prevent trucks from proceeding east towards Centerpoint High School (COSSA);
- l. The hours of operation would be Monday through Saturday 5:00 a.m. to 7:00 p.m. and crushing hours only from 7:00 a.m. to 5:00 p.m.;
- m. In the event of an immediate need request from a public entity, the gravel and concrete operation would be allowed twenty-four (24) hour operation during such emergent situations;
- n. Applicants/Appellants have been in business for decades and their clean operation reputation precedes them;
- o. Applicants/Appellants are willing to undertake rigorous self-policing. Applicants/Appellants should not be required to retain the expenses of hiring a security guard to monitor safety violations in the area. The enforcement mechanism must stay within the public domain;

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- p. Applicants/Appellants have had many discussions with the highway district(s). The roadway is adequate to support current demands. Representatives of the Golden Gate Highway District and Canyon Highway District No. 4 indicated that construction of a three (3) inch pavement overlay would be required;
- q. The highway district(s) has not developed a plan for the creation of a truck route in the area;
- r. The area roadway capacities are sufficient to support the intended use. Applicants/Appellants' highway impact study addresses proposed turn barriers which could be constructed on-site to limit directional truck traffic. Completion of a three (3) inch pavement overlay on the existing roadways would be required prior to the commencement of operation in the area from the point of access west to Notus Road.

BOARD ACTION

Upon the conclusion of public testimony, after deliberating on the evidence presented, the **Board** voted to overturn the Planning and Zoning Commission's decision and to approve Applicant/Appellant's request for a Conditional Use Permit to operate two sand and gravel mining operations (gravel pits), operation of portable crushers, portable concrete batch plants, and offices, shops and parking areas on approximately 300 acres of parcels totaling approximately 344.20 acres in an "A" (Agricultural) Zone, with multiple CONDITIONS OF APPROVAL.

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On or about May 3, 2007, the **Board** will adopt Findings of Fact and Conclusions of Law and Order.

ISSUE OF APPLICABLE LAW

1. Whether the ordinance permits the use by Conditional Use Permit;
2. Statement of the nature of the request— A request by Summit Stone, Inc., Clements Concrete Co. Inc. and Mikes Sand and Gravel Inc. operate two sand and gravel mining operations (gravel pits), operation of portable crushers, portable concrete batch plants, and offices, shops and parking areas on approximately 300 acres of parcels totaling approximately totaling approximately 344.20 acres in an “A” (Agricultural) Zone;
3. Whether the proposed use is consistent with the Canyon County 2010 Comprehensive Plan;
4. Whether the proposed use will be injurious to other property in the immediate vicinity and whether the proposed use will change the essential character of the area;
5. Whether if applicable, adequate sewer, water and drainage facilities, and utility systems will be provided to accommodate said use;
6. Whether legal access to the subject property for the project exists or will exist at the time of final plat;
7. Whether there will be undue interference with existing or future traffic patterns;

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8. Whether essential services will be provided to accommodate said use such as, but not limited to, school facilities, police and fire protection, emergency medical services, and whether or not services will be negatively impacted by such use or will require additional public funding in order to meet the needs created by the requested use;
9. Whether the Applicant/Appellant has met their burden of persuasion that the proposed use should be approved.

CANYON COUNTY 2010 COMPREHENSIVE PLAN

In the 1994 legislative session, Idaho Code § 67-8001, 8002 and 8003 were adopted to establish a process to better provide that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of private property. It is the policy of the County to comply with the requirements of the Idaho Code provisions. [p.4] The Canyon County Comprehensive Plan ("Plan") indicates, in a general way, how the county, outside city limits, should develop in the next 5 years. The Plan serves as the county's planning tool; and the zoning ordinance contains the day-to-day operating standards for land use decisions.

People moving into Canyon County expect to find suitable roads, emergency services, schools, and a variety of places to live, work, and recreate. Residents of the county desire to maintain a good quality of life and improve the efficiency of transportation, school, business and recreational services. We all desire clean air, clean water, and reasonable taxes.

The ability to provide clean water and air, efficient transportation and school sitting is impacted by limited financial resources. This Plan is intended to show community values and guide efforts to make the most of these limited resources when making land use decisions in Canyon County.

PURPOSE OF 2010 PLAN

The purposes of the Plan are to meet the requirements of the Local Land Use Planning Act, Idaho Code, Title 67, Chapter 65. The Plan should be used by all individuals and government agencies

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whose duties, responsibilities or activities relate to matters covered by the Plan. The Plan is not intended to, and does not, rezone any parcels or lots, take any land for public purposes, cloud the title to any property, or require any land to be transferred to any person or entity.

The Plan is not precise and merely shows the general location, character, and extent of land use patterns. Specific consideration and determinations are made by established laws, ordinances, and procedures. The Plan is to be used as a planning tool to assist governing bodies in moving in the direction that the community has determined is the most orderly and beneficial. See Idaho Code § 67-6508. A zoning ordinance, unlike the Plan, is a detailed list, by zone category, of allowed uses not requiring permits and other uses that require permits. See Idaho Code § 67-6511, as amended.

PROPERTY RIGHTS

Policy No. 1: Land use decisions, restrictions, and/or conditions should not constitute a legal taking of private property under federal and state law without just compensation.

Policy No. 2: Encourage the protection of the property rights of landowners to the extent reasonably possible.

POPULATION

Policy No. 1: Provide the planning base for an anticipated population of 167,141 by the year 2005 and 189,513 by the year 2010. This policy estimates and anticipates an annual increase of approximately 5.5 percent between 2000 and 2010. This policy also recognizes that planning policies, combined with the past trends, can anticipate the location of the expected population increase and that the intent of the Plan is to forecast and plan for the needs of population growth areas in terms of future facilities, infrastructure and services.

Policy No. 2: Encourage future high-density development to locate within incorporated cities and/or areas of city impact.

Policy No. 3: Encourage future population in areas outside of “best suited” and “moderately suited” agricultural soil designated areas.

SCHOOL FACILITIES AND TRANSPORTATION

Policy No. 1: Provide information on comprehensive planning as requested between school districts and the Canyon County Development Services Department.

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Policy No. 2: Encourage multiple use of school physical facilities, according to school district policies. This policy recognizes the high cost of acquisition, construction and maintenance of physical facilities.

Policy No. 3: Encourage the integration of school sites with land use, transportation systems, parks and recreation sites and other elements of the Plan so that schools can function as neighborhood centers of activity in safe, efficient and attractive settings. This policy recognizes that education is an important economic factor in the area.

ECONOMIC DEVELOPMENT

Encourage economic growth that creates employment and encourages investment, commercial, industrial, agricultural and high tech opportunities in Canyon County, Idaho.

Policy No. 1: Encourage economic development that is consistent with and supports county attributes such as the character, lifestyle and agricultural industry of Canyon County.

Policy No. 2: Encourage efforts that provide for increases in income and that enable citizens to remain ahead of the national inflation rate.

Policy No. 3: Encourage development that meets standards of applicable regulatory agencies and provides local employment for county residents.

Policy No. 4: Encourage high infrastructure-impact business and industry to locate where adequate water and sewer systems are available.

Policy No. 5: Consider commercial and industrial development outside the impact areas, when located along major roadways or transportation infrastructure and with approval from the appropriate regulatory agencies concerning sewer and water.

OVERALL LAND USE POLICIES

Goals

1. To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services.
2. Use appropriate techniques to buffer incompatible land uses.
3. To provide for appropriately located residential areas with an adequate variety of dwelling types and density ranges as needed to meet demands.

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4. To encourage livability, creativity and excellence in the design of all residential developments.
5. To encourage development in those areas of the county which provides the most favorable conditions for future community services.
6. Consider adjacent land uses when reviewing county-line development proposals.

AGRICULTURAL

Policy No. 1: Encourage the protection of prime agricultural land for the production of food. The county's policy is to encourage the use of these lands for agriculture and agriculturally-related uses, recognizing that the intent is to protect the best agricultural lands from inappropriate and incompatible development balanced against competing development needs. The county recognizes that agricultural uses contribute to our economic base, and that the retention of prime agricultural land should be encouraged. Canyon County recognizes that dust, farm implement and aerial applicator noise, pesticide/herbicide/fungicide spray, and animal waste and odors associated with agricultural activities are normal and expected in agricultural areas, even when best management practices are used.

Policy No. 2: Consider the use of voluntary mechanisms for the protection of prime agricultural land.

Policy No. 3: Canyon County supports Idaho's "Right to Farm" laws (Idaho Code §§ 22-4501-22-4504), as amended.

Policy No. 4: Recognize that confined animal feeding operations ("CAFOs") may be more suitable in some areas of the county than in other areas of the county.

RESIDENTIAL

Policy No. 1: Encourage more dense development in areas of city impact. This policy recognizes that population growth and the resulting high-density development activity should occur where public infrastructure, services and facilities are available or where they are planned and will be provided in the near future.

Policy No. 2: Encourage residential development in areas where agricultural uses are not viable.

Policy No. 3: Encourage compatible residential areas, zones and development contiguous

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to existing county or city residential areas, zones or development so that public services and facilities may be extended and provided in the most economical and efficient manner.

AREA OF CITY IMPACT

Policy No. 1: The county recognizes that each city in the county has its individual identity and development plan. Expand or reduce areas of city impact according to each city's trade area, geographic factors, water and sewer service areas, and "areas that can reasonably be expected to be annexed to the city in the future." Idaho Code § 67-6526(b).

COMMERCIAL AND INDUSTRIAL

Policy No. 1: Encourage commercial and industrial development in areas of city impact, or where adequate water and sewer are available or may be made available.

Policy No. 2: Encourage commercial and industrial development where there is adequate access to the following services, if applicable: a. sufficient water; b. a system to discharge used water; c. power; and d. transportation.

Policy No. 3: Encourage industrial development that minimizes adverse impacts on adjacent non-industrial land uses.

Policy No. 4: Recognize that confined animal feeding operations ("CAFOs") may be more suitable in some areas of the county than in other areas of the county.

Policy No. 5: Consider commercial and industrial development outside the impact areas, when located along major roadways or transportation infrastructure and with approval from the appropriate regulatory agencies concerning sewer and water.

NATURAL RESOURCES

This Plan recognizes the attributes of agricultural land as natural resources in the county. An important planning challenge in development of land is balancing natural resources against the impacts of population growth.

AGRICULTURAL LAND

Policy No. 1: Support the fact that present agricultural activities in "best suited" and

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“moderately suited” agricultural soil designated areas of Canyon County represent “development” by definition.

FISH AND WILDLIFE HABITAT

Policy No. 1: Encourage the protection of natural resources such as, but not limited to, the Snake River, Boise River, Lake Lowell, Deer Flat National Wildlife Refuge, and Fort Boise Wildlife Management Area.

Policy No. 2: Encourage the protection of desirable species of indigenous animals and plants in Canyon County.

Policy No. 3: Encourage wildlife habitat areas.

WATER

Policy No. 1: Encourage the protection of groundwater and surface water quality.

Policy No. 2: Recognize the importance of surface water and groundwater resources of the county, in accordance with the Article XV, Section 3, of the Idaho Constitution.

AIR

Policy No. 1: Consider land use and transportation issues as important factors in the reduction of air pollution.

MINERAL RESOURCES

The Plan recognizes sand and gravel as a valuable mineral resource in Canyon County. It is important that the environmental impacts, aesthetics, wildlife, and water quality be addressed in the decision-making process.

Policy No. 1: Sand and gravel mining operations should be located to avoid intruding on the river channel.

Policy No. 2: Encourage measures to provide for future use of an excavated site such as, but not limited to industrial, commercial, and residential development.

Policy No. 3: Encourage mineral-extraction site design and operation so as to minimize

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noise, dust and increased truck traffic to the extent reasonably practical.

Policy No. 4: Consideration should be given, but not limited to the following impacts: economic value of the ground, access to the ground, compatibility with surroundings, noise, traffic, visual aesthetics and flooding.

HAZARDOUS AREAS

Property owners constructing residences in flood, flash-flood, steep areas, or where no fire districts exist do so at their own risk. Responsibility for their own personal property should not be at the expense of county taxpayers.

Policy No. 1: Carefully consider requests to place structures in floodplain areas. Land use changes have the potential to significantly affect floodplain conveyance and floodplain storage. Development in the floodplain can affect not only the immediate site, but the reaches above and below the site.

The Boise River, extending through Canyon County, lies within the jurisdictional boundaries of the Boise River Flood Control Districts Nos. 10 and 11. These districts were created by the state of Idaho to help “provide for the prevention of flood damages in manner consistent with the conservation and wise development of our water resources and thereby to protect and promote the health, safety and general welfare of the people of this state.” Idaho Code § 42-3102. Therefore, the viability of the flood control districts should be maintained. Emphasis added.

Policy No. 2: Endeavor to limit structures and developments in areas where known physical constraints or hazards exist. Such constraints or hazards include, but are not limited to, the following: I. Flood hazards; ii. Unstable soil and/or geologic conditions; and iii. Contaminated groundwater. This policy seeks to protect human life and property, and to reduce public and private costs resulting from disasters.

Policy No. 3: Hillsides may be considered sensitive areas to be protected from excessive runoff or erosion.

Policy No. 4: Carefully consider new or expanding development or activities that use, produce, store, or dispose of toxic, explosive or other hazardous materials which should be located in areas with adequate health and safety protection. These uses should not be located in identified floodplains or adjacent to surface water to avoid the discharging or leaching of toxic substances either into the surface water or into groundwater.

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PUBLIC SERVICES, FACILITIES AND UTILITIES

The presence of adequate public facilities is vital to the future of Canyon County. These facilities are essential to the health, safety and welfare of its residents. Services and facilities of many kinds are related to the Plan, such as but not limited to, water, sewage, drainage, irrigation systems, schools, fire stations, parks, electricity, solid waste disposal, telephone and natural gas systems are typical of the public facilities that should be considered in coordination with land use, transportation, and other elements of the Plan.

The Plan encourages local officials, and those supplying public services, to meet the changing and growing needs of Canyon County.

Policy No. 1: Encourage design, development, location and land size that provides services, facilities and utilities of adequate capacity needed to meet the demand of an increasing population.

Policy No. 2: Encourage homeowner's associations in subdivisions and planned unit developments to maintain common areas and roads if not dedicated to the public.

Policy No. 3: Encourage the establishment of expanded sewer infrastructure and wastewater treatment in areas of city impact.

Policy No. 4: Encourage all new development to have adequate water supply for fire water flow to serve the development.

Policy No. 5: Encourage all new development to have adequate access to publicly maintained roads.

Policy No. 6: Encourage the establishment of all new development to be located within the boundaries of a rural fire protection district.

Policy No. 7: Encourage activities to promote the protection of groundwater and surface water.

TRANSPORTATION

The character of our communities, the design of individual subdivisions and the ability to travel to desired places revolve around a network of pathways, roads and highways. The county

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will continue to support planning efforts to address our future transportation needs and encourages more forms of public transportation.

Policy No. 1: Encourage a multi-modal transportation system for the efficient and expeditious movement of people, goods and services within and beyond Canyon County that is compatible with adjoining counties.

Policy No. 2: Encourage park-and-ride lots near I-84 interchanges.

Policy No. 3: Analyze specific applications to protect functionally classified rights-of-way. Consider adequate rights-of-way and access control for the integrity of the transportation system. Transportation corridors are identified on the Canyon County Functional Classification Map, adopted December 12, 2000, as updated, which by this reference is incorporated herein.

* * *

Policy No. 4: Encourage access control and development designs that are consistent with the classification of roads.

Policy No. 5: Encourage development of parking lots near recreation sites.

Policy No. 6: Encourage interconnectivity in areas where appropriate.

Policy No. 7: Carefully consider the potential impacts of residential development near I-84 and state highways.

Policy No. 8: Encourage the development of pathways to carry pedestrian traffic and other neighborhood activities that are not disrupted by noise, fumes or hazards of through traffic, and minimize disruptions to the flow caused by accelerating/decelerating traffic.

SPECIAL AREAS, SITES AND RECREATION

Goals:

1: To encourage the preservation of recreational, historical, archeological and architectural landmark areas of the county for the beneficial use of future generations.

2: To encourage the development of recreational opportunities and facilities.

Policy No. 1: Encourage the continuation of existing recreational areas and the opportunity for outdoor public recreation areas and the opportunity for outdoor public recreation areas and activities.

Policy No. 2: Encourage the development of new parks, greenbelts, and walking paths.

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Policy No. 3: Consider the Boise and Snake Rivers, the Deer Flat National Wildlife Refuge at Lake Lowell, Celebration Park, Wrd Park, Fort Boise Wildlife Management Area, Indian Creek, Mason Creek, and Wilson Drain as a partial listing of special areas in the county. Encourage land use patters around them that promote their integrity and purposes.

Policy No. 4: Encourage retention of existing access to public waterways and encourage the voluntary development of new access points to public waterways.

Policy No. 5: Encourage the preservation of historical sites, architectural landmarks and their functions.

HOUSING

Encourage opportunities for a diversity of housing choices

COMMUNITY DESIGN

Goals:

Goal 1: Encourage community design that relates to the community's visual appearance and the development's physical relationship to the natural environment within the county.

Goal 2: Consider a river trail and pathway system to enhance the recreational opportunities for county residents.

Goal 3: Encourage "dark skies" at night.

Policy No. 1: Consider community design features that promote the health, safety and welfare of the citizens of the county.

Policy No. 2: Encourage development of self-sustaining communities that maintain the rural lifestyle and good quality of life of the county.

Policy No. 3: Encourage development design that accommodates topography and promotes conservation of prime agricultural land.

Policy No. 4: Encourage innovation and excellence in design for all development.

Policy No. 5: Encourage each development to address concerns regarding roads, lighting, drainage, storm water runoff, landscaping, re-vegetation of disturbed areas, underground utilities, and weed control.

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Policy No. 6: Encourage new or expanding subdivisions to consider: a) stub roads; b) Pathways connecting to adjacent subdivisions; and c) pathways connecting to schools.

Policy No. 7: Encourage beautification along transportation corridors entering Canyon County.

Policy No. 8: Discourage residential uses impacted by airports and carefully consider such uses near airstrips, runways and low flight routes.

Policy No. 9: Encourage pressurized irrigation systems using non-potable water where reasonably possible.

All additional portions of the comprehensive plan which may be deemed applicable are incorporated by reference herein.

FINDINGS OF FACT

If any of these Findings of Fact are deemed to be Conclusions of Law, they are incorporated into the Conclusions of Law section accordingly.

1. The **Board** finds the testimony of the representatives of the Canyon County Development Services to be credible and ascribes all appropriate weight to such testimony;
2. The **Board** finds the exhibits presented by the Canyon County Developmental Services Department to be credible and ascribes all appropriate weight to such;
3. The **Board** finds that the ordinance permits the use by Conditional Use Permit. Canyon County Zoning Ordinance 05-002; 07-10-19(3)(J);
4. The **Board** finds that the statement of the nature of the request is to operate two sand and gravel mining operations (gravel pits), operation of portable crushers, portable concrete batch plants, and offices, shops and parking areas on approximately 300 acres of parcels totaling approximately 344.20 acres in an "A" (Agricultural) Zone;

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5. The **Board** finds that the subject property is located in sections 2 and 11, Township 4 North, Range 4 West, Canyon County, Idaho;
6. The **Board** finds that the property is not located within an Area of City Impact;
7. The **Board** finds that the property is not located within city limits;
8. The **Board** finds that the property is not located within the Urban Growth Area;
9. The **Board** finds that there are three (3) residential structures and outbuildings located on the subject property;
10. The **Board** finds that the existing vegetation on the subject property is irrigated crop land, feedlot area, and native vegetation;
11. The **Board** finds that the property is irrigated by surface irrigation, with the slope and/or drainage being relative flat, flowing north toward the Boise River;
12. The **Board** finds that the primary road frontage to the subject property is through Red Top Road and Dixie River Road and there are no obstructed views in either ingress nor egress;
13. The **Board** finds that the soils consist of 68.41% Class III, moderately-suited; 27.31% Class IV, moderately-suited; 1.44% Class V, least-suited; and 2.55% Class VII, least-suited soil;
14. The **Board** finds that the property is not located within a nitrate priority area;
15. The **Board** finds that the surrounding property within one-quarter (1/4) of one (1) mile of the subject property is as follows — the area to the north is Agricultural/Boise River in an “A” (Agricultural) Zone; the property to the east is Gravel Pits/Agricultural/Sporadic

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Residences in an "A" (Agricultural) Zone; the property to the west is Agricultural/
Sporadic Residences in an "A" (Agricultural) Zone; the property to the south is
Agricultural/Sporadic Residences in an "A" (Agricultural) Zone;

16. The **Board** finds that there are five (5) gravel pits within one (1) mile of the subject property. There are five (5) feedlots within two (2) miles of the subject property. There are no functional dairies within one (1) mile of the subject property;
17. The **Board** finds that there are one hundred one (101) home sites within one (1) mile of the subject property. The average lot size of such parcels within one (1) mile of the subject property is 24.88 acres, with the range being 0.17 to 160.86 acres and the median being 10.16 acres. Approximately thirty four percent (34%) of the parcels in the notification area have homes.
18. The **Board** finds that there are two (2) platted subdivisions within one (1) mile of the subject property for a total of one hundred seventy (170) lots, with an average lot size being 0.27 acres. There are no subdivisions in the platting stages within one (1) mile of the subject property;
19. The **Board** finds that Carol R. Jones, sought to disqualify Commissioner Matt Beebe. That matter and the stated basis for such was placed upon the record. Commissioner Beebe indicated that he could be fair and impartial in this matter. Commissioner Beebe did not recuse himself.

2010 CANYON COUNTY COMPREHENSIVE PLAN

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20. The **Board** finds that the proposed use is consistent with respect to the **Canyon County 2010 Comprehensive Plan; Property Rights; Policy No. 1** and the consideration of the proposed use with such policy warrants a **positive** determination;
21. The **Board** finds that the proposed use is neutral with respect to the **Canyon County 2010 Comprehensive Plan; Property Rights; Policy No. 2** and the consideration of the proposed use with such policy warrants a **neutral** determination;
22. The **Board** finds that the proposed use is consistent with respect to the **Canyon County 2010 Comprehensive Plan; Population Policy No. 1** and the consideration of the proposed use with such policy warrants a **positive** determination;
23. The **Board** finds that the proposed use is consistent with respect to the **Canyon County 2010 Comprehensive Plan; School Facilities and Transportation; Policy No. 3** and the consideration of the proposed use with such policy warrants a **positive** determination;
24. The **Board** finds that the proposed use is consistent with respect to the **Canyon County 2010 Comprehensive Plan; Economic Development; Policy No. 3** and the consideration of the proposed use with such policy warrants a **positive** determination;
25. The **Board** finds that the proposed use is consistent with respect to the **Canyon County 2010 Comprehensive Plan; Economic Development; Policy No. 5** and the consideration of the proposed use with such policy warrants a **positive** determination;

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26. The **Board** finds that the proposed use is consistent with respect to the **Canyon County 2010 Comprehensive Plan; Overall Land Use Policies; Agricultural Land, Policy No. 1** , which is intended to “encourage the protection of prime agricultural land for the production of food” and the consideration of the proposed use with such policy warrants a **positive** determination. The Board finds that the subject site is not prime agricultural ground. The ground is well-suited for the project of gravel extraction;
27. The **Board** finds that the proposed use is consistent with respect to the **Canyon County 2010 Comprehensive Plan; Natural Resources, Mineral Resources, Policy No. 1** and the consideration of the proposed use with such policy warrants a **positive** determination;
28. The **Board** finds that the proposed use is consistent with respect to the **Canyon County 2010 Comprehensive Plan; Natural Resources, Mineral Resources, Policy No. 2** and the consideration of the proposed use with such policy warrants a **positive** determination;
29. The **Board** finds that the proposed use is consistent with respect to the **Canyon County 2010 Comprehensive Plan; Natural Resources, Mineral Resources, Policy No. 3** and the consideration of the proposed use with such policy warrants a **positive** determination;
30. The **Board** finds that the proposed use is consistent with respect to the **Canyon County 2010 Comprehensive Plan; Natural Resources, Mineral Resources, Policy No. 4** and the consideration of the proposed use with such policy warrants a **positive** determination;

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31. The **Board** finds that Canyon County 2010 Comprehensive Plan; Hazardous Areas, Goal No. 2 which is designed to "endeavor to limit structures and development in areas where known physical constraints or hazards exist." The Board finds that the intended use is consistent with such policy consideration;
32. The **Board** finds that the proposed use is consistent with respect to the Canyon County 2010 Comprehensive Plan; Transportation, Goal No. 4 , which is designed to "encourage access control and development designs that are consistent with the classification of roads." The Board notes that, as is reflected in Applicant No. 11, the Applicants/Appellants have designed a barrier system on-site. The Board finds that the consideration of the proposed use with such policy warrants a **positive** determination;
33. The **Board** finds that the proposed use is consistent with respect to the Canyon County 2010 Comprehensive Plan; Community Design, Policy No. 5 and the consideration of the proposed use with such policy warrants a **positive** determination;
34. The **Board** overwhelmingly finds that the proposed use is consistent with the pertinent factors for consideration under the Canyon County 2010 Comprehensive Plan;
35. The **Board** finds that adequate sewer, water and drainage facilities, and utility systems will be provided to accommodate said use;
36. The **Board** finds that legal access to the subject property for the project does or will exist at the time of final plat;

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37. The **Board** finds that there will not be undue interference with existing or future traffic patterns;
38. The **Board** finds that essential services will be provided to accommodate said use such as, but not limited to, school facilities, police and fire protection, emergency medical services, and services will not be negatively impacted by such use and will not require additional public funding in order to meet the needs created by the requested use;
39. The **Board** finds that the proposed use will not be injurious to other property in the immediate vicinity and/or will not change the essential character of the area. The **Board** finds that such proposed use would not be injurious to the neighboring landowners;
40. The **Board** finds that the decision of the Planning and Zoning Commission denying the applicant should be overturned;
41. The **Board** finds that the Applicants/Appellants have met their burden of persuasion and the proposed use should therefore be approved with multiple CONDITIONS OF APPROVAL.

CONCLUSIONS OF LAW

If any of these Conclusions of Law are deemed to be Findings of Fact, they are incorporated into the Findings of Fact section.

1. The **Board** concludes that the ordinance permits the use by Conditional Use Permit;

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
SUMMIT STONE INC., CLEMENTS CONCRETE CO. INC. AND MIKE'S SAND AND GRAVEL INC;
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2. The **Board** concludes that a statement of the nature of the request is whether to operate two sand and gravel mining operations (gravel pits), operation of portable crushers, portable concrete batch plants, and offices, shops and parking areas on approximately 300 acres of parcels totaling approximately 344.20 acres in an “A” (Agricultural) Zone;
3. The **Board** concludes that the proposed use is consistent with the Canyon County 2010 Comprehensive Plan;
4. The **Board** concludes that the proposed use will not be injurious to other property in the immediate vicinity and will not change the essential character of the area;
5. The **Board** concludes that adequate sewer, water and drainage facilities, and utility systems will be provided to accommodate said use;
6. The **Board** concludes that there will not be undue interference with existing or future traffic patterns;
7. The **Board** concludes that legal access to the subject property for the project exists or will exist at the time of final plat;
8. The **Board** concludes that essential services will be provided to accommodate said use such as, but not limited to, school facilities, police and fire protection, emergency medical services, and services will not be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use;
9. The **Board** concludes that Applicants/Appellants have met their burden of persuasion that the proposed use should be approved;

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10. The **Board** concludes that the decision of the Planning and Zoning Commission denying the application should be overturned and that the Applicants/Appellants' request to operate two sand and gravel mining operations (gravel pits), operation of portable crushers, portable concrete batch plants, and offices, shops and parking areas on approximately 300 acres of parcels totaling approximately 344.20 acres in an "A" (Agricultural) Zone should be granted with multiple CONDITIONS OF APPROVAL.

ORDER

Based upon the Findings of Fact and Conclusions of Law, reviewed above, the Board hereby overturns the decision of the Canyon County Planning and Zoning Commission and hereby **approves** Applicant's/Appellant's request for a Conditional Use Permit to operate two sand and gravel mining operations (gravel pits), operation of portable crushers, portable concrete batch plants, and offices, shops and parking areas on approximately 300 acres of parcels totaling approximately 344.20 acres in an "A" (Agricultural) , with multiple CONDITIONS OF APPROVAL.

IT IS SO ORDERED this 7 day of May, 2007.

**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY, IDAHO**



Commissioner Matt Beebe, Chairman

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
SUMMIT STONE INC., CLEMENTS CONCRETE CO. INC. AND MIKE'S SAND AND GRAVEL INC;
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Commissioner David J. Ferdinand, II

-Did not participate-

Commissioner Steven J. Rule

ATTEST: WILLIAM H. HURST, CLERK

By: 
Deputy

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
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ATTACHMENT “A”

CONDITIONS OF APPROVAL

**SUMMIT STONE, INC., CLEMENTS CONCRETE CO. INC and MIKE’S SAND and GRAVEL
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The following are imposed as Conditions of Approval which relate to the request for a Conditional Use Permit to operate two sand and gravel mining operations (gravel pits), operation of portable crushers, portable concrete batch plants, and offices, shops and parking areas on approximately 300 acres of parcels totaling approximately 344.20 acres in an “A” (Agricultural) Zone are hereby made a part of and incorporated into the Findings of Fact, Conclusions of Law and Order in CASE NO. CU2006-97.

1. The Applicants/Appellants and their employees shall comply with all applicable federal, state and county laws, ordinances, rules, and regulations which pertain to the property and operation;
2. The Applicants/Appellants and their employees shall comply with Federal Emergency Management Act (FEMA) and the Canyon County Flood Ordinance requirements;
3. Diesel fuel and petroleum products will be stored and handled in accordance with IDOT and Federal DOT, OSHA, DEQ, EPA, MSHA standards and as described in the Spill Prevention Plan developed for the site. A filter system shall be installed by Applicant/Appellant to filter drainage before it leaves the property and returns to the Boise River;
4. No toxic, hazardous materials or explosives in violation of applicable laws will be stored on site or will be used by the operation;
5. No commercial traffic will enter the north or south parcels from the east, nor will commercial traffic leave the parcels in an eastbound direction. The Applicants/Appellants shall institute policies and install signage directing all traffic exiting the site to do so in a westbound direction only. The Applicants/Appellants shall also construct physical barriers at the ingress and egress points of the parcels which will prevent traffic from entering the property from the east or exiting the property and traveling eastbound. These physical barriers shall be installed in substantial conformance with the representations of the Applicants/Appellants, their representatives and experts at hearing before the Board of Commissioners and as referenced in **APPLICANT No. 11** and components thereof, including Appendixes Nos. 1 and 2, affixed thereto. Nothing provided in this Condition of

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Approval shall prevent the Applicants/ Appellants from traveling to Centerpoint High School with the equipment and supplies necessary to relocate, grade and gravel a parking lot for Centerpoint High School, under the direction of the executive director of COSSA and as provided herein at Condition of Approval 6 below;

6. No later than sixty (60) days after commencement of commercial operations, or as directed by the executive director of Centerpoint High School, the Applicants/Appellants shall coordinate with the executive director of Centerpoint High School (COSSA) to relocate, grade, and gravel a new parking lot for Centerpoint High School (COSSA), at the expense of the Applicants/Appellants, as referenced in **APPLICANT No. 11** and components thereof, affixed hereto. This Condition of Approval shall be of no further force or effect in the event Centerpoint High School is relocated by Canyon-Owyhee School Services Agency (COSSA) or COSSA's successors in ownership or operation of Centerpoint High School;
7. The Applicants/Appellants will not be allowed commercial ingress or egress on county roads for gravel or concrete sales until road improvements are made to Red Top Road and to Dixie River Road which runs to and connects with Notus Road, which will be affected by use of Applicants/Appellants. Such improvements shall include the placement of three (3) inch paving upon the local roadway(s) and be undertaken pursuant to the standards and regulations of the local highway district having jurisdiction are completed. This Condition of Approval contemplates that the Applicants/Appellants will operate first on the south parcel, later moving to the north parcel. All roadway improvements related to use by the Applicants/Appellants of the south parcel must be complete before commercial operations may begin on the south parcel. Similarly, all roadway improvements related to the use by Applicants/Appellants of the north parcel must be complete before commercial operations may begin on the north parcel. There is no requirement within these conditions that improvements be made to roadways that will be affected by use of the north parcel before the Applicants/Appellants intend to begin commercial operations at the north parcel;
8. A forty (40) foot right-of-way from the centerline of each road shall be dedicated along the Dixie River Road and Red Top Road frontages of the site for future road widening, or as otherwise required by the standards and regulations of the local highway district(s) having jurisdiction;
9. In addition to the road improvements referenced herein above as Condition of Approval 7, Applicants/Appellants will in conjunction with other local gravel operators, undertake and complete, in proportion to their use, additional necessary upgrades to existing roadways as required by the local highway district(s) having jurisdiction prior to the commencement of commercial mining operations, transportation, or sale of commercial product from the site.

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The foregoing shall not prohibit the commencement of those mining operations necessary to upgrade Dixie River Road and Red Top Road as deemed necessary by the local highway district(s) having jurisdiction. Further, the foregoing provisions will not prevent the Applicants/Appellants from undertaking agreed improvements to the Centerpoint High School (COSSA) parking lot, as referenced and according to the timeline set forth in Condition of Approval 6 herein;

10. The Applicants/Appellants shall control dust emissions on internal access roads during dry periods and comply with DEQ's best management practices (BMP) for dust control;
11. The Applicants/Appellants shall comply with the Reclamation Plan as approved by the Idaho Department of Lands and shall provide Canyon County Development Services Department with copies of the approved Reclamation Plan and any required bonds prior to the commencement of operations;
12. Noise emissions shall follow the regulations and standards of OSHA and/or MSHA;
13. A topsoil berm or landscaped buffer, as directly adjacent neighbors desire, shall be constructed, landscaped, and/or planted on the full perimeter boundary of the parcel being actively mined so as to preserve the views of surrounding properties at the expense of Applicants/Appellants. Topsoil berms, where requested, shall be no less than thirty (30) feet wide and no more than ten (10) feet in height. The topsoil berm or landscape buffer will be maintained in a living condition, and the Applicants/Appellants shall regularly irrigate, weed, and maintain the topsoil berms or landscape buffer to assure that such remain in a viable and living condition throughout the life of this Conditional Use permit;
14. A twenty (20) foot wide buffer shall be reserved adjacent to all irrigation canals and drains flowing through the parcel being actively mined, provided that such is not otherwise addressed in paragraph 13 above;
15. Stockpiling of sand, gravel, aggregate, or other commercial products of the Applicants/Appellants shall not exceed thirty (30) feet in height;
16. Any office and shop structures shall meet commercial building codes and requirements as set forth by the Canyon County Building Department;
17. The Applicants/Appellants shall comply with CCZO 05-002, 07-10-09, relating to commercial signs;
18. The duration of this Conditional Use Permit shall not exceed twenty five (25) years from

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the date of the signing of the Findings of Fact, Conclusions of Law and Order signed by the Board of County Commissioners of Canyon County. If Applicants/Appellants seek to continue operation after such time, then the Applicants/Appellants will need to reapply;

19. The number of employees shall not exceed thirty-five (35) per location and there shall not be more than thirty-five (35) parking spaces per each site (north and south parcels);
20. Normal day-to-day business hours for the gravel and concrete batching operations shall be Monday through Saturday, 5:00 am through 7:00 pm. The allowable business hours for the crushing operation shall be Monday through Friday from 7:00 am 5:00 pm. Retail sales and deliveries for the gravel operation may additionally occur Saturday 7:00 am through 12:00 noon. Concrete operations, including batching, may take place at any time during normal, day-to-day business hours. The operations will be closed Sundays and on traditional legal holidays. No crushing shall occur on-site at anytime on Saturdays, Sundays, or on traditional legal holidays. Equipment maintenance and repair shall be done during normal, day-to-day operation hours, Monday through Saturday;
21. Notwithstanding the provisions of Condition of Approval 20, following a request by a public or private agency arising from a bona fide emergency, including floods, spills, catastrophic accident, or other unforeseen events requiring gravel, fill, or other pertinent products of the Applicants/Appellants; Applicants/Appellants, are authorized to respond to such emergency and if necessary to operate twenty-four (24) hours per day, seven (7) days a week during the time reasonably necessary to satisfy such emergency need;
22. The project shall be undertaken and developed in substantial compliance with all representations made by Applicants/Applicants and property owner(s), as well as, the representative and experts of Applicants/Appellants at the hearing before the Canyon County Board of Commissioners.

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APPLICANT/APPELLANT RIGHT TO REQUEST A REGULATORY TAKING ANALYSIS

According to Idaho Code § 67-6535 (c), the Applicant/Landowner has a right to request from the Canyon County Board of Commissioners a regulatory taking analysis pursuant to Idaho Code § 67-8003. The written request of the Applicant/Landowner for a regulatory taking analysis shall be filed with the Clerk of the Board of County Commissioners not more than twenty-eight (28) days after the date of this decision. Upon the timely written request of the Applicant/Landowner for a regulatory taking analysis, Canyon County shall prepare a written taking analysis concerning this case and shall provide to the Applicant/Landowner a regulatory taking analysis no longer than forty-two (42) days after the date of filing of the Applicant/Landowner's request for regulatory taking analysis. Pursuant to Idaho Code § 67-8003(4), the twenty-eight (28) day time limitation described below in the "NOTICE OF APPELLATE PROCEDURE", shall be temporarily suspended during the preparation of the regulatory takings analysis. For more information, please consult an attorney.

NOTICE OF APPELLATE PROCEDURE

An affected person aggrieved by this decision may within twenty-eight (28) days after the date of this decision, seek judicial review under the procedures provided by Chapter 52, Title 67, Idaho Code.

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Findings of Fact, Conclusions of Law & Order

CANYON COUNTY PLANNING & ZONING COMMISSION

HEARING DATE: July 16, 2009

CASE FILE NO.: CU2009-11

APPLICANT: Clements Concrete Co.

REPRESENTATIVE: Todd Lakey; Rose Law Group Borton

SUMMARY

Clements Concrete Co. is requesting a Conditional Use Permit to operate a gravel pit on five (5) parcels that total approximately 135 acres. This request is to expand the previously approved gravel pit that is adjacent to the subject properties which was approved in 2007. This operation will include mineral extraction, processing, and related activities, including, but not limited to mining, crushing, stock piling, hauling, and trucking. Parcel # R36033 is located on the North side of Dixie River Road approximately 1 ¼ miles East of Notus Road in a portion of the NE ¼ of Section 11, T4N, R4W, BM. R35929, R35930, R35931, R35932 are located approximately ¼ mile North of Dixie River Road and approximately 1 mile East of Notus Road in a portion of the SE ¼ of Section 2, T4N, R4W, BM.

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GENERAL FINDINGS OF FACT

If any of these Findings of Fact are deemed to be Conclusions of Law, they are incorporated into the Conclusions of Law section

A. This application is comprised of:

1. Application forms prepared and submitted by the applicant.
2. All other information contained in Case File # CU2009-11.
3. Site plan.

B. As to procedural items:

1. In accordance with Section 07-01-15 of the Canyon County Code, the applicant held a neighborhood meeting on December 10, 2008.

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2. On April 22, 2009, Canyon County Development Services Department ("DSD") accepted Case File # CU2009-11 and fees.
3. On May 12, 2009, staff notified other agencies of this application and solicited their comments. Any comments received have been incorporated into the staff report and are included in the Case File # CU2009-11.
4. On June 17, 2009, property owners within one (1) mile of the site were notified of the hearing by mail. Legal notice of the Commission's hearing was published in the Idaho Press Tribune on June 15, 2009. Notice of the public hearing was posted on the site (R36033) on June 23, 2009.

C. As to the project description:

1. PROPOSED USE: The applicant requests a conditional use permit to expand the adjacent approved, but not yet commenced, gravel operation to include an additional 135 acres. This operation will include mineral extraction, processing, and related activities, including, but not limited to mining, crushing, stock piling, hauling, and trucking.
2. PROPOSED SITE IMPROVEMENTS:
 - a) Since this request is to expand the adjacent approved gravel operation, the applicant is requesting the same site improvements which include buffering techniques, a vegetated berm along Dixie River Road and around the full perimeter boundary of the parcel being actively mined.
 - b) The applicant states they will use the existing access on the west of the north parcel of the previously approved gravel operation (CU2006-97), and an existing residential/agricultural access onto Dixie River Road that they do not intend to expand, but may continue use for standard vehicle access to portions of the property.
3. OTHER: The applicant is proposing a 40-year term of use, stating that this term would provide the needed flexibility considering the size and scope of the Clements Concrete Co. operation. The City of Greenleaf, in their letter (Exhibit C-5) state that the City is opposed to granting a 40-year term of use, and suggests a more standard 20-year term of use to allow re-assessment at that time.

D. As to the site description:

1. **Parcels R35929, R35930, R35931, R35932** are located approximately ¼ mile North of Dixie River Road and approximately 1 mile East of Notus Road in a portion of the SE ¼ of Section 2, T4N, R4W, BM. **Parcel R36033** is located on the North side of Dixie River Road approximately 1 ¼ miles East of Notus Road in a portion of the NE ¼ of Section 11, T4N, R4W, BM.
2. SITE CHARACTERISTICS

Property size: R35929, R35930, R35931, R35932, and R36033 have a total of approximately 135 acres.

Existing structures: A 1,094 sq. ft. single-family residence, a barn, and several smaller sheds all built in 1910 according to the Canyon County Assessor's records; located on the Eastern portion of R36033.

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Views: This application is proposing to use the same ingress/egress point for the original approved gravel operation CU2006-97. Exhibit D-8, a packet with an approval for access from Canyon Highway District #4 states that the approved access must be constructed according to the drawings in the packet to ensure site distance standards.

Flood Plain: The entire approximately 135 acres is in the AE Flood Zone, with approximately 61 of those acres in the Floodway of the Boise River.

Hillside: The subject property does not contain slopes greater than 15%, and the topography is relatively flat.

E. As to current land use and zoning:

1. The subject property is currently being used as pasture ground, with 1 single-family residence.
2. The subject property is currently zoned "A" (Agricultural).

F. As to surrounding land use and zoning:

1. North: Boise River / "A" Zone

South: Gravel Operation / Agricultural with Sporadic Residential / "A" Zone

East: Agricultural with Sporadic Residential / "A" Zone

West: Gravel Operation / Agricultural with Sporadic Residential / "A" Zone

2. There are eight (8) gravel pits within 1 mile of the subject property. There is one (1) dairy within one (1) mile, and five (5) feedlots within two (2) miles of the subject property.

G. As to services:

1. Access: This applicant is requesting an expansion of the previously approved CU2006-97 and is not requesting additional new accesses; but rather, to use the access on the original gravel operation parcel and the existing residential/agricultural access onto Dixie River Road that they plan to use for standard vehicle access to portions of the property. Exhibit C-11, a letter from Canyon Highway District #4, states that they are working with the applicant to finalize the location and requirements for the access for CU2006-97, and state that the access location shall be approved and permitted prior to construction or use of the site. Exhibit D-8 is the approved approach permit for the main gravel pit entrance onto Dixie River Road only with the requirements for the location and construction of the access. (See Recommended Conditions of Approval #4)
2. Fire Protection: The subject property is in the Caldwell Rural Fire District. Exhibit C-4 states that they have no issue with the CUP application. Once the improvements have commenced, the Fire District will have issues with access, storage of hazardous materials, and setbacks. (See Recommended Conditions of Approval #7)
3. Sewage Disposal: The applicant did not include a sewage disposal plan for this application. Exhibit C-2, the agency response from Southwest District Health Department, questions the 35 employees and the waste water generated by them. Exhibit C-9 is an email from Southwest District Health Department stating that portable sanitation units (porta-potties) are only designed for temporary use IDAPA 58.01.03 (004. 09). (See Recommended Conditions of Approval #8)

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4. Water Service: The application did not indicate the type of water supply being proposed; it was marked as not applicable.

H. As to the applicable comprehensive plan:

1. The applicable comprehensive plan is in favor because: This application is consistent with multiple comprehensive plan policies and lies within both the Notus and Greenleaf Impact Areas where industrial development is encouraged.
2. The application complies with the following comprehensive plan policies:
 - a) Property Rights Policy No. 1
 - b) Property Rights Policy No. 2
 - c) Population Policy No. 1
 - d) Economic Development Policy No. 2
 - e) Economic Development Policy No. 3
 - f) Overall Land Use Policies Commercial and Industrial Policy No. 1
 - g) Overall Land Use Policies Commercial and Industrial Policy No. 2
 - h) Overall Land Use Policies Commercial and Industrial Policy No. 3
 - i) Natural Resources Mineral Resources Policy No. 2
 - j) Natural Resources Mineral Resources Policy No. 3
 - k) Natural Resources Mineral Resources Policy No. 4
 - l) Public Services and Facilities and Utilities Policy No. 5
 - m) Public Services and Facilities and Utilities Policy No. 6
 - n) Public Services and Facilities and Utilities Policy No. 7
 - o) Transportation Policy No. 3
3. The application does not comply with the following comprehensive plan policies:
 - a) Property Rights Policy No. 2
 - b) Natural Resources Mineral Resources Policy No. 1
 - c) Hazardous Area Policy No. 2
 - d) Community Design Policy No. 5

I. As to the applicable law:

1. CCZO 08-026 is applicable because the application was accepted on April 22, 2009.

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2. Section 07-01-05 is applicable because the subject property is located in unincorporated Canyon County and is not within any city limits.
3. Section 07-10-25 (4) CC is applicable because the applicant is requesting to operate a Mineral Extraction (long term) as provided for in Article 18 of this chapter.
4. Section 07-10-47 is applicable because the subject property is located in an "AE" Flood Zone, with Floodway.
5. Section 07-18-05 (1) is applicable because the applicant is requesting to operate a Mineral Extraction (long term).

CONCLUSIONS OF LAW

The Conclusions of Law stated below are made in reliance upon and with specific reference and adoption of the General Findings of Fact stated above and are incorporated herein by reference as though set forth in full.

1. Case File # CU2009-11 complies with CCZO 07-07-05A: Is the proposed use permitted in the zone by conditional use permit?

Yes, section 07-10-25 (4) CC. Mineral Extraction (long term) is allowed by Conditional Use Permit in the Agriculture Zone.

2. Case File # CU2009-11 complies with CCZO 07-07-05B: What is the nature of the request?

Clements Concrete Co. is requesting to expand the adjacent approved gravel operation CU2006-97 onto approximately 135 acres. This operation will include mineral extraction, processing, and related activities, including, but not limited to mining, crushing, stock piling, hauling, and trucking.

3. Case File # CU2009-11 complies with CCZO 07-07-05C: Is the proposed use consistent with the Comprehensive Plan?

Yes, this application is consistent with multiple comprehensive plan policies and lies within both the Notus and Greenleaf Impact Areas where industrial development is encouraged. This operation will also provide employment opportunities for the citizens of Canyon County.

4. Case File # CU2009-11 complies with CCZO 07-07-05D: Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?

No, if the proposed use is developed as described and in accordance with all the conditions of the previously approved CU2006-97 and the conditions recommended by staff, the proposed use will not be injurious to other property in the immediate vicinity and will not change the essential character of the area as there are 8 approved gravel pits directly west and south within one (1) mile of the subject property, to the North is the Boise River, and to the east is agricultural ground with one residence between this proposed expansion and the Boise River.

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5. Case File # CU2009-11 complies with CCZO 07-07-05E: Will adequate water, sewer, irrigation, drainage and storm water drainage facilities, and utility systems be provided to accommodate the use?

Yes, if the proposed use is developed as described and in accordance with all the conditions of the previously approved CU2006-97 and the conditions recommended by staff, adequate water and sewer would be available. Irrigation, drainage, and storm water drainage facilities are addressed in the reclamation plan. Applicable utility systems will be provided for this proposed use.

6. Case File # CU2009-11 complies with CCZO 07-07-05F: Does legal access to the subject property for the development exist or will it exist at the time of final plat?

Yes, this application is an extension of CU2006-97 and is not requesting any new access. The applicant is requesting to use the access for CU2006-97 and the existing residential/agricultural access onto Dixie River Road that they plan to use for standard vehicle access to portions of the property. Exhibit D-8, an approval for the main gravel pit access onto Dixie River Road from Canyon Highway District #4 states the requirements for location and construction of the access that must be completed prior to construction or use of the site.

7. Case File # CU2009-11 complies with CCZO 07-07-05G: Will there be undue interference with existing or future traffic patterns?

No, Exhibit C-11, a letter from Canyon Highway District #4 states that based on the application, this additional property will not intensify the use of the site, only extend the duration of use. No revision to the previous traffic study and supplements is necessary based on the addition of this property.

8. Case File # CU2009-11 complies with CCZO 07-07-05H: Will essential services be provided to accommodate the use, including but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?

Canyon County Ambulance District submitted an agency response that stated the district does not oppose this application. There has been no indication from other agencies regarding additional funding or any negative impacts that may be created by the requested use.

9. Case File # CU2009-11 complies with CCZO 07-18-05: The decision making body shall consider the following:

- a) The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses: The surrounding land uses are agricultural with sporadic residential including eight (8) gravel pits within 1 mile of the subject property, one (1) dairy within one (1) mile, and five (5) feedlots within two (2) miles of the subject property.
- b) Duration of the proposed use: The Commission has considered the duration of 40 years to be appropriate.

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- c) Setbacks from surrounding uses: The Commission concludes that a 150' setback from the river and standard code setbacks are appropriate.
- d) Reclamation plan as approved by Idaho Department of Lands: The reclamation plan was approved.
- e) The locations of all proposed pits and any accessory uses: The appropriate locations were considered and found to be acceptable.
- f) Recommendations from applicable government agencies; Exhibits C-1 through C-15 are the recommendations from agencies, were considered and integrated as appropriate.

ORDER

Based upon the Findings of Fact and Conclusions of Law contained herein, the Commission approves Case #: CU2009-11, a request by Clements Concrete Co. to operate a gravel pit on five (5) parcels that total approximately 135 acres, subject to the Conditions of Approval attached as Exhibit A.

DATED this 20th day of August, 2009.

By: [Signature], Chairperson
Canyon County Planning and Zoning Commission

ATTEST:

[Signature]

EXHIBIT A

CONDITIONS OF APPROVAL

1. The operation shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property and operation.
2. The following conditions of approval for CU2006-97 (See attached Exhibit B) Conditions #8, 9, 14, 15, 16, 17, 20, and 21 shall also apply to this application and are subject to any modifications thereto for this application, or different conditions adopted in this decision. These conditions must be substantially complied with prior to the sale or distribution of concrete or aggregate products from the gravel operation on the five (5) parcels referenced in this application.
3. The operator shall provide Development Services Department (DSD) with a copy of the approved Reclamation Plan and the required bonds, which includes the five (5) parcels referenced as part of this application, prior to the commencement of any site improvements or operations.
4. Duration of the gravel pit operation shall not exceed 40-years.
5. There shall be no mixing, batching, or batch plant, on the five (5) parcels referenced as part of this application, as indicated on the application submitted by the representative without first obtaining land-use approval from the hearing body having jurisdiction.
6. This operation shall comply with the fire code currently adopted by the Idaho State Fire Marshal and all fire department regulations, including fees pertaining to the fire department that has jurisdiction, and shall supply DSD with an approved fire permit prior to commencing site improvements or commercial operations from any portion of the five (5) parcels approved under CU2009-11. A rural fire access permit shall be obtained and submitted to DSD for any structure requiring a building permit.
7. Prior to the sale or distribution of concrete or aggregate products from the five (5) CU2009-11, the owner/operator shall comply with the requirements of Southwest District Health Department for septic systems indicated for commercial operations on the parcels encompassed by CU2006-97 and CU2009-11, and shall supply DSD with a copy of the required permits, indicating that appropriate rest room facilities have been installed.
8. Development, including berms and ponds, shall not occur in the floodway without a zero rise certificate and supporting data.
9. A Floodplain Development Permit must be issued prior to the commencement of development on the five (5) parcels.
10. There shall be a 150 foot no development buffer from the existing channel of the Boise River.
11. There shall be an approximately 600 foot landscaped buffer up to the center point ditch. The landscaped buffer would include deciduous and evergreen trees with a minimum of 10 foot spacing maintained in a living condition so that it provides a reasonable visual barrier before operations come within 1000 feet of R36063.

CONDITIONS OF APPROVAL

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EXHIBIT B

APPLICABLE CONDITIONS OF APPROVAL FROM CU2006-97

1. Condition #8 A forty (40) foot right-of-way from the centerline of each road shall be dedicated along Dixie River Road and Red Top Road frontages of the site for future road widening, or as otherwise required by the standards and regulations of the local highway district(s) having jurisdiction;
2. Condition #9 In addition to the road improvements referenced herein above as Condition of Approval 7, Applicants/Appellants will in conjunction with other local gravel operations, undertake and complete, in proportion to their use, additional necessary upgrades to existing roadways as required by the local highway district(s) having jurisdiction prior to the commencement of commercial mining operations, transportation, or sale of commercial product from the site.
3. Condition #14 A twenty (20) foot wide buffer shall be reserved adjacent to all irrigation canals and drains flowing through the parcel being actively mined, provided that such is not otherwise addressed in paragraph 13 above;
4. Condition #15 Stock piling of sand, gravel, aggregate, or other commercial products of the Applicants/Appellants shall not exceed thirty (30) feet in height;
5. Condition #16 Any office and shop structures shall meet commercial building codes and requirements as set forth by the Canyon County Building Department;
6. Condition #17 The Applicants/Appellants shall comply with CCZO 05-002, 07-10-09, relating to commercial signs;
7. Condition #20 Normal day-to-day business hours for the gravel and concrete batching operations shall be Monday through Saturday, 5:00 am through 7:00 pm. The allowable business hours for the crushing operation shall be Monday through Friday from 7:00 am through 5:00 pm. Retail sales and deliveries for the gravel operation may additionally occur Saturday 7:00 am through 12:00 noon. Concrete operation, including batching, may take place at any time during normal, day-to-day business hours. The operations will be closed Sundays and on traditional legal holidays. No crushing shall occur on-site at anytime on Saturdays, Sundays, or on traditional legal holidays. Equipment maintenance and repair shall be done during normal, day-to-day operation hours, Monday through Saturday;
8. Condition #21 Notwithstanding the provisions of Condition of Approval 20, following a request by a public or private agency arising from a bona fide emergency, including floods, spills, catastrophic accident, or other unforeseen events requiring gravel, fill, or other pertinent products of the Applicants/Appellants, are authorized to respond to such emergency and if necessary to operate twenty-four (24) hours per day, seven (7) days a week during the time reasonably necessary to satisfy such emergency need;



Canyon County Planning and Zoning Commission Burch Co. LLC, CU2019-0013 FCO's

Development Services Department

Findings of Fact, Conclusions of Law, Conditions of Approval, and Order

Burch Co. LLC - Conditional Use Permit for Mineral Extraction Use

Findings of Fact

1. The applicant Burch Co. LLC is requesting a conditional use permit to allow a long-term mineral extraction and crushing use on Parcel 35942010. The vacant property is located adjacent to 22950 Notus Road, Caldwell, a portion of the SE ¼ of Section 3, Township 4N, Range 4W, Canyon County, Idaho.
2. The subject properties contain approximately 34.55 total acres. The parcel was created through land division in 2002 (LS2002-372).
3. The subject property is zoned "A" (Agricultural). 2020 Comprehensive Plan Future Land use Map designated the parcel as "agricultural".
4. The subject property is located within the Notus City Impact Area.
5. The request has been tabled multiple times by the Planning and Zoning Commission (September 5, 2019, October 17, 2019 and November 7, 2019).
6. Notifications were made in accordance with CCZO §07-05-01. Notifications were mailed to the applicant and property owners August 13, 2019 and November 26, 2019. The legal notice was published to the Idaho Press Tribune on August 20, 2019 and December 3, 2019. Agencies were notified on June 25, 2019. The property was posted on August 26, 2019 and December 9, 2019.
7. The record includes all testimony, staff reports, exhibits, and documents in case file CU2019-0013.

Conclusions of Law

For this request, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for Conditional Use Permit (§07-07-05):

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

Conclusion: The subject property is zoned "A" (Agricultural). Long term mineral extraction and associated uses are allowed by conditional use permit (CUP) in the agricultural zone (CCZO §07-10-27).

Finding: Canyon County Zoning Ordinance, §07-10-27 Pursuant to CCZO §07-02-03, Mineral Extraction is defined as, *"The various activities associated with the excavation of mineral resources, including, but not limited to, gravel, from the ground."*

Pursuant to CCZO §07-10-27, mineral extraction is allowed in the "A" zone subject to a conditional use permit. The application for a conditional use permit was submitted on June 10, 2019.

2. What is the nature of the request?

The applicant is requesting to establish a gravel mining operation to include crushing, hauling, scale/scale house and staging on the subject property in accordance with the site plan (Exhibit 1, Attachment B), reclamation plan S602974 (Exhibit 1 Attachment C), and applicant's letter of intent (Exhibits 1, Attachment A). The applicant is proposing the following:

- Mining: The 34.55 acre parcel will be mined in five (5) acre increments. Areas not mined will continue to be farmed for livestock feed. Gravel will be removed and relocated to a dry elevation to be crushed into useable proportions for road mix, chip and drain rock. The operation is small scale, family owned. The use will include a scale office served by well and septic. Vinyl fencing is proposed along the perimeter.
- Duration: 30 years
- Employees: Two (2)

- Hours of operation: 5AM to 6PM, Monday through Friday; 6AM to 6PM, Saturday. Barriers and berms will be used for noise abatement, as needed.
- Access: Notus Road. The applicant anticipates ten (10) truck trips per day.
- Sign: 8' x 12' sign, not exceeding five feet in height.

3. Is the proposed use consistent with the Comprehensive Plan?

Conclusion: The proposed use is consistent with multiple goals and policies of the 2020 Canyon County Comprehensive Plan.

Finding: The proposed use is consistent with multiple goals and policies of the Comprehensive Plan including but not limited to:

- Property Rights Policy No. 1: *"No person shall be deprived of private property without due process of law."*
- Land Use Component Goal No. 2: *"To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surround area."*
- Land Use Component Goal No. 5: *"Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area."*
- Natural Resources Component E. Mineral Resources No. 4: *"Consideration should be given, but not limited to the following impacts: economic value of the ground, access to the ground, compatibility with surroundings, noise, traffic, visual aesthetics and flooding."*
- Natural Resources Component E. Mineral Resources No. 5: *"Encourage sand and gravel extraction and associated uses to mitigate adverse impacts on surrounding land uses and natural resources."*
- Natural Resources Component E. Mineral Resources No. 6: *"Mineral extraction sites should be designed to facilitate their reclamation for future use."*
- Agriculture Component Policy No. 4: *"Development shall not be allowed to disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way."*

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

Conclusion: The proposed use will not change the essential character of the area. Potential impacts to the area will be mitigated by conditions of approval.

Finding: The parcel and surrounding area is zoned "A" (Agricultural). Future land use designation for the area is "agricultural". Although houses exist in the area, the area is not anticipated to support residential growth. There are no subdivisions within the area. The nearest subdivisions is located within City of Notus, over 5,000 feet north of the subject parcel.

The parcel is adjacent east to over 1,900 acres of land approved for mineral extraction uses. The subject parcel is approximately 3,000 feet south of the Sunroc mineral extraction and batch plant use. Although houses exist in the area, the area is not anticipated to support residential growth. There are no subdivisions within the area. The parcel is adjacent to an existing mineral extraction pit owned by Canyon Highway District that was approved in 2005 (CU2005-62).

Conditions of approval have been applied to reduce potential impacts to the surrounding area. Conditions include recommendation provided by Borton-Lakey (Exhibit 3b) to include hours of operation and landscaping requirements consistent with the adjacent gravel pit (CU2005-62). Burch Co. LLC and/or any future operator must meet all federal, state, and local permitting

requirements for the proposed uses on the property including mineral extraction and crushing operations related to dust, noise from extraction, crushing, and odor as a condition of approval.

Majority of the parcel is located within a floodplain. In accordance with Floodplain Development Permit DP2019-0027, the use must comply with all floodplain development standards in the Canyon County Zoning Ordinance (CCZO Section 07-10A). At the time of reclamation, evidence prepared by a licensed surveyor and/or engineer shall be submitted to Development Service Department demonstrating the use did not alter existing base flood elevation data provided by FEMA. If base flood elevation data is altered due to the mineral extraction use, the applicant shall submit to Development Services an approved LOMR (Letter of Map Revision).

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

Conclusion: Adequate facilities for sewer, irrigation, drainage and storm water drainage facilities, and utility systems will be required at the time of development.

Finding: The operation will require septic system and well to service the proposed scale house. The scale house will require a building permit which at that time a permit from Southwest District Health will be required.

Due to the laterals along the west and south borders of the property and the drain at the north boundary of the property, a condition has been applied to ensure all irrigation ditches, lateral and drains are protected from the use including dewatering.

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

Conclusion: Access is proposed via Notus Road along the east property boundary line, approximately 1,000 from the Dixie River Road/Notus Road intersection.

Finding: The subject parcel has frontage along two roads: Notus Road, a minor arterial, and Ode Lane, an urban local road. Access is proposed at Notus Road along the east property boundary line approximately 1,000 from the Dixie River Road/Notus Road intersection. The access will mirror the Canyon Highway District pit access adjacent east of the subject parcel (Parcel R35944). As a condition of approval, Golden Gate Highway District requires a variance for the access location and a commercial access/approach.

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

Conclusion: As conditioned, the mining of the subject property will not create undue interference with existing or future traffic patterns.

Finding: Due to the applicant proposing phased mining in five acre increments with ten (10) truck trips per day, it may reduce traffic generation low enough to adequately mitigate impacts. However, Golden Gate Highway District requires the following conditions of approval (Attachment D):

1. Each phase of extraction shall be limited to five acres as proposed by the applicant. It is requested that only one phase at time be actively mined for mineral extraction and crushing.
2. Access onto Notus Road is subject to variance approval by the Highway District Commissioners.
3. TIS (Traffic Impact Study) shall focus on turn lane warrants at the entrance to the proposed gravel pit.
4. The access variance and TIS are intertwined issues. The applicant should consider voluntary mitigation such as constructing right turn lane into the proposed entrance.
5. Completion of variance conditions of approval (to-be-determined) and TIS required improvements (to-be-determined) shall be listed as a specific Canyon County required Condition of Approval in the event the Conditional Use Permit is granted.

6. The applicant shall secure a Commercial Approach Permit from Golden-Gate Highway District for the proposed access into the subject parcel. TIS mitigation improvements by the applicant shall also require engineering plan approval and construction permits from Golden-Gate Highway District.

Idaho Transportation Department does not oppose the request or find the use to impact the State highway system.

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

Conclusion: Essential Services are available in the area and the proposed use of long term mineral extraction should not require additional public funding to accommodate the use.

Finding: Agencies were notified of the intended use. No comments were received indicating that services would not be provided or be negatively impacted by this application.

Additional Standards §07-14-19 Mineral Extraction Long Term:

When making a decision for a conditional use permit for the use, the decision making body shall consider the following:

1. **The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses;**

Conclusion: The use is compatible with the surrounding properties.

Finding: The parcel is adjacent east to over 1,900 acres of land approved for mineral extraction uses. The subject parcel is approximately 3,000 feet south of the Sunroc mineral extraction and batch plant use. The parcel is adjacent to an existing mineral extraction pit owned by Canyon Highway District that was approved in 2005 (CU2005-62). Conditions applied to the requested use will minimize impacts to the surrounding area.

2. **Duration of the proposed use;**

Conclusion: The proposed duration is 30 years.

Finding: According to CCZO 07-07-23: Provisions for Land Use Time Limitations; “gravel pits are exempt from commencement and time completion requirements. The presiding party has the discretionary power to establish commencement and completion requirements as specific conditions of approval for gravel pits.” The applicant is requesting a permit to operate for a duration of 30 years on the subject property.

3. **Setbacks from surrounding uses;**

Conclusion: The applicant shall comply with CCZO §07-14-19 standards.

Finding: according to the site plans (Attachment B) the gravel pit will be located outside of irrigation laterals and drain. As a condition of approval, the applicant must maintain a minimum of 30 feet from all property boundary lines. All ditches, canals, laterals and rights of ways shall not be disturbed, re-routed, changed without proper permitting and agreements with the appropriate irrigation company/associations.

4. **Reclamation plan as approved by Idaho Department of Lands;**

Conclusion: An approved reclamation plan is approved as S602974 dated November 26, 2019.

Finding: The applicant has submitted a reclamation plan S602974 (Attachment C) approved by Idaho Department of Lands. A condition of approval has been applied to ensure all conditions required by Idaho Department of Lands are met.

5. The locations of all proposed pits and any accessory uses;

Conclusion: The applicant has provided a site plan showing locations of proposed pits and operations (Attachment B).

Finding: The applicant has provided a site plan showing locations of proposed pits and operations.

6. Recommendation from applicable government agencies

- A traffic impact study, access variance and commercial approach is required by the Golden-Gate Highway District #3 (Attachment D).
- Department of Lands approved Reclamation Plan with required conditions (Attachment C).

Conditions of Approval

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the subject property and the proposed use.
2. The operation permitted is for mineral extraction and processing on approximately 34 acres to include crushing, staging, and hauling operations. There will be five employees and mining equipment parking and scales on the property. Mining operations and reclamation shall be in substantial conformance with the approved reclamation plan S602974 (Attachment C), Letter of Intent (Attachment A), and Site Plan (Attachment B) as further restricted by the conditions below.
3. The proposed scale-house shall obtain a building permit from the Development Services Department prior to commence of use.
4. Prior to commencement of use, the development shall comply with the rules, recommendations and conditions of:
 - Golden-Gate Highway District No. 3: Attachment D - Conditions 1-6
 - Idaho Department of Lands: Attachment C - Conditions 1-7 and a copy of bond payment submitted to the Development Services Department.
5. In accordance with Floodplain Development Permit DP2019-0027, the use must comply with all floodplain development standards in the Canyon County Zoning Ordinance (CCZO Section 07-10A). At the time of reclamation, evidence prepared by a licensed surveyor and/or engineer shall be submitted to Development Service Department demonstrating the use did not alter existing base flood elevation data provided by FEMA. If base flood elevation data is altered due to the mineral extraction use, the applicant shall submit to Development Services an approved LOMR (Letter of Map Revision) from FEMA.
6. In accordance with Floodplain Development Permit DP2019-0027, at the time of reclamation, a surface water rights permit shall be obtained from Idaho Department of Water Resources.
7. The operator shall maintain a minimum 30 foot undisturbed perimeter along the property boundaries in accordance with CCZO §07-14-19 (1) except along Parcel R35942 where a minimum of 50 feet is required.
8. There shall be no stockpiles or berms of overburden, sand, gravel or other material located or placed within 300 feet of the western boundary of the subject property along Ode Lane.
9. Development shall not impede, disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way.
10. Alterations of irrigation structures located on the property shall be conducted only with written approval from the irrigation company having jurisdiction and Drainage District 6. The alterations shall not impede or affect water delivery or drainage to and from adjacent properties/water users.
11. Water, surface and groundwater shall be discharged in accordance with state, federal, and local standards and/or regulations. Sediment shall not be discharged from the site, in process or stormwater overflow, into the irrigation structures on site.
12. The duration of the proposed operations on the subject parcel shall be 30 years (December 19, 2049).

13. Hours of operation shall be Monday through Saturday, 7:00 a.m. to 6:00 p.m. There shall be no operations on Sundays. 24 hour operations are not requested or approved.
14. The storage of diesel fuel, petroleum products, and any other hazardous materials must meet the standards set forth by the applicable agencies.
15. Noise emissions shall follow the regulations and standards of OSHA and MSHA.
16. A landscaped buffer area providing a visual barrier consisting of one row of hybrid poplars or similar fast-growing deciduous trees and one row of evergreens shall be planted in an offsetting pattern, on all property boundaries, except the north property boundary, prior to commencing excavation and operations of the property. The deciduous trees planted in this visual barrier shall be at least six feet in height and the evergreens shall be at least four feet in height. All trees shall be maintained in a living condition. The visual barrier shall be kept free of weeds. A landscaping plan demonstrating adequate spacing fulfilling this requirement shall be submitted for approval to the Development Services Department prior to installing the visual barrier.
17. Dust shall be controlled in accordance with applicable federal, state, and county laws, ordinances, rules and regulations that pertain to operations including, but not limited to, nuisance regulations (CCCO Chapter 2 Article 1: Public Nuisances).
18. The use shall be in compliance with all applicable Off-Street Parking and Loading regulations (CCZO Section 07-13-01 and 07-13-03).
19. Crushing equipment and operations shall be no closer than 400 feet from Parcel R35942

Order

Based upon the Findings of Fact and Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case # CU2019-0013, a conditional use permit to allow a long term mineral extraction on approximately on Parcel R35942010 as conditioned herein.

APPROVED this 19th day of December, 2019.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO



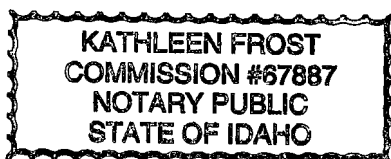
Richard Hall, Chairman

State of Idaho)

SS

County of Canyon County)

On this 19th day of December, in the year 2019, before me Kathleen Frost, a notary public, personally appeared Richard Hall, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he(she) executed the same.



Notary: K Frost

My Commission Expires: 6-3-2022

ATTACHMENT A

June 10, 2019

Gator Pit Gravel Mine
00 Notus Road
Parcel R3594201000
T04N R4W Section 3, SWSE

Proposed gravel mine from the above mentioned 34.55 Acre parcel.

The intentions are to mine 5 acre increments, moving gravel out of water to dry elevation, to be crushed into useable proportions of ¾ Road mix, 2" Road mix, ¾ Chip, and 2" Drain rock.

Operations are intended to operate or "Crush" in winter months and Excavate and mine in the Spring, Summer and Fall on a Monday thru Saturday schedule from the hours of 05:00 am until 06:00 pm.

During and upon completion the area that is not mined will continue to be farmed for livestock feed in Agricultural use.

This proposed gravel pit will be a small scale, family owned and operated project with 2 employees, and an expected amount of traffic in and out on a daily basis of around 10 trips. There will be a sign of approximately 8 X 12 about 5 feet off the ground at the entrance off Notus Road.

A well and septic will service the sewer and water for a small office for a scale shack. The existing irrigation water will be used on site to maintain agricultural purposes.

All roads will be maintained and watered for dust abatement and the operation will be in daylight only hours for noise abatement purposes as well as barriers and berms as needed.

Any other negative impacts will be mitigated upon request for resolution.



Donald Burch
116 S KCID Road
Caldwell, ID 83605
208-870-0124

LAND USE WORKSHEET



CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

1115 Albany Street, Caldwell, ID 83605

www.canyoncounty.org/dsd.aspx

Phone: 208-454-7459

Fax: 208-454-6633

Please check all that apply to your request:

GENERAL:

1. DOMESTIC WATER:

- ☒ Individual Domestic Well ☐ Centralized Public Water System ☐ City
☐ N/A - Explain why this is not applicable _____

How many Individual Domestic Wells are proposed? 1

2. SEWER (Wastewater)

- ☒ Individual Septic ☐ Centralized Sewer System ☐ City

☐ N/A - Explain why this is not applicable _____

3. IRRIGATION WATER PROVIDED VIA:

- ☒ Surface ☐ Irrigation Well ☐ None

4. IF IRRIGATED, PROPOSED IRRIGATION:

- ☐ Pressurized ☒ Gravity

5. ACCESS:

- ☒ Frontage ☐ Easement

6. INTERNAL ROADS:

- ☐ Public ☒ Private

7. FENCING:

- ☒ Fencing will be provided (please show location on site plan as well)
Type WIRE Height 6'

8. STORMWATER:

- ☒ Retained on site ☐ Swales ☐ Ponds ☐ Borrow Ditches
☐ Other _____

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

RESIDENTIAL USES :

1. Number of Lots requested:

☐ Residential _____ ☐ Common _____ ☐ Non - Buildable _____

2. Fire Suppression:

☐ Structure ☐ Wild land ☐ Other _____

3. Are you proposing any of the following:

☐ Sidewalks ☐ Curbs ☐ Gutters ☐ Streetlights ☒ None

NON-RESIDENTIAL USES :

1. Specific Use: _____

2. Days and hours of Operation:

| | | | |
|-----------------------------------------------|------------|----|------------|
| <input checked="" type="checkbox"/> Monday | _____ 5 AM | to | _____ 6 PM |
| <input checked="" type="checkbox"/> Tuesday | _____ 5 AM | to | _____ 6 PM |
| <input checked="" type="checkbox"/> Wednesday | _____ 5 AM | to | _____ 6 PM |
| <input checked="" type="checkbox"/> Thursday | _____ 5 AM | to | _____ 6 PM |
| <input checked="" type="checkbox"/> Friday | _____ 5 AM | to | _____ 6 PM |
| <input checked="" type="checkbox"/> Saturday | _____ 6 AM | to | _____ 6 PM |
| <input type="checkbox"/> Sunday | _____ | to | _____ |

3. Will you have employees? ☒ Yes ☐ No If so, how many? 2

4. Will you have a sign?

☒ Yes ☐ No
☐ Lighted ☒ Un-Lighted

Height: 8' Width: 12'

Height above ground: 5'

ANIMAL CARE RELATED USES:

1. Maximum number of animals: _____

2. How will animals be housed at the location?

☐ Building ☐ Kennel ☐ Individual Housing ☐ Other _____

3. How do you propose to mitigate noise?

☐ Building ☐ Enclosure ☒ Barrier/Berm ☐ Bark Collars

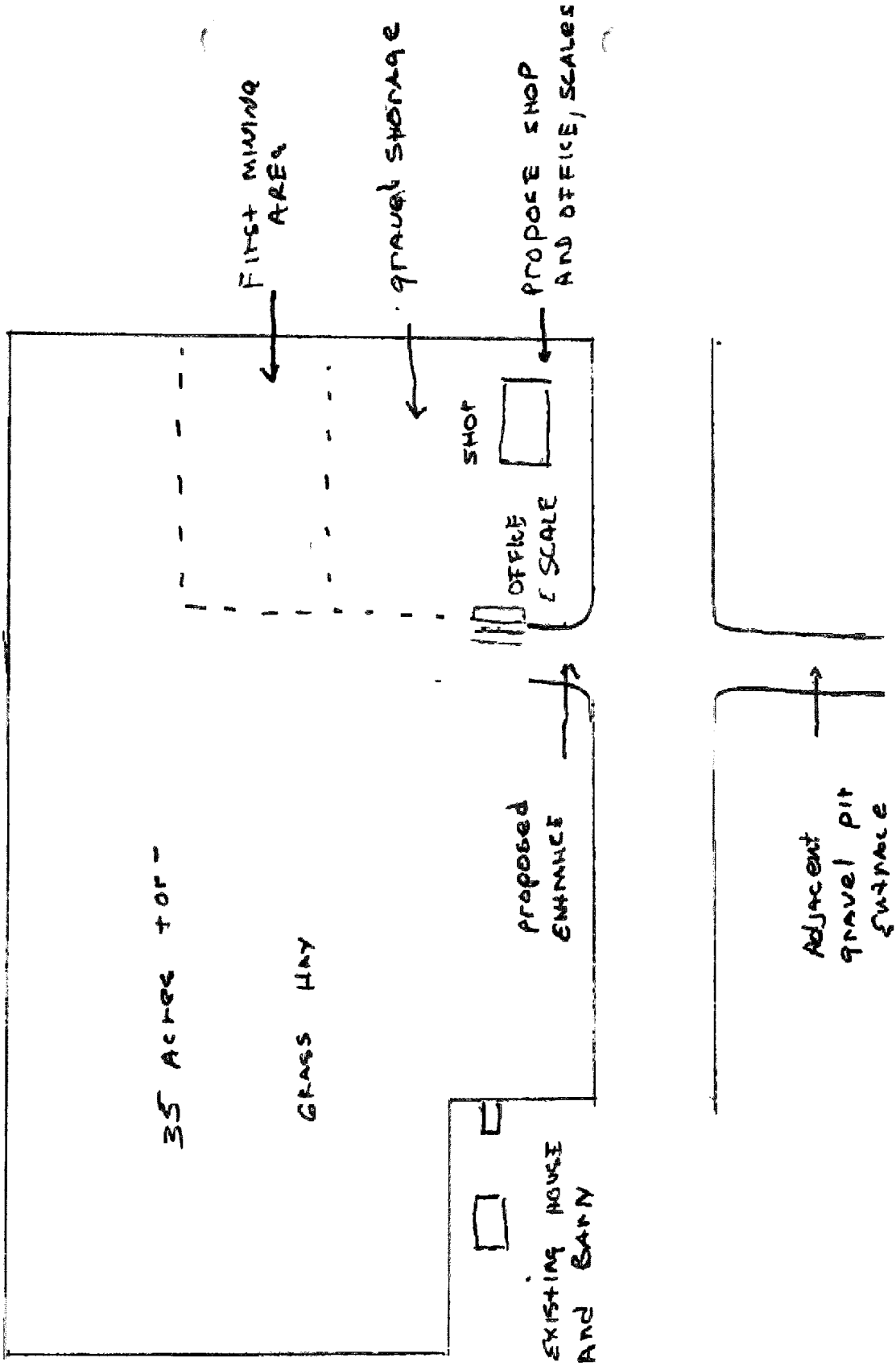
4. Animal Waste Disposal

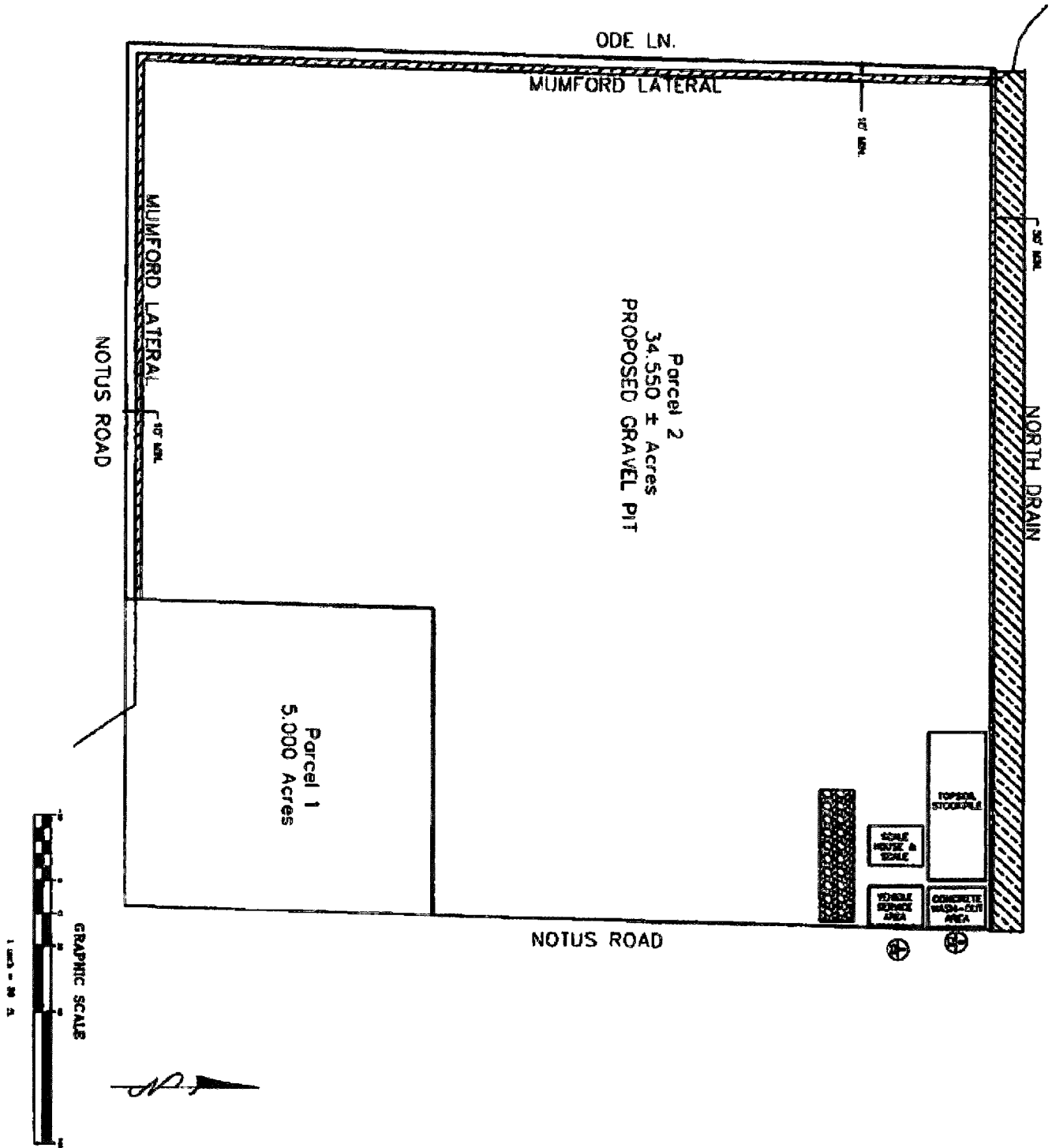
☐ Individual Domestic Septic System ☐ Animal Waste only septic system

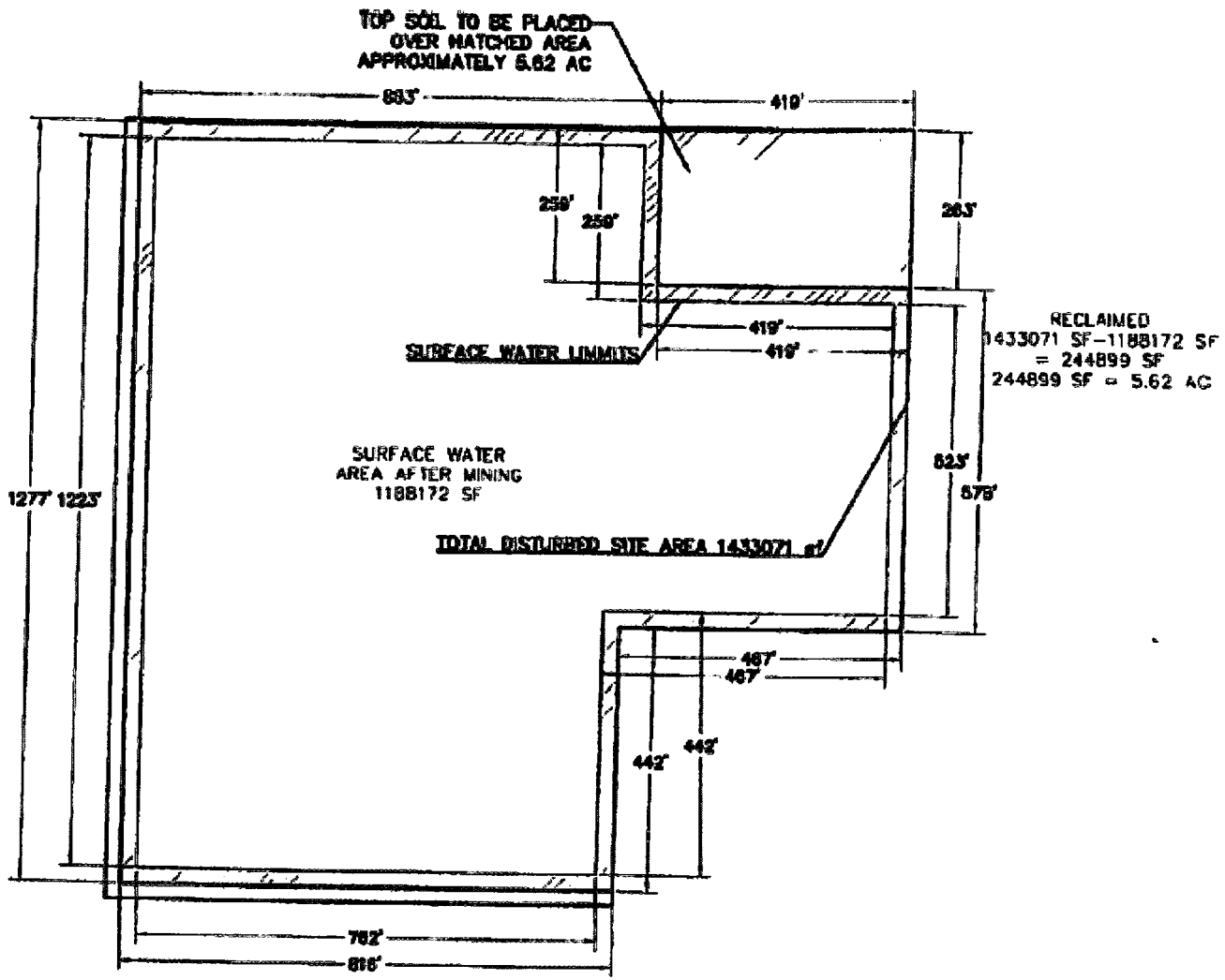
☐ Other _____

ATTACHMENT B

9 A+0R Pit







ATTACHMENT C

SOUTHWEST SUPERVISORY AREA
8355 West State Street
Boise ID 83714-6071
Phone (208) 334-3488
Fax (208) 853-6372



STATE BOARD OF LAND COMMISSIONERS
Brad Little, Governor
Lawrence E. Denney, Secretary of State
Lawrence G. Wasden, Attorney General
Brandon D. Woolf, State Controller
Sherri Ybarra, Sup't of Public Instruction

November 27th, 2019

Don Burch
116 S KCID Road
Caldwell, ID 83605

To whom it may concern,

This correspondence is notification that the following reclamation plan was approved on 11/26/2019:

| <u>PLAN NO.</u> | <u>ACRES</u> | <u>COUNTY</u> | <u>LEGAL DESCRIPTION</u> |
|-----------------|--------------|---------------|--------------------------------------|
| S602974 | 34.55 | Canyon | T04N R04W, Pts. Section 3, Pts. SWSE |

The plan was granted approval subject to the following terms and conditions:

1. All refuse, chemical and petroleum products and equipment shall be stored and maintained in a designated location, 100 feet away from any surface water and disposed of in such a manner as to prevent their entry into a waterway.
2. State water quality standards will be maintained at all times during the life of the operation. Should a violation of water quality standards occur, mining operations will cease immediately, corrective action will be taken, and the Department of Environmental Quality will be notified.
3. Erosion and non-point source pollution shall be minimized by careful design of the site access and implementing Best Management Practices, which may include, but are not limited to:
 - a. Diverting all surface water flows around the mining operation.
 - b. Removing and stockpiling vegetation and slash, except merchantable timber, for use in erosion control and reclamation;
 - c. Removing and stockpiling all topsoil or suitable plant growth material for use in reclamation.
4. In accordance with provisions of Idaho Code title 47, chapter 18, a payment to the state reclamation fund of \$250 for up to 15 of disturbance acres over the next 12 months shall be paid by January 1st, 2019. This payment will constitute financial assurance in lieu of a reclamation bond. Approval of this reclamation plan is conditioned upon receipt of the above payment by the date shown and annual payments in accordance with Idaho Code title 47, chapter 18 and IDAPA 20.03.03.

Please ensure that you complete the enclosed acknowledgment and return it with your payment. This reclamation plan will be considered in good standing upon receipt of the above payment and signed acknowledgment.

5. If the reclamation plan is not bonded within 18 months of approval, or if no operations are conducted within three years, the department may withdraw this plan. This shall not prevent the operator from re-applying for reclamation plan approval.

6. Acceptance of this permit does not preclude the operator from obtaining other necessary permits and approvals from state and federal authorities, i.e. Storm Water Pollution Prevention Plan (SWPPP), waste water generation and/or air quality permits, consultation with the National Oceanic and Atmospheric Administration Fisheries, U.S. Army Corps of Engineers 404 Permit and Stream Channel Alteration Permits for each production process.

7. At the beginning of each calendar year the operator or plan holder shall notify the director of any increase in the acreage of affected lands which will result from the planned surface mining activity within the next twelve (12) months. A correlative increase in the bond will be required for an increase in affected acreage.

Please note -- pursuant to Idaho Code section 47-1512(a), operations cannot commence until the bond payment established in Stipulation No. 4 is submitted to this department. Failure to submit payment before mining commences may subject you to legal action by the state pursuant to Idaho Code section 47-1513(d), which may include issuance of an order by the district court to temporarily restrain your mining operations without prior notice to you.

If the department does not receive a written notice of objection from you regarding these stipulations by December 11th, 2019, the stipulations will be considered as accepted.

If you have any questions, you may contact me at the above address or telephone number

Sincerely,



Derek Kraft
Senior Resource Specialist

Enclosure(s):

- 1) Bond Assurance Fund Acknowledgement Form

ATTACHMENT D

Golden Gate Highway District No. 3

Commissioners: Virgil Holsclaw, David Lincoln, Fred Sarceda

July 16, 2019

To: Dan Lister, Planner II
Canyon Co. Development Services

From: Gordon Bates, P.E.
Director of Highways

Subject: CU2019-0013 – Burch Co Gravel Pit, Parcel R35942010
Notus Road and Ode Lane

The subject parcel north boundary is within the City of Notus Impact Area and about 0.8 miles from Notus City Limits. The City of Notus may wish to submit separate comments on the proposed Rezone. These comments by Golden Gate Highway District No. 3 (GGHD) in no way represent the City.

I have reviewed the application materials transmitted on 6/25/2019 for a Conditional Use Permit for mineral extraction and crushing. This includes a narrative and map by the Applicant dated 6/10/19. I also had a pre-application meeting with Don Burch on 6/13/19 to review the proposed land use. Several details in the written application differ from the verbal discussion. Golden Gate Highway District #3 (GGHD3) comments exclude verbal discussions.

At this time and based upon said written information provided with the application, the following comments are applicable to the **Conditional Use Permit**:

General Comments:

GGHD3 is not opposed to the proposed land use in and of itself. Potential impacts to the road network are the focus of GGHD3 comments and concerns.

Functional Classification for Notus Road is Minor Arterial on the Functional Classification Map currently adopted by GGHD3. Existing R/W on Notus Road at the subject parcel R35942010 varies. The south boundary is 50 feet wide prescriptive easement (25 feet half width measured from center of roadway). The east boundary is deeded 50-ft wide per 1909 documents. Ultimate R/W width for a rural Minor Arterial is 100 feet (50 feet half width) under current ACCHD Standards Section 3030.010.

Functional Classification for Ode Lane is Urban Local Road (within a mile of City limits) on the Functional Classification Map currently adopted by GGHD3. Existing R/W on Ode Lane at the subject parcel R35942010 is 50 feet wide prescriptive easement (25 feet half width measured from center of roadway). Ultimate R/W width for an Urban Local Road is 56 feet (28 feet half width) under current ACCHD Standards Section 3030.010.

Golden Gate Highway District No. 3

Commissioners: Virgil Holsclaw, David Lincoln, Fred Sarceda

New access is proposed onto Notus Road opposite from the existing approach into an adjacent gravel pit. Notus Road is already a haul route for other gravel pits in the vicinity. Ode Lane most likely does not have adequate structural strength to support heavy truck traffic. However, ACCHD Standards adopted by GGHD3 require new access onto the lower classified roadway, Ode Lane. The Applicant will need to apply for a variance to the Highway District standards.

Transportation Impacts:

ACCHD Standards adopted by GGHD3 require mitigation of traffic impacts from development activities. The level of mitigation is determined by a Traffic Impact Study (TIS) to determine a proposed development's impact upon the existing road network and future transportation system. This requirement is typical for any commercial development and is applied to any new or expanding gravel extraction operation. The Applicant is proposing to limit mining phases to approximately 5 acres each. This may or may not reduce new traffic generation low enough to adequately mitigate for impacts.

The written application provided to the Highway District does not include information regarding voluntary traffic mitigation by the Applicant. At this time, a TIS is warranted to evaluate phase size, traffic generation and turn lane warrants.

Recommendations and Requirements:

At this time and based upon said written information provided with the application, the following requirements are applicable:

1. Phase size shall be limited to 5 acres as proposed by the Applicant. It is requested that only one phase at a time be actively mined for mineral extraction and crushing.
2. Access onto Notus Road is subject to variance approval by the Highway District Commissioners.
3. TIS shall focus on turn lane warrants at the entrance to the proposed gravel pit.
4. The access variance and TIS are intertwined issues. The Applicant should consider voluntary mitigation such as a right turn lane into the proposed entrance.
5. Completion of variance conditions of approval (to-be-determined) and TIS required improvements (to-be-determined) shall be listed as a specific Canyon County required Condition of Approval in the event the Conditional Use Permit is granted.
6. The Applicant shall secure a Commercial Approach Permit from GGHD3 for the proposed access into the subject parcel. TIS mitigation improvements by the Applicant shall also require engineering plan approval and construction permits from GGHD3.

The Highway Districts reserve the right to provide amended comments/conditions of approval in the event of application revision or when additional information becomes available.

GGHD3 requests that Development Services incorporates these comments into proposed Conditions of Approval for consideration/approval by the Planning & Zoning Commission and the Canyon County Commissioners in the event that the Rezone is granted.

EXHIBIT C

Site Visit Photos: September 5, 2024

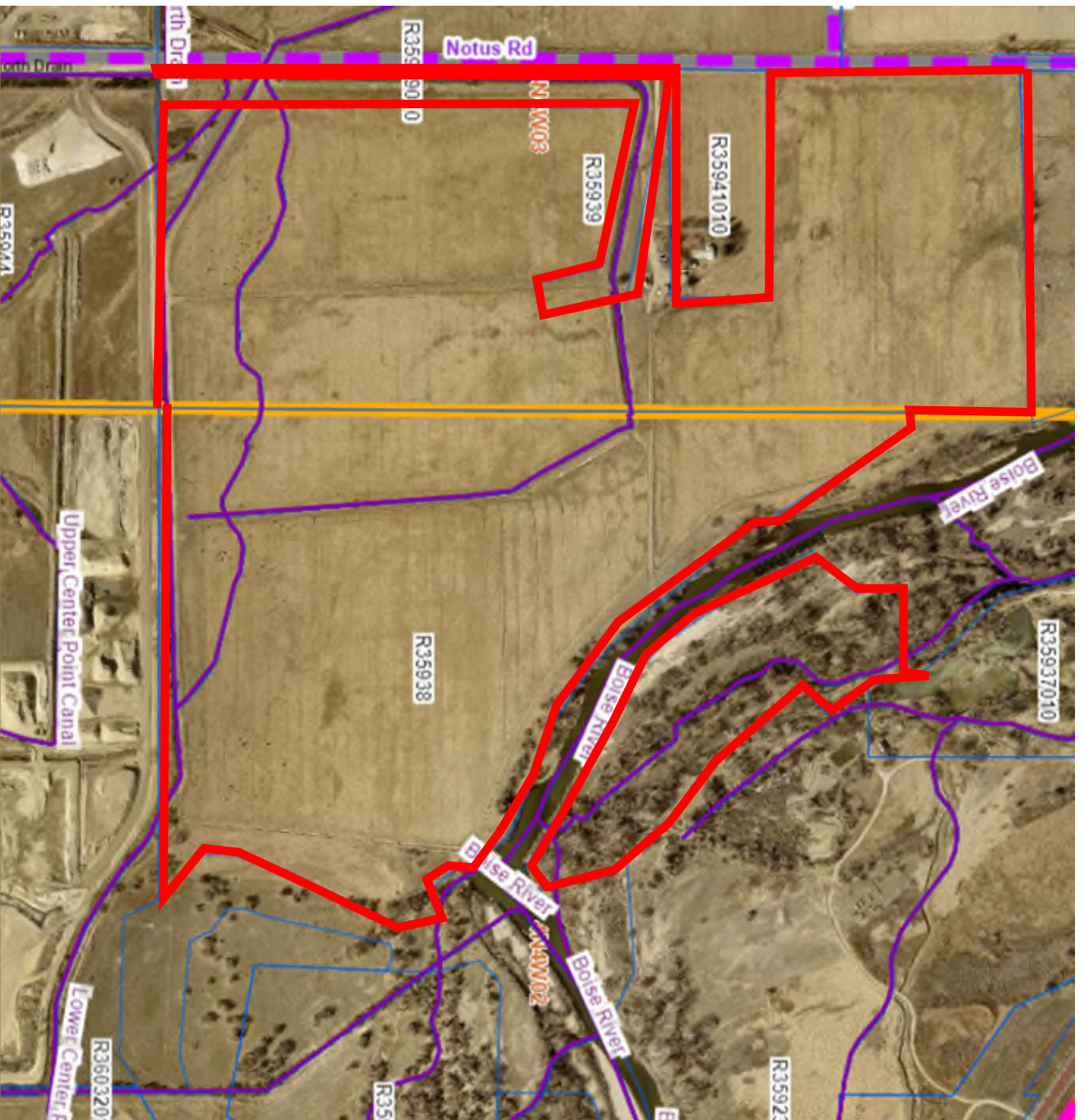
Planning & Zoning Commission

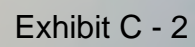
Case# CU2023-0019

Hearing date: January 16, 2025



CU2023-0019 – Nampa Paving
Site Visit 9/5/2024

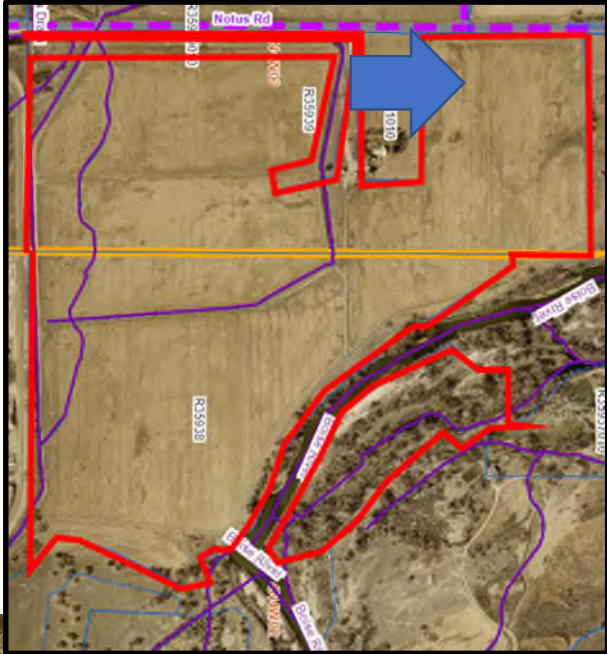


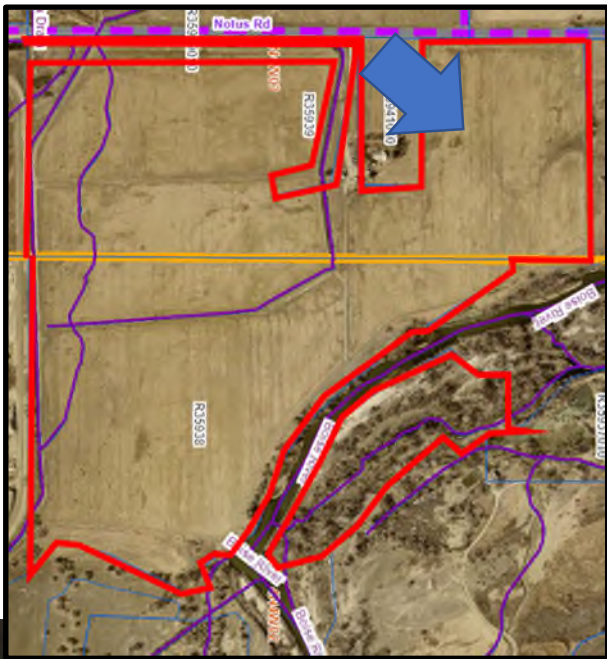


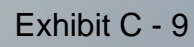


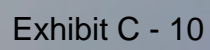


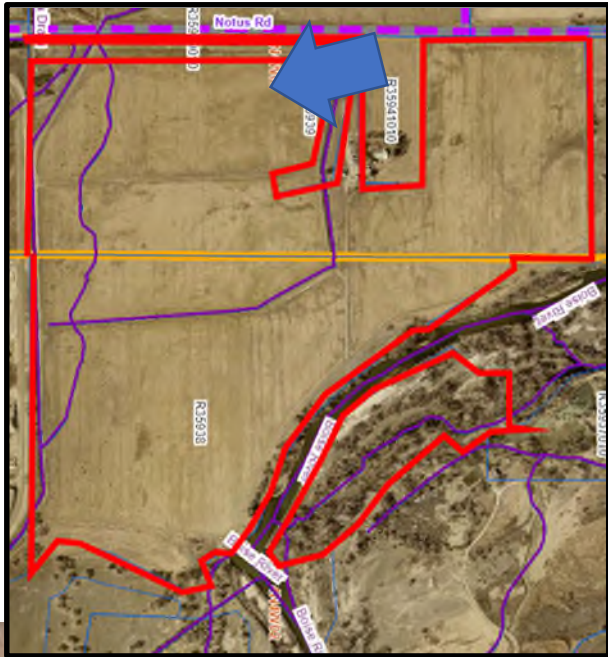




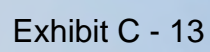
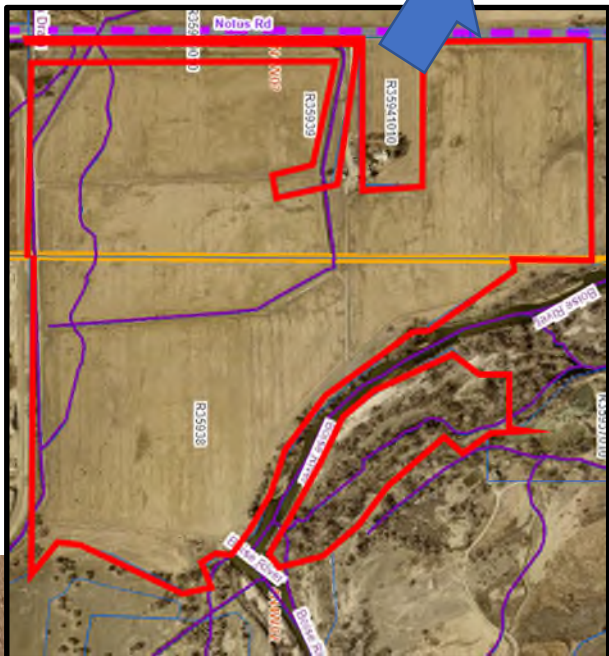


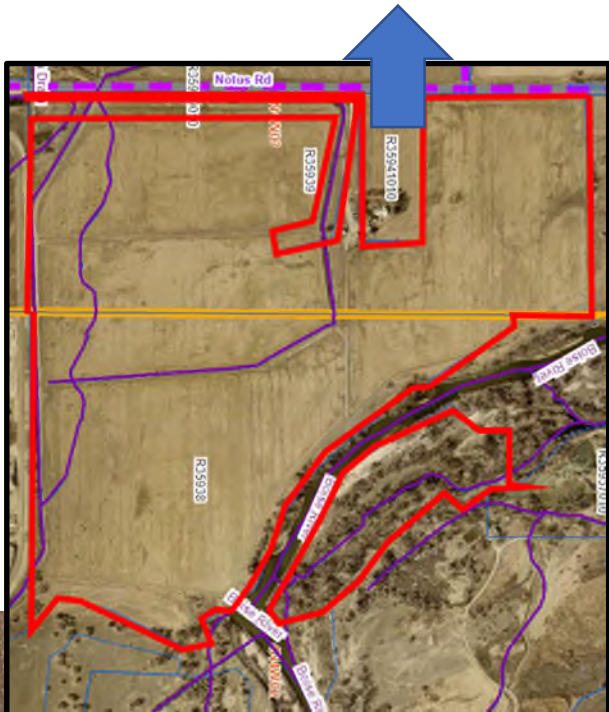












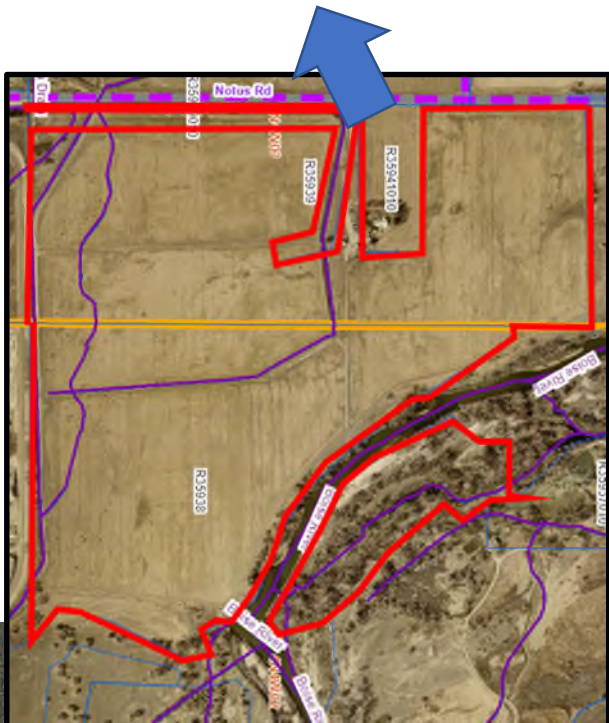




EXHIBIT D

Agency Comments Received by: January 6, 2025

Planning & Zoning Commission

Case# CU2023-0019

Hearing date: January 16, 2025

Dan Lister

From: Anthony Lee <Anthony.Lee@swdh.id.gov>
Sent: Tuesday, July 30, 2024 2:13 PM
To: Dan Lister
Subject: [External] RE: Initial Agency Notification Nampa Paving CU2023-0019

Hi Dan,

Per request for comments:

Will a Nutrient Pathogen Study be required? The project will NOT require an N-P Study.

Will adequate sanitary systems be provided to accommodate the use? Septic systems have not been proposed for this project.

Any concerns about the use? If so, are there any conditions or mitigation measures recommended to ensure the use minimizes potential impacts to the surrounding area and/or nearby city? SWDH is unaware of any potential impacts to groundwater quality and/or surface water from the proposed use.

Let me know if you have any questions.

Thank you,



Check out our new online self-service portal here! [PORTAL](#)

Anthony Lee, RS/BS | Land Development Senior
o 208.455.5384 | c 208.899.1285 | f 208.455.5300
anthony.lee@swdh.id.gov | SWDH.org
13307 Miami Ln., Caldwell, ID 83607

From: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Sent: Wednesday, July 17, 2024 11:40 AM
To: 'notuscityclerk@gmail.com' <notuscityclerk@gmail.com>; 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org>; 'lisa.boyd@vallivue.org' <lisa.boyd@vallivue.org>; joseph.palmer@vallivue.org; 'lrichard@cityofcaldwell.org' <lrichard@cityofcaldwell.org>; 'aperry@cityofcaldwell.org' <aperry@cityofcaldwell.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'bobw@gghd3.org' <bobw@gghd3.org>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'contract.administration.bid.box@ziply.com' <contract.administration.bid.box@ziply.com>; 'fcdc1875@gmail.com' <fcdc1875@gmail.com>; Mitch Kiester <Mitch.Kiester@swdh.id.gov>; Anthony Lee <Anthony.Lee@swdh.id.gov>; 'farmerhouston@gmail.com' <farmerhouston@gmail.com>; 'projectmgr@boiseriver.org' <projectmgr@boiseriver.org>; 'scott_sbi@outlook.com'



September 17, 2024

Dan Lister, Principal Planner
Canyon County Development Services Dept.
111 N 11th Avenue #310
Caldwell, ID 83605

Re: CU2023-0019: Adjacent to 23596 Notus Road, Caldwell; Nampa Paving & Asphalt Co. ([revised](#))

Dear Mr. Lister,

The long-term sand and gravel extraction (with expected gravel mining, crushing, washing, stockpiling operations, equipment storage facility, a scale with scale house, porta-potties, perimeter berms, etc.) proposed adjacent to 23596 Notus Road, Caldwell on 179-acres much of which is in the floodplain and some which is in the floodway requires an approved Conditional Letter of Map Revision (CLOMR) from FEMA before ground may be broken because physical changes are proposed in the floodplain. An approved Letter of Map Revision (LOMR) is required prior to abandonment of the mineral extraction project. Canyon County may choose to require a bond to ensure the LOMR prior to abandonment is obtained by the project applicant.

Have the following been addressed:

1. pit-capture during high water and flooding events,
2. the two circled areas may see increased erosion during high water and flooding events,
3. the property owner at 23596 Notus Road may be adversely affected by a concentrated flow of water entering onto their site through the two berms.



The following NFIP regulations apply to this proposed development:

Title 44 of the Code of Federal Regulations §60.3 Flood plain management criteria for flood-prone areas.

... Minimum standards for communities are as follows:

(a) ... the community shall:

- (2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;
- (3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall
 - (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
 - (ii) be constructed with materials resistant to flood damage,
 - (iii) be constructed by methods and practices that minimize flood damages, and
 - (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that
 - (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area,
 - (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - (iii) adequate drainage is provided to reduce exposure to flood hazards;
- (5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and
- (6) Require within flood-prone areas
 - (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and
 - (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

(b) ... the community shall:

- (1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the community's FHBM or FIRM;
- (2) Require the application of the standards in paragraphs (a) (2), (3), (4), (5) and (6) of this section to development within Zone A on the community's FHBM or FIRM;
- (6) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administrator; (This is the CLOMR/LOMR process.)
- (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained; (This is the Hydrologic & Hydraulic Analysis w/No-Rise Certification.)

(8) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. (*This applies to construction trailers too.*)

(c) ... the community shall:

(1) Require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM;

(6) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement. (*This applies to construction trailers.*)

(10) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(13) Notwithstanding any other provisions of §60.3, a community may approve certain development in Zones A1-30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of §65.12, and receives the approval of the Federal Insurance Administrator.

(14) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for "manufactured homes" in paragraph (c)(6) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. (*This applies to construction trailers.*)

(d) ... the community shall designate its regulatory floodway, the community shall:

This will not apply since no work is proposed in the floodway.

~~(1) Meet the requirements of paragraphs (c) (1) through (14) of this section;~~

~~(2) Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;~~

~~(3) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;~~

~~(4) Notwithstanding any other provisions of §60.3, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of §65.12, and receives the approval of the Federal Insurance Administrator. (This is a CLOMR/LOMR.)~~

§ Title 44 of the Code of Federal Regulations 65.3 Requirement to submit new technical data.

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Administrator of the changes by submitting technical or scientific data in accordance with this part. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

[51 FR 30313, Aug. 25, 1986]

Title 44 of the Code of Federal Regulations §65.8 Review of proposed projects.

A community, or an individual through the community, may request FEMA's comments on whether a proposed project, if built as proposed, would justify a map revision. FEMA's comments will be issued in the form of a letter, termed a Conditional Letter of Map Revision, in accordance with 44 CFR part 72. The data required to support such requests are the same as those required for final revisions under §§65.5, 65.6, and 65.7, except as-built certification is not required. All such requests shall be submitted to the FEMA Headquarters Office in Washington, DC, and shall be accompanied by the appropriate payment, in accordance with 44 CFR part 72.

[62 FR 5736, Feb. 6, 1997]

Additionally, the gravel extraction company should provide Canyon County an evacuation plan which indicates where the stored equipment & porta-potties, et cetera will be relocated to in the event of flooding.

Should you have any questions, please do not hesitate to contact me at (208) 287-4928, or through email at maureen.oshea@idwr.idaho.gov

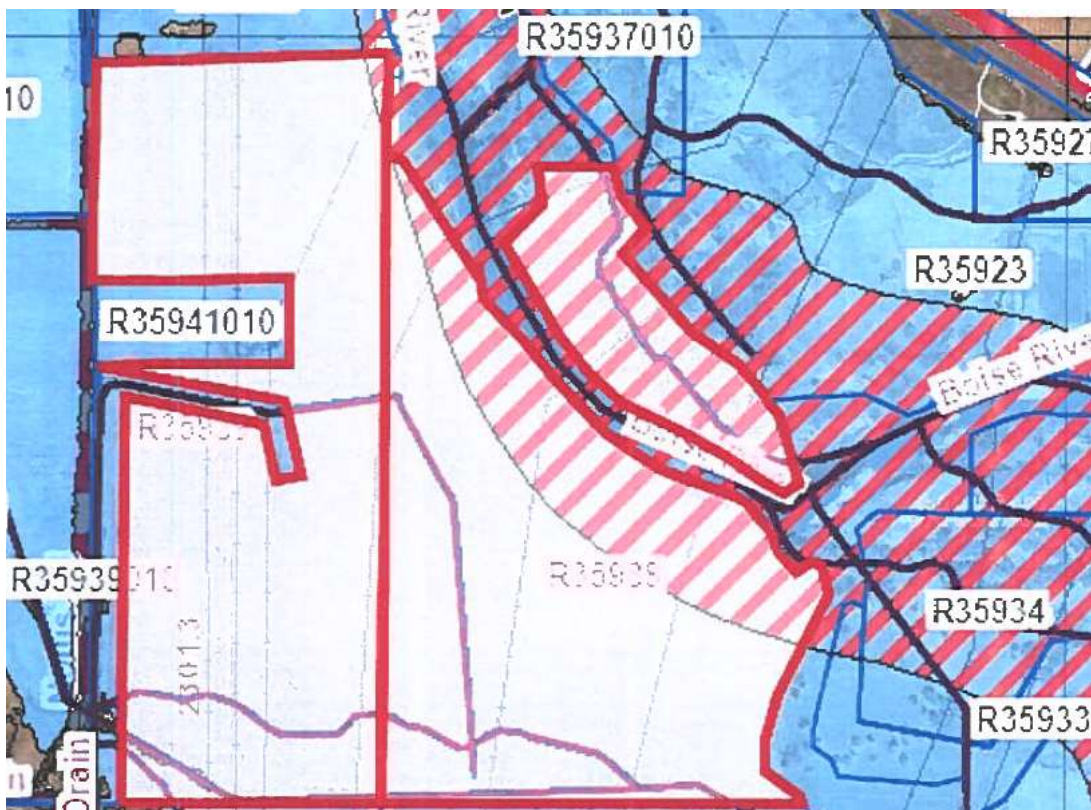
Thank you,

Maureen O'Shea

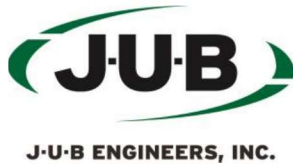
Maureen O'Shea, CFM
NFIP Floodplain Specialist

Cc via email:

Dalia Alnajjar, Floodplain Administrator
File







J-U-B COMPANIES



THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

July 22, 2024

Canyon County Development Services Department
Attn: Dan Lister, Principal Planner
111 North 11th Ave, Suite 310
Caldwell, ID 83605
Phone: (208)455-5959, Email: daniel.lister@canyoncounty.id.gov

RE: Case No.: CU2023-0019, Nampa Paving Conditional Use Permit Application Review

Dear Dan,

On behalf of Golden Gate Highway District No. 3 (GGHD), J-U-B Engineers, Inc. has reviewed the subject Conditional Use Permit Application for property being leased by Nampa Paving located on the east side of the Boise River Rd/Notus Rd intersection; Parcel# R35938 in a portion of the NE1/4, Section 3, T4N, R4W and Parcel# R35939 in a portion of the SW1/4, Section 2, T4N, R4W, BM, Canyon County.

The application requests a Conditional Use Permit to allow mineral extraction (long-term), will disturb approximately 104 acres, and includes excavation, staging, dewatering, access and stockpiling in three phases. Existing access to the property appears to be from a residential access located approximately 675 feet south of the Boise River Rd/Notus Rd intersection. Proposed access is located directly across from Boise River Rd. Expected traffic volume information was not provided. Notus Rd is a Minor Arterial according to the GGHD's 2024 Functional Classification Map.

At this time, and based upon information provided with the application, the following items apply:

1. **An Approach Permit is required.**
2. Section 3061.020 Driveway Spacing Policy of the 2022 Association of Canyon County Highway Districts Highway Standards & Development Procedures (ACCHD Standards) states "No New Direct Accesses" are allowed on Minor Arterials. Therefore, an **Application for Variance Permit is required** to be submitted, which is reviewed by the GGHD Commissioners.
3. Section 3110 Traffic Impact Studies of the ACCHD Standards states a Traffic Impact Study (TIS) is required for rural developments if the Peak Hour Trips and Average Annual Daily Trips exceed 50 and 500, respectively. Based on the provided information it is unknown if a TIS is warranted. **Please provide expected traffic volumes in accordance with ACCHD Standards.**
4. Access construction shall comply with the spacing requirements in Section 3061.020 and Standard Drawing ACCHD-106 of the ACCHD Standards.

GGHD reserves the right to provide amended comments/conditions of approval in the event of application revision or when additional information becomes available. GGHD requests Canyon County Development Services incorporate these comments into proposed Conditions of Approval for consideration/approval by Canyon County.

Respectfully,

Digitally signed by
Christopher Pettigrew
Date: 2024.07.22
07:17:02-06'00'

Christopher S. Pettigrew, P.E.

Transportation Services Group, Project Manager/Engineer

cc: Bob Watkins, GGHD Director of Highways



Canyon County, 111 North 11th Avenue, #310, Caldwell, ID 83605

▪ Engineering Division ▪

September 10, 2024

**RE: Engineering Review of Conditional Use Permit (CUP) Requirements – Case No. CU2023-0019
Mineral Extraction Request on Parcels R35938 and R35939**

Dear Dan,

Thank you for notifying us of the application for the Conditional Use Permit, Case File #: CU2023-0019. The Engineering Department has reviewed the proposal and wishes to highlight the following key requirements, particularly related to the location within Flood Zone AE & AE in flood way:

As the proposed facility is within a designated Flood Zone AE & AE in flood way, the applicant is required to obtain a Floodplain Development Permit (FDP) in accordance with Canyon County Zoning Ordinance [07-10A-09](#). A Floodplain Development Permit must be obtained before any development begins within the Special Flood Hazard Area (SFHA).

Conditions of Approval for CU2023-0019:

1. A Floodplain Development Permit (FDP) shall be issued prior to the commencement of any extraction activities. Upon completion of mineral extraction and reclamation, an approved Letter of Map Revision (LOMR) shall be provided to Canyon County Development Services. Mineral extraction activities shall take place outside the Special Flood Hazard Area (SFHA) floodway boundary.
2. The No-rise Certification, hydrology data and a floodplain development permit application for the wetland mitigation, shall be provided to the Canyon County Floodplain Manager prior to the floodway encroachment. All required outside agency approvals shall also be included with the floodplain development permit application. If No-rise Certification cannot be achieved, an approved CLOMR and Conditional LOMR, shall be submitted to the County Floodplain Manager prior to commencement of the wetland restoration portion of this project.
3. Chain-link or net fencing shall be placed along the northern boundary of Pit, to prevent extraction encroachment into the floodway.
4. Compliance with Flood Control District #11 (FCD #11) Requirements: In addition to the county requirements, the proposed development must comply with the Flood Control District #11 (FCD#11) guidelines concerning gravel pits and pit capture issues within the floodplain.



Canyon County, 111 North 11th Avenue, #310, Caldwell, ID 83605

▪ Engineering Division ▪

Additionally, please be aware that obtaining the Flood Development Permit (FDP) from Canyon County may require securing a local permit specific to this development. We will comply with all local regulations and requirements as part of this process. We request that these requirements be fully addressed in the application before any approval is considered. Our department is available to assist with the technical review of these documents.

Sincerely,

Dalia Alnajjar
Engineering Supervisor
Canyon County Development Services
P(208) 454-7459
F(208) 454-6633
E: dalia.alnajjar@canyoncounty.id.gov

Dan Lister

From: Dalia Alnajjar
Sent: Friday, September 27, 2024 3:24 PM
To: Dan Lister; 'Jack Nygaard'
Cc: Delfo Swindlehurst; Cache
Subject: RE: [External] CU2023-0019

Dan,

Yes , Conditions of Approval for CU2023-0019:

- County floodplain development permits **shall be issued prior to extraction commencement**. Upon completion of mineral extraction activities and reclamation, an approved Letter of Map Revision (LOMR) shall be provided to Canyon County Development Services. Mineral extraction activities shall take place outside the SFHA floodway boundary.
- The No-rise Certification, hydrology data and a floodplain development permit application for the wetland mitigation, shall be provided to the Canyon County Floodplain Manager prior to the floodway encroachment. All required outside agency approvals shall also be included with the floodplain development permit application. If No-rise Certification cannot be achieved, an approved CLOMR and Conditional LOMR, shall be submitted to the County Floodplain Manager prior to commencement of the wetland restoration portion of this project.

Thanks,
Dalia

From: Dan Lister <Daniel.Lister@canyoncounty.id.gov>
Sent: Friday, September 27, 2024 2:35 PM
To: Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; 'Jack Nygaard' <j.nygaard@symancompany.com>
Cc: Delfo Swindlehurst <delfo@nampapaving.com>; Cache <Cache@nampapaving.com>
Subject: RE: [External] CU2023-0019

Dalia,

Clarification question, is the required now, or will it be required prior to the commencement of use if the conditional use permit for the mineral extraction?

Sincerely,

Dan Lister, Principal Planner

DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959

Daniel.Lister@canyoncounty.id.gov

Development Services Department (DSD)

Public office hours

Monday, Tuesday, Thursday and Friday

8 am – 5 pm

Wednesday

1 pm – 5 pm

****We will not be closed during lunch hour ****

PUBLIC RECORD NOTICE: All communications transmitted within the Canyon County email system may be a public record and may be subject to disclosure under the Idaho Public Records Act and as such may be copied and reproduced by members of the public.

From: Dalia Alnajjar

Sent: Thursday, September 26, 2024 3:46 PM

To: 'Jack Nygaard' <j.nygaard@symancompany.com>

Cc: Delfo Swindlehurst <delfo@nampapaving.com>; Cache <Cache@nampapaving.com>; Dan Lister <Daniel.Lister@canyoncounty.id.gov>

Subject: RE: [External] CU2023-0019

Good afternoon,

Regarding the questions raised during our call, please note the following:

We request agency comments during the Conditional Use (CU) process. For the Flood Development Permit (FDP), you will need to apply for an FDP for this project, as we currently do not have any FDP information on file for it.

For the flood development requirements:

1. No-rise Certification:

- Projects within the floodway often require a no-rise certification from a licensed engineer. This certification demonstrates that the proposed activity will not cause any increase in flood levels during the base flood discharge (100-year flood).
- Operations must not result in any encroachments that could raise the Base Flood Elevation (BFE). This is crucial when determining where mineral extraction can occur to ensure activities do not increase flood risks.

2. Permits:

- Relevant permits you may need to obtain include:
 1. Army Corps of Engineers Section 404 Permit (if wetlands or navigable waters are involved).
 2. IDEQ
 3. IDWR

3. Environmental Impact Assessment:

- An environmental assessment may be required to evaluate the potential effects of extraction on water quality, wildlife habitats, and other environmental factors. This may include sediment control plans and measures to mitigate any adverse effects on the ecosystem.
- No fill, structures, or significant alterations to the natural landform are allowed in the floodway.

Please let me know if you have any further questions.

Thanks,
Dalia

From: Jack Nygaard <j.nygaard@symancompany.com>
Sent: Thursday, September 19, 2024 7:54 AM
To: Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>
Cc: Delfo Swindlehurst <delfo@nampapaving.com>; Cache <Cache@nampapaving.com>
Subject: RE: [External] CU2023-0019

Dalia,

Thank you for getting back in touch with us. It is much appreciated. Can we pin down the 2pm-4pm timeframe. We won't need the full 2 hours also. I will give you a call at 2 PM with Delfo and Cache present if that works for you?

Thanks,

Jack Nygaard
MSGP Project Manager

| Cell: 208-935-5751 | Phone: 208-287-8420 |
| Email: j.nygaard@symancompany.com |
| Website: <http://symancompany.com> |
| Address: 2101 Delta Drive, Nampa, Idaho 83687 |

"Stabilizing The West One Site At A Time."



From: Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>
Sent: Wednesday, September 18, 2024 11:29 AM
To: Jack Nygaard <j.nygaard@symancompany.com>
Cc: Delfo Swindlehurst <delfo@nampapaving.com>; Cache <Cache@nampapaving.com>
Subject: Re: [External] CU2023-0019

Good morning,

I will be out of work till Friday this week. I can set up a meeting on 9/23 10am-1pm or 2pm-4pm. Please, let me know if that works for you?

Thanks,
Dalia
Sent from my iPhone

On Sep 17, 2024, at 9:43 AM, Jack Nygaard <j.nygaard@symancompany.com> wrote:

Dalia,

I am writing regarding CU2023-0019 and the report that you sent to Cache Wood. We would like to discuss the conditions of approval.

Do you have time to schedule a call this week? I know that you are out of the office, but we would greatly appreciate you finding time to schedule a call so that we get clarification on the conditions of approval.

Thanks,

Jack Nygaard

MSGP Project Manager

| Cell: 208-935-5751 | Phone: 208-287-8420 |
| Email: j.nygaard@symancompany.com |
| Website: <http://symancompany.com> |
| Address: 2101 Delta Drive, Nampa, Idaho 83687 |

"Stabilizing The West One Site At A Time."

<image001.png>

<image002.png>

<image003.png>

<image004.png>

Flood Control District #11

Position on Gravel Pits and Pit Capture Issues

Flood Control District #11 (FCD#11) is not in favor of a gravel pits located within the documented floodplain. If a gravel pit is located outside the floodplain, FCD #11 would recommend approval of the new pit to the permitting entity.

If a gravel pit must be located within the floodplain, FCD#11 recommends that a flood study be done to identify the potential paths the water could take when exiting the pit after a pit capture flood event occurs. FCD #11's goal is to make sure the water does not affect or damage public or private lands, roads and structures as it cuts a new path leaving the pit. Additionally, FCD #11 recommends any water entering a gravel pit must successfully be routed back to the Boise River after it exits the pit, within the same owner's property.

Creeks and canals are not an acceptable receiving source for exiting flood waters. During a flood event, the creeks and irrigation canals connecting to the Boise River will be also be swollen and thus unable to handle the additional water. Added waters would significantly damage these arteries and could lead to water leaving the system into undesirable paths.

Our recommendation is to use berms and ditches to force the exiting water back to the Boise River within the gravel pit owners' own property. It is our position that it would be acceptable to allow the gravel pit owners' own land to flood or pond up, provided it drains back to the Boise River.

Dan Lister

From: Amber Lewter
Sent: Monday, July 22, 2024 12:59 PM
To: Dan Lister
Subject: FW: [External] RE: Initial Agency Notification Nampa Paving CU2023-0019

From: D3 Development Services <D3Development.Services@itd.idaho.gov>
Sent: Monday, July 22, 2024 12:32 PM
To: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Subject: [External] RE: Initial Agency Notification Nampa Paving CU2023-0019

Hello,

After careful review of the transmittal submitted to ITD on July 17, 2024 regarding Nampa Paving CU2023-0019, the Department has no comments or concerns to make at this time.

Thank you

Mila Kinakh

D3 Planning and Development
 Administrative Assistant



YOUR Safety •••▶ **YOUR Mobility** •••▶ **YOUR Economic Opportunity**

From: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Sent: Wednesday, July 17, 2024 11:40 AM
To: 'notuscityclerk@gmail.com' <notuscityclerk@gmail.com>; 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org>; 'lisa.boyd@vallivue.org' <lisa.boyd@vallivue.org>; 'joseph.palmer@vallivue.org' <joseph.palmer@vallivue.org>; 'lrichard@cityofcaldwell.org' <lrichard@cityofcaldwell.org>; 'aperry@cityofcaldwell.org' <aperry@cityofcaldwell.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'bobw@gghd3.org' <bobw@gghd3.org>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'e Ingram@idahopower.com' <eIngram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'contract.administration.bid.box@ziplay.com' <contract.administration.bid.box@ziplay.com>; 'fcdc1875@gmail.com' <fcdc1875@gmail.com>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; 'farmerhouston@gmail.com' <farmerhouston@gmail.com>; 'projectmgr@boiseriver.org' <projectmgr@boiseriver.org>; 'scott_sbi@outlook.com' <scott_sbi@outlook.com>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; 'CENWW-RD-BOI-TV@usace.army.mil' <CENWW-RD-BOI-TV@usace.army.mil>; 'tate.walters@id.usda.gov' <tate.walters@id.usda.gov>;

Dan Lister

From: Sage Huggins
Sent: Tuesday, December 24, 2024 9:13 AM
To: Dan Lister
Subject: Agency Notice CU2023-0019 Nampa Paving
Attachments: 30 day AGENCY notice PZ hearing.pdf

Good Morning,

I wanted to provide a comment regarding the application CU2023-0019, a conditional use permit to allow mineral extraction (long term) on parcel R35938 & R35939. The parcels involved (R35938 & R35939) do not currently have an address on site as no structure currently exists (0 Notus Rd). If the use is approved, the applicant shall receive an address for the use of mineral extraction by either submitting an "Address Request Application" to the development services department OR by submitting a building permit if they plan to have a structure on site. An approach permit will be required for both of these options. An address will be necessary for the use of mineral extraction with workers on site so the property can be quickly and accurately located by emergency services.

Thanks,

Sage Huggins
GIS Analyst
Canyon County Development Services
Sage.Huggins@canyoncounty.id.gov
208-455-6036

From: Amber Lewter
Sent: Tuesday, December 17, 2024 10:20 AM
To: 'notuscityclerk@gmail.com' <notuscityclerk@gmail.com>; 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org>; 'lisa.boyd@vallivue.org' <lisa.boyd@vallivue.org>; 'joseph.palmer@vallivue.org' <joseph.palmer@vallivue.org>; 'lrichard@cityofcaldwell.org' <lrichard@cityofcaldwell.org>; 'Alan Perry' <aperry@cityofcaldwell.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'bobw@gghd3.org' <bobw@gghd3.org>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'e Ingram@idahopower.com' <e Ingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'contract.administration.bid.box@ziply.com' <contract.administration.bid.box@ziply.com>; 'fcde1875@gmail.com' <fcde1875@gmail.com>; 'farmerhouston@gmail.com' <farmerhouston@gmail.com>; 'projectmgr@boiseriver.org' <projectmgr@boiseriver.org>; 'scott_sbi@outlook.com' <scott_sbi@outlook.com>; 'D3Development.services@itd.idaho.gov' <D3Development.services@itd.idaho.gov>; 'Niki Benyakhlef' <Niki.Benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; Assessor Website <2cAsr@canyoncounty.id.gov>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; Cassie Lamb <Cassie.Lamb@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Eric Arthur <Eric.Arthur@canyoncounty.id.gov>; Kathy Husted <Kathleen.Husted@canyoncounty.id.gov>; Tony Almeida <tony.almeida@canyoncounty.id.gov>; Sage Huggins <Sage.Huggins@canyoncounty.id.gov>; 'Richard Sims' <middletown.rich@gmail.com>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'CENWW-RD-BOI-TV@usace.army.mil' <CENWW-RD-BOI-TV@usace.army.mil>; 'tate.walters@id.usda.gov' <tate.walters@id.usda.gov>; Nichole Schwend <Nichole.Schwend@canyoncounty.id.gov>;

EXHIBIT E

Public Comments Received by: January 6, 2025

Planning & Zoning Commission

Case# CU2023-0019

Hearing date: January 16, 2025

Dan Lister

From: Jeff & Shelly Henderson <jeffnshelly@gmail.com>
Sent: Wednesday, December 18, 2024 5:50 PM
To: Dan Lister
Subject: [External] public hearing Notus Rd

Hi Dan,

We are writing regarding the proposed CUP off Notus Rd. We live at 23833 Centerpoint Rd.

A couple of things:

1. The map on the notice itself is wrong, and references property off Lewis Ln and Robinson Rd. I would assume that needs to be addressed and re-printed for the public and the hearing postponed to give the proper required notice? I would like to see exactly what land is referenced, can you please email me?
2. If you recall, when we got a split of our 5 acres, we were required to designate all our acreage, except where the house is located (approx 40 acres), as "Ag" land in perpetuity. We were told that the commissioners want to preserve Ag. Now that we see all the land around us being eaten up by gravel pits it has become quite apparent that keeping land in "Ag" is not a priority and never was. We would like our conditions to be removed and intend to pursue that immediately. I would appreciate your input as to how we can accomplish this.
3. We are not necessarily intent on stopping projects such as this, but as a homeowner in the area I would hope the commissioners demand a favorable reclamation plan rather than leave large empty pits of unmanaged water and dirt berms everywhere. There is a cost to our overall quality of life in the county areas that have to live with the impact of these pits: diminished property values (do we seek restitution for this?), unending rock chips/car damage, ugly non-farmland scenery, heavy trucking traffic and dangerous roads.
4. The little guys (homeowners) need to be stood up for, and only our commissioners can do this. We feel we were misled in 2019 to believe that ag was valued and protected when in fact that is not the case- money talks and mineral extraction is king. Well, we too have minerals on our land and maybe someday that will count for something.

We would appreciate your timely response to these questions and concerns, thank you!

Jeff and Shelly Henderson
208-936-8313 J
208.412.1428 S

Enjoy Life, Love Others, Honor God.