



**Planning and Zoning Staff Report for
Sunroc Corporation Mineral Extraction, CU-PH2016-66**

Hearing Date: April 20, 2017

Development Services Department

<p><u>Applicant:</u> Sunroc Corporation</p> <p><u>Representative:</u> Samuel Bernard</p> <p><u>Staff:</u> Dan Lister, Planner II (208) 454-7340, dlist@canonco.org</p> <p><u>Tax ID and acreage:</u> R34067 (39.01 acres)</p> <p><u>Current Zone:</u> <u>Flood Zone:</u> "A" (Agricultural) "X"/0.2 percent chance</p> <p><u>2020 Comprehensive Plan:</u> Agricultural</p> <p><u>City Impact Area:</u> Middleton</p> <p><u>Current Uses:</u> Pasture/Residential</p> <p><u>Applicable Zoning Regulations:</u></p> <ul style="list-style-type: none">• 07-10-27, 07-07-05, 07-07-17, 07-07-23, 07-10-03, 07-10-21 & 07-14-19 <p><u>Notification</u></p> <ul style="list-style-type: none">• 12/12/2016- Agency Notification• 12/12/2016- JEPA Notification-Middleton• 03/29/2017- Property Owners• 03/29/2017- Legal/Newspaper• 04/6/2017- Posting <p><u>Exhibits:</u></p> <ol style="list-style-type: none">1. Findings of Fact, Conclusions of Law, Conditions of Approval, & Order;2. Small Aerial;3. Land Use Worksheet with Reclamation Plan approved by the State of Idaho: Department of Lands;4. Archaeological and Historic Survey Report prepared by Frontier Historical Consultants5. <u>Comment Letter:</u> Barker, Rosholt & Simpson LLP (Mason Creek Ditch Company);6. <u>Comment Letter:</u> Canyon Highway District No. 4; April 5, 2017;7. Traffic Impact Analysis prepared by Six Mile Engineering; March 15, 2017;8. Pavement Engineering Report prepared by Terracon Consultants, Inc.; March 10, 2017;9. <u>Comment Letter:</u> Idaho Transportation Department; December 30, 2016;10. <u>Comment Letter:</u> City of Middleton; December 16, 2016	<p><u>Request</u></p> <p>Sunroc Corporation is requesting a Conditional Use Permit to allow a long-term mineral extraction use (gravel pit) at the subject property, 21001 Midland Road, Caldwell. The 39.01 acre property is also known as tax parcel R34067, located in the NE quarter of Section 17, Township 4N, Range 2W, Boise-Meridian, Canyon County, Idaho.</p> <p>Pursuant to the reclamation plan (Exhibit #3), the duration of the mineral extraction project is six (6) years. Gravel will be mined then transported off-site to be stockpiled and processed. Proposed hours of operation are Monday through Sunday, 5 am to 10 pm. The result of the mineral extraction will be a permanent pond with revegetation.</p> <p><u>Background</u></p> <p>The subject property is a portion of a 106 acre parcel. The parcel was divided without benefit of an approved land division. The property contains a house, stable and arena which were constructed prior to the lot being split into its current configuration.</p> <p>The property is zoned "A" (Agricultural). The surrounding properties are also zoned "A" (Agricultural). To the north and west of the subject property are existing mineral extraction uses:</p> <ul style="list-style-type: none">- Canyon Highway District No. 4 (R34069-010, CU2002-1);- Oldcastle Management Inc. (R3467010 & R34071, CU2003-284 & CU2004-37). <p>To the east is approximately 158 acres of existing row crop within the City of Caldwell's jurisdiction.</p> <p>South of the subject property is an approximately 38 acre parcel with existing row crops and homestead. The homestead contains a historic barn (Thomas Barn) which dates back to the early 1890's and is eligible for the National Register of Historic Places (see Historic Assessment, Exhibit #4). The project will not impact the historic integrity of the barn.</p> <p>The project site contains two ditches. An unnamed ditch, bisecting the property, is proposed to be abandoned as part of the extraction use. The other ditch is located near the northern property line and managed by Mason Creek Ditch Company. A letter from the ditch company's representative was received (Exhibit #5) stating the project shall not modify the ditch without permission and water quality and quantity should be maintained as a condition of approval. Based on the reclamation plan (Exhibit #3), the ditch is not proposed to be modified. As a condition of approval, State water quality and quantity standards will be observed at all time.</p>
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Analysis

Conditional Use Permit Criteria

Standard of Review for Conditional Use Permit (07-07-05)

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

Canyon County Zoning Ordinance Section 07-10-27 provides opportunity for the proposed use as a conditional use permit.

B. What is the nature of the request?

The applicant is requesting a Conditional Use Permit for a long-term mineral extraction use (gravel pit). Pursuant to the reclamation plan (Exhibit #3), gravel will be mined then transported off-site to be stockpiled and processed. The result of the mineral extraction use will be a permanent pond with revegetation.

C. Is the proposed use consistent with the Comprehensive Plan?

The Future Land Use designation for the subject parcel is agriculture. The current zoning of the property is "A" (Agricultural). As conditioned, the proposed use is consistent with multiple goals and policies of the 2020 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."*

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

Staff finds that extracting gravel from this location would not be injurious to other properties in the vicinity or that the proposed gravel pit will negatively change the essential character of the area. The primary use of the surrounding properties is mineral extraction and agricultural production.

Proposed hours of operation are Monday through Sunday, 5 am to 10 pm. As a condition of approval, hours of operation have been modified to be consistent with adjacent mineral extraction uses; 7 am to 7 pm, Monday through Sunday. Therefore the use will be in harmony with the existing uses and character of the area.

E. Will adequate water, sewer, irrigation, drainage and storm water drainage facilities, and utility systems be provided to accommodate the use;

As conditioned (Exhibit #1), staff finds that there will not be issues with the proposed mining operation with regards to adequate water, sewer, irrigation, drainage and storm water drainage facilities. The applicant shall comply with the reclamation plan approved by Idaho Department of Lands (Exhibit #3).

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

Pursuant to the reclamation plan (Exhibit #3), the work area will be accessed from Midland Road by existing roads. Based on recommended conditions by Canyon Highway District #4, adequate access will be provided (see recommended conditions below).

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

Canyon Highway District #4 required a Traffic Impact Study (Exhibit #7) and Pavement Engineering Report (Exhibit #8) to identify the following:

1. Size and configuration of driveway approach(es) onto Midland Road to accommodate truck turning movements.
2. Midland Road cross section to accommodate two-way traffic.
3. Midland Road structural section to accommodate truck traffic, including flexible pavement design for Midland Road, north of Lincoln Road, and evaluation of the existing pavement section on Midland Road between Lincoln Road and US 20-26 (minimum of two test locations).
4. Evaluation of Midland Road/Lincoln Road intersection for operational concerns, including north Midland Road approach grades, and intersection sight distance.
5. Evaluation of site traffic on Midland Road/US 20-26 intersection, including intersection level of service, warrants for auxiliary turn lanes, and truck turning movements at the intersection.

Based on the study, the following conditions are recommended to minimize traffic-related impacts:

1. Right-of-Way Dedication:

Dedicate a public right-of-way for Midland Road along the subject property frontage, to accommodate the west half of a 56-foot local road right-of-way. The mining and reclamation plan for the subject property should provide sufficient room to accommodate a 28-foot half width right-of-way generally level with the existing roadway, and provision for any fill slopes necessary to provide lateral support for the full width of the right-of-way.

2. Traffic Operation Mitigation:

- a. Site Access - Improve the site access onto Midland Road to meet ACCHD Standard Drawing SD-106 for a Commercial Approach, with sufficient width and radii to allow the design vehicle (10 wheeler with pup trailer) to turn into or out of the site without encroaching into the opposing Midland Road travel lane.
- b. Midland Road (from site to Lincoln Road intersection) - Widen Midland Road from the site access location to Lincoln Road to meet ACCHD Standard Drawing SD-101 for a Rural Local Road, to include a minimum 24-foot pavement width and 2-foot gravel shoulders, to accommodate two-way truck traffic. This may include relocation of utilities, and/or acquisition of additional right-of-way for the roadway south and/or east of the subject property.
- c. Midland Road/Lincoln Road Intersection -
 - i. Improve the grade at the north intersection approach (Midland Road) to less than 6% to accommodate loaded trucks pulling out of the approach. Lesser grade may be desirable for efficient acceleration.
 - ii. Install a stop sign (R1-1) on the north Midland approach to the intersection, with a supplementary "Oncoming Traffic Does Not Stop" plaque (W4-4bP).
- d. US 20/26 and Midland Road Intersection - Improve the radius at the northeast corner of the intersection to the recommended 40' radius with 10' offset @ 5:1 taper to the greatest extent feasible within the existing right-of-way. See Traffic Impact Analysis for detail of this radius. Construction of a right-hand turn lane for WB US 20/26 traffic is currently programmed for 2020 by ITD.

3. Pavement Load Mitigation:

- a. Midland Road (site access to Lincoln Road) - Provide a pavement section sufficient for a Traffic Index of 9.5, equivalent to 5.5" asphalt concrete, 6" aggregate base, and 24" aggregate subbase.

- b. Midland Road (Lincoln Road to US 20-26) - Provide a proportionate share of cost for a 0.27' (3.25") asphalt concrete overlay to support the additional truck traffic loading from the site. Proportionate share to be determined by the site loading (ESALs) from the development divided by the site loading + background loading over the 15-year site life, equal to 91% of SB lane (loaded trips) and 45% of NB lane (unloaded trips), or 68% of total overlay cost (both lanes).

H. 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 finds that this request will not affect the essential provisions of services nor will it negatively impact them.

Additional Standards for Mineral Extraction Long Term §07-14-19:

The decision making body shall also consider the following:

1. The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses;

- The primary use of the surrounding properties is mineral extraction and agricultural production. Two approved mineral extraction sites are immediately adjacent to the subject parcel: Canyon Highway District No. 4 (R34069-010, CU2002-1); and Oldcastle Management Inc. (R3467010 & R34071, CU2003-284 & CU2004-37).

2. Duration of the proposed use;

- 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 six years on the subject property (Exhibit #3).

3. Setbacks from surrounding uses;

- The applicant shall comply with Canyon County Zoning Ordinance Standards as indicated in §07-14-19 (1) which requires a minimum thirty (30) foot undisturbed buffer on all property boundaries. The project proposes a 30 foot buffer between the south, east and north property boundary and a 50 foot buffer measured from the centerline of Midland Road. All ditches, canals, laterals and rights of ways shall not be disturbed, re-routed, changed without property permitting and agreements with the appropriate irrigation company/associations.

4. Reclamation plan as approved by Idaho Department of Lands;

- The applicant has submitted a reclamation plan (Exhibit #3) 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 (Exhibit #1).

5. The locations of all proposed pits and any accessory uses;

See reclamation plan (Exhibit #3).

6. Recommendations from applicable government agencies.

See County Agency Comments below.

Comments

Public Comments

At the time this report was completed, Staff had not received any public comments regarding the proposed Conditional Use Permit.

County Agency Comments

Staff adequately informed applicable agencies of the proposal. The following agencies responded:

1. Canyon Highway District No. 4 (Exhibit #6, 7, 8):

- A Traffic Impact Study is required to mitigate impacts of truck trips related to the proposed use. Core samples of Midland Road between Lincoln Road and US 20-26 with R-value testing are required to ensure existing pavement depth and grave base are sufficient for the truck loads and traffic generate by the proposed project.
 - Based on the Traffic Impact Study (Exhibit #7) and Pavement Engineering Report (Exhibit #8), conditions of approval were recommended by the highway district to minimize traffic-related impacts.
2. **City of Middleton (Exhibit #10):**
- The City does not anticipate expanding its limits to this area in the foreseeable future and no improvements are desired by the City on the subject property.
3. **Barker, Rosholt and Simpson LLP, representing Mason Creek Ditch Company (Exhibit #5):**
- Any relocation, modified use or water rights modification requires Mason Creek Ditch Company's permission.
 - The proposed project should be condition to maintain it water right(s) and maintain water quality.
 - See Exhibit #3, Reclamation Plan for best management practices and conditions by Idaho Department of Lands regarding water quality and quantity.
4. **Idaho Transportation Department (Exhibit #9):**
- No additional access to the State highway system is requested. Therefore, ITD does not object to the proposed project. Any modification which would require access to the State highway system would require a permit from ITD.

Alternatives

- The Planning and Zoning Commission may approve the conditional use permit, all or in part, for a mineral extraction permit as conditioned and/or amended;
- The Planning and Zoning Commission may deny the conditional use request and direct staff to make findings of fact to support this decision; or
- The Planning and Zoning Commission may continue the discussion and request additional information on specific items.

Recommendation

Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed Conditional Use Permit. Staff recommends approval and has provided findings of fact, conclusions of law and conditions of approval for the Planning and Zoning Commission's consideration found in Exhibit #1.



Findings of Fact, Conclusions of Law, Conditions of Approval and Order

CU-PH2016-66: Sunroc Corporation

Findings of Fact

1. The applicant is requesting a Conditional Use Permit to allow long-term mineral extraction (gravel pit) at the subject property, 21001 Midland Road, Caldwell. The 39.01 acre property is also known as tax parcel R34067, located in the NE quarter of Section 17, Township 4N, Range 2W, Boise-Meridian, Canyon County, Idaho.
2. The Future Land Use designation for the subject parcel is agriculture. The current zoning of the property is “A” (Agricultural).
3. The property is located within the Middleton impact area. The City was adequately noticed. The City has no objections to the proposed use (Exhibit #10).
4. The property is located within the Canyon Highway District, Caldwell Rural Fire Protection District, Vallivue School District and Mason Creek Ditch Company. All affected agencies were adequately noticed.
5. The subject property is in a mapped “X” flood zone with a portion mapped 0.2 percent chance flood zone. Development in these zones are not required to meet flood hazard development standard of Section 07-10-29 of the Canyon County Zoning Ordinance.
6. The record herein consists of exhibits provided as part of the public hearing staff report and any documents provided during the public hearing on April 20, 2017.

Conclusions of Law

For case file PH2016-66, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for Conditional Use Permit §07-07-05 and Additional Standards for Mineral Extraction Long Term §07-14-19:

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

Conclusion: The proposed use is permitted in the “A” (Agricultural) zone by conditional use permit.

Finding: Canyon County Zoning Ordinance, §07-10-27 allows the proposed use as a conditional use permit in accordance with Use Standards §07-14-19 Mineral Extraction Long Term in the “A” (Agricultural) zone. The subject property is zoned “A” (Agricultural).

2. What is the nature of the request?

Pursuant to the reclamation plan (Staff Report, Exhibit #3), the duration of the mineral extraction project is six (6) years. Gravel will be mined and transported off-site to be processed. The result of the mineral extraction will be a permanent pond with revegetation.

3. Is the proposed use consistent with the Comprehensive Plan?

Conclusion: The proposed use is consistent with the Comprehensive Plan.

Finding: The Future Land Use designation for the subject parcel is agriculture. The current zoning of the property is Agricultural. As conditioned, the proposed use is consistent with multiple goals and policies of the 2020 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 be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area.

Finding: The Commission finds that extracting gravel from this location would not be injurious to other properties in the vicinity or that the proposed gravel pit will negatively change the essential character of the area. The primary use of the surrounding properties is mineral extraction and agricultural production.

Proposed hours of operation are Monday through Sunday, 5 am to 10 pm. As a condition of approval, hours of operation have been modified to be consistent with adjacent mineral extraction uses; 7 am to 7 pm, Monday through Sunday. Therefore the use will be in harmony with the existing uses and character of the area.

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 Commission finds, as conditioned, that there will not be issues with the development in regards to adequate water, sewer, irrigation, drainage and storm water drainage facilities. A letter from the ditch company’s representative was received (Staff Report, Exhibit #5) stating the project shall not modify the ditch without permission and water quality and quantity should be maintained as a condition of approval. Based on the reclamation plan (Staff Report, Exhibit #3), the ditch is not proposed to be modified. State water quality and quantity standards will be observed at all time.

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

Conclusion: Legal access will exist prior to commencement of the mining activity.

Finding: Pursuant to the reclamation plan (Staff Report, Exhibit #3), the work area will be accessed from Midland Road by existing roads. Based on recommended conditions by Canyon Highway District #4 (Staff Report, Exhibit #6), adequate access will be provided.

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

Conclusion: There will not be undue interference with existing or future traffic patterns.

Finding: The project will have associated truck trips. Therefore, Canyon Highway District #4 required a Traffic Impact Study (Exhibit #7) and Pavement Engineering Report (Exhibit #8) to identify the following:

1. Size and configuration of driveway approach(es) onto Midland Road to accommodate truck turning movements.
2. Midland Road cross section to accommodate two-way traffic.
3. Midland Road structural section to accommodate truck traffic, including flexible pavement design for Midland Road, north of Lincoln Road, and evaluation of the existing pavement section on Midland Road between Lincoln Road and US 20-26 (minimum of two test locations).

4. Evaluation of Midland Road/Lincoln Road intersection for operational concerns, including north Midland Road approach grades, and intersection sight distance.
5. Evaluation of site traffic on Midland Road /US 20-26 intersection, including intersection level of service, warrants for auxiliary turn lanes, and truck turning movements at the intersection.

Based on the study, the conditions were provided by the district in order to minimize traffic-related impacts.

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 will be provided and this application will not negatively impact existing services or require additional public funding.

Finding: This request is for gravel extraction and crushing in a rural area and will not significantly affect essential services nor will it negatively impact them.

Additional Standards for Mineral Extraction (Long Term) 07-07-11: The decision making body shall also 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 primary use of the surrounding properties is mineral extraction and agricultural production. Two approved mineral extraction sites are immediately adjacent to the subject parcel: Canyon Highway District No. 4 (R34069-010, CU2002-1); and Oldcastle Management Inc. (R3467010 & R34071, CU2003-284 & CU2004-37).

2. Duration of the proposed use;

Conclusion: The proposed duration of six (6) years is acceptable.

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 six (6) years on the subject property (Staff Report, Exhibit #3).

3. Setbacks from surrounding uses;

Conclusion: The applicant shall comply with CCZO §07-14-19 standards.

Finding: The project proposes a 30 foot buffer between the south, east and north property boundary and a 50 foot buffer measured from the centerline of Midland Road. All ditches, canals, laterals and rights of ways shall not be disturbed, re-routed, changed without property permitting and agreements with the appropriate irrigation company/associations (Staff Report, Exhibit #3).

4. Reclamation plan as approved by Idaho Department of Lands;

Conclusion: An approved reclamation plan is required.

Finding: The applicant has submitted a reclamation plan (Staff Report, Exhibit #3) 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, crushing operations, scales, and proposed reclamation plan.

Finding: The applicant has submitted a reclamation plan (Staff Report, Exhibit #3) approved by the Department of Lands demonstrating acceptable pit locations.

6. **Recommendations from applicable government agencies.**

Conclusion: The applicant shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the subject property and the proposed use.

Findings: The following comments were received by affected agencies:

- **Canyon Highway District No. 4 (Staff Report, Exhibit #6, 7, 8):**
 - A Traffic Impact Study is required to mitigate impacts of truck trips related to the proposed use. Core samples of Midland Road between Lincoln Road and US 20-26 with R-value testing are required to ensure existing pavement depth and grave base are sufficient for the truck loads and traffic generate by the proposed project.
 - Based on the Traffic Impact Study and Pavement Engineering Report, conditions of approval were recommended by the highway district to minimize traffic-related impacts.
- **Barker, Rosholt and Simpson LLP, representing Mason Creek Ditch Company (Staff Report, Exhibit #5):**
 - Any relocation, modified use or water rights modification requires Mason Creek Ditch Company's permission.
 - The Reclamation Plan provides best management practices and conditions by Idaho Department of Lands regarding water quality and quantity.
- **Idaho Transportation Department (Exhibit #9):**
 - No additional access to the State highway system is requested. Therefore, ITD does not object to the proposed project. Any modification which would require access to the State highway system would require a permit from ITD.

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 mining operation shall be in general conformance with conditions of approval, operation descriptions, best management practices, and site plan within the Reclamation Plan approved by Idaho Department of Lands (Staff Report, Exhibit #3).
3. The gravel extraction, crushing, and transport from the subject property shall not exceed six (6) years from the date of this conditional use permit approval.
4. The applicant shall comply with the requirements and obtain an access/approach permit from Canyon Highway District No. 4. As recommended (Staff Report, Exhibit #6), the following conditions are required to be met to the satisfaction of the highway district prior to the commencement of the use:
 - a. **Right-of-Way Dedication:**

Dedicate a public right-of-way for Midland Road along the subject property frontage, to accommodate the west half of a 56-foot local road right-of-way. The mining and reclamation plan for the subject property should provide sufficient room to accommodate a 28-foot half width right-of-way generally level with the existing roadway, and provision for any fill slopes necessary to provide lateral support for the full width of the right-of-way.
 - b. **Traffic Operation Mitigation:**
 - i. Site Access - Improve the site access onto Midland Road to meet ACCHD Standard Drawing SD-106 for a Commercial Approach, with sufficient width and radii to allow the design vehicle (10 wheeler with pup trailer) to turn into or out of the site without encroaching into the opposing Midland Road travel lane.
 - ii. Midland Road (from site to Lincoln Road intersection) - Widen Midland Road from the site access location to Lincoln Road to meet ACCHD Standard Drawing SD-101 for a Rural Local Road, to include a minimum 24-foot pavement width and 2-foot gravel shoulders, to accommodate two-way truck traffic. This may include relocation of utilities, and/or acquisition of additional right-of-way for the roadway south and/or east of the subject property.

- iii. Midland Road/Lincoln Road Intersection -
 1. Improve the grade at the north intersection approach (Midland Road) to less than 6% to accommodate loaded trucks pulling out of the approach. Lesser grade may be desirable for efficient acceleration.
 2. Install a stop sign (R1-1) on the north Midland approach to the intersection, with a supplementary "Oncoming Traffic Does Not Stop" plaque (W4-4bP).
- iv. US 20/26 and Midland Road Intersection - Improve the radius at the northeast corner of the intersection to the recommended 40' radius with 10' offset @ 5:1 taper to the greatest extent feasible within the existing right-of-way. See Traffic Impact Analysis for detail of this radius. Construction of a right-hand turn lane for WB US 20/26 traffic is currently programmed for 2020 by ITD.

c. **Pavement Load Mitigation:**

- i. Midland Road (site access to Lincoln Road) - Provide a pavement section sufficient for a Traffic Index of 9.5, equivalent to 5.5" asphalt concrete, 6" aggregate base, and 24" aggregate subbase.
- ii. Midland Road (Lincoln Road to US 20-26) - Provide a proportionate share of cost for a 0.27' (3.25") asphalt concrete overlay to support the additional truck traffic loading from the site. Proportionate share to be determined by the site loading (ESALs) from the development divided by the site loading + background loading over the 15-year site life, equal to 91% of SB lane (loaded trips) and 45% of NB lane (unloaded trips), or 68% of total overlay cost (both lanes).

5. Normal hours of operation shall be Monday through Sunday, 7:00 am to 7:00 pm.
6. The applicant shall comply with Canyon County Zoning Ordinance §07-14-19 setback requirements of 30 feet from all property lines.
7. All ditches, canals, laterals and rights of ways shall not be disturbed, re-routed, changed without property permitting and agreements with the appropriate irrigation company/associations.

Order

Based upon the Findings of Fact, Conclusions of Law and Conditions of Approval contained herein the Planning and Zoning Commission **approves** Case # CU-PH2016-66, requesting a Conditional Use Permit to establish mineral extraction on parcel R34067. The request is to mine, crush, and transport gravel on approximately 39.01 acres in an "A" (Agricultural) zone.

APPROVED this _____ day of _____, 2017.

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

Richard Hall, Chairman

State of Idaho)

SS

County of Canyon County)

On this _____ day of _____, in the year of 2017, before me _____, a notary public, personally appeared _____, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

Notary: _____

My Commission Expires: _____