



**CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, April 20, 2017 6:30 P.M.**

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

Commissioners Present: Richard Hall, Chairman
David Scheuerer, Vice Chairman
Shannon Carrell, Commissioner
Gary Duspiva, Commissioner
Rod Garrett, Commissioner

Staff Members Present: Patricia Nilsson, Director
Kyle McCormick, Planner
Debbie Root, Planner
Daniel Lister, Planner
Kathy Frost, Recording Secretary

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

Vice Chairman David Scheuerer proceeded to the business items on the Agenda.

OLD BUSINESS

ITEM 1: 4D LLC Mineral Extraction **Revised Findings of Facts CASE: PH2016-69**

4D LLC / Kyle Cooper has requested a mineral extraction permit to include a gravel mining ~~and crushing operation~~ on parcel R34066, approx. 56.6 acres, with planned excavation and mining of up to 16.47 acres of the subject property for a period not to exceed two years. The subject property is located at 21977 Duff Lane, Middleton, ID and is further described as a portion of the NE ¼ of Section 17, Township 4N, Range 2W, Boise-Meridian, Canyon County, Idaho.

Commissioner Carrell will abstain from voting due to absence at the hearing for Case PH2016-69.

MOTION: Commissioner Scheuerer moved to accept the revised Findings of Facts and Conclusions of Law, and deny Case PH2016-69, seconded by Commissioner Garrett. Roll call vote, motion carried with 4 in favor 0 in opposition.

NEW BUSINESS

ITEM 2: Hollow Road Ranchettes CASE: SD VAC-PH2017-4

Michael Goodell is requesting to vacate Lots 3-6 Block 1 of Hollow Road Ranchettes Subdivision. The affected lots contain approximately 89.88 acres of "A" (Agricultural) zoned property. Vacating the subdivision development will allow for more efficient distribution of available irrigation water rights on the Goodell properties. The property is located on Hollow Road 2630 feet east of the intersection of Hollow and El Paso Roads and is further described as a portion of the east half of Section 3, Township 5N, Range 3W, BM, Canyon County, Idaho.

Planner Debbie Root: Reviewed the staff report for the record.

Testimony in Favor: None

Testimony in Neutral: None

Testimony in Opposition: None

There is no testimony for Case SD VAC-PH2017-4.

MOTION: Commissioner Scheuerer moved to close public hearing on Case SD VAC-PH2017-4, seconded by Commissioner Duspiva. Voice Vote, motion carried.

MOTION: Commissioner Scheuerer moved to recommend approval of Case SD VAC-PH2017-4 as well as the Findings of Fact and Conclusions of Law. Seconded by Commissioner Duspiva. Roll Call vote, motion carried with 5 in favor and 0 in opposition.

ITEM 3: Sunroc Corporation

CASE: PH2016-66

Sunroc Corporation has submitted an application for a conditional use permit for a long term (approximately fifteen years) mineral extraction use on a 39.01 acre property located at 21001 Midland Boulevard, Caldwell, ID and is further described as a portion of the NE quarter of Section 17, Township 4N, Range 2W, Boise Meridian, Canyon County, Idaho.

Planner Daniel Lister: Reviewed the staff report for the record, including late exhibits.

Chairman Hall: Affirmed witnesses to testify

Testimony in Favor: Mark Elder, Samuel Bernard

Testimony in Neutral:

Testimony in Opposition: Connie Ickes, Brian Billingsley, Leslie Jansen VanBeek, Joann Kafka.

Samuel Bernard – 730 N 1500 W, Orem Utah 84057 – Applicant Representative in favor

- The surrounding operations were taken into consideration when putting together this application, the use is consistent with the area.
- There will not be crushing onsite.
- In response to concerns of hours of operations we will not be a 24 hour operation, hours of operation will be 7AM - 7PM, Monday through Sunday, we will likely not be operating seven days a week, however in order to stay consistent with neighboring operations and in the event we did need to operate on those days, based on need we want to have the ability to do so.
- Traffic study has been reviewed by Canyon County Highway District.
- The amount of material extracted from the facility is driven by the economy, in a prospering economy there will be more activity, however we will abide by the conditions that have been set forth, including the hours of operation.
- Regarding notification concerns, property owners within 600 feet were notified of two separate neighborhood meetings. One of the meetings was held at the public library, the other onsite. The meeting was not concluded for an hour in order to allow additional time for people to attend.
- Staff has notified us of concerns in order for us to respond to concerns.
- Cultural study was done on the barn that is onsite, as well as an Archeological study for the area, there were no issues of concern found.
- There is a reclamation plan in place, and prior to completion that plan will be followed.
- We are requesting a fifteen year time frame, realistically we will most likely exhaust the mining prior to that fifteen year mark, due to the unpredictability of the economy we want

to give ourselves a longer time frame. When the material onsite is exhausted we will shut down the operation and complete the reclamation plan.

- Traffic pattern will be north and south on Midland Blvd. to Hwy 20-26, we will not be accessing through Lincoln Road unless there is a need due to temporary road construction.
- There will not be stockpiling on this site, it will be extracted and removed to our site on Joplin Road.
- Mason Creek Ditch Company owns a ditch onsite, our initial plan was to move that ditch, however the cost involved to do that is not feasible, and as a result we have decided to not move the ditch. There will be a 30 foot buffer zone and a 2 to 1 slope, to keep the ditch undisturbed. The Mason Creek Ditch Company has approved our plan regarding the ditch.
- There is a ditch onsite that belongs to us, it will be used to discharge water from the operation.
- Part of the reclamation plan is to apply for water shares from the Department of Lands, if needed two to three years prior to exhausting the mine.

Mark Elder – 825 E Silver Torch Meridian Idaho 83646 – Representative in favor

- Sunroc is a family owned company and has been in business for almost 100 years, operating in three different states. We have many open pits and we care about our neighbors and try to be good neighbors.
- Because of the requirements from Mason Creek Ditch Company regarding moving the ditch, we have decided not to move the ditch, and this will make the project smaller.
- The amount of gravel is finite, we could be finished in 5 years, however with uncertainties in the economy we have decided to ask for a longer period in order to make sure we have enough time.

Connie Ickes – 21250 N Midland Blvd Nampa Idaho 83605 – in opposition

- Exhibit # 11 entered into the record.
- Representing family members living at the above address, across Midland Blvd to the east of the proposed project.
- Our understanding is that two neighborhood meetings must be held with neighbors within a 300 foot buffer zone of a proposed gravel pit prior to applying for a Conditional Use Permit for Mineral Extraction. We were not notified of any meetings or an intent to place a gravel pit near our property. We only learned of this proposal on April 13, 2017, when we saw a public hearing sign. This sign did not give details of the proposed operation.
- The City of Caldwell did not have information on this project.
- The sign stated that there was a public hearing, but there was no time or date listed and there no flyers.
- We went to the Canyon County Development Services office to learn about the project and were told there were two neighborhood meetings, one on November 16, 2016 and the other on December 16, 2016. The attendance at the first meeting was zero, the second meeting showed one signature.
- Allegedly six neighbors were notified within the 300 foot buffer zone. Four of the six neighbors notified are connected with the gravel industry.
- We are property owners within the 300 foot buffer zone and should have been informed of the meetings. The deed to our property shows that we have property rights on our driveway, based on a recorded easement. We are residents of the City of Caldwell.
- We believe that the notification process is not adequate to properly notify surrounding property owners. This proposal will adversely affect the quality of life and will negatively affect our property value. It will also negatively affect the neighbors beyond the 300 foot buffer zone.

- Sunroc has had a minimum of 147 days from the date of the first meeting to gather data and present their case, we just found out about the project on April 13, 2017 and have only had five business days to prepare for the public hearing. We do not believe Sunroc Corporation is in compliance with the notification requirements. Others affected by the proposal may also be unaware of the proposed project. We request that Sunroc be required to start the process over, including new community meetings, prior to the public hearing, we also request that the public hearing, considering the Sunroc mining operation be delayed until May 18, 2017.

Commissioners: after looking at the map of Ms. Ickes' property, stated that the easement does not constitute property ownership. Notification is determined by parcel boundaries, not easements.

Planner Dan Lister read into the record the section of the Canyon County code for neighborhood meetings, stating the requirements for notification.

Brian Billingsley – 621 Cleveland Blvd. Caldwell ID 83615- City of Caldwell Planning & Zoning Director – in opposition.

- Submitted a letter, showing a property to the east of the project, that has been annexed into the City of Caldwell in 2007 and a preliminary plat that was approved at that time, it was to have 500 single family residential lots with 'R1' zoning. That subdivision was not developed, the preliminary plat has expired and it cannot be revived. In 2013 the Caldwell City Council rejected a rezone request on 122 acres of the property to the east, for an 'M2' Heavy industrial zone, for a gravel pit.
- The Caldwell City Comprehensive plan calls for a low density residential classification in this neighborhood. The area of impact boundary runs down Midland Blvd, on the west side is the City of Middleton and on the east side is City of Caldwell.
- A developer approached the City of Caldwell for a residential planned unit development called La Bella Vita Subdivision, which was to contain 59 residential lots with a water ski lake. That subdivision has not yet been developed, but can proceed. Caldwell zoning ordinance for that area is 'RS1' which is proposed to enhance single family living areas, with a rural character. The comprehensive plan calls for residential estates on this property.
- Mr. Billingsley presented the Sunroc project to the Caldwell City Council and they had concerns, especially since they had denied a gravel pit proposal directly across the street from this site four years ago.

Leslie Jansen VanBeek – 9613 Linden Road Caldwell Idaho – opposition

- After reading and reviewing the staff report from Canyon County Development Services, I am opposed to this project. This area along the Boise River already contains a high concentration of gravel pits, which are an eyesore to the city and the county as well as neighboring property owners.
- Gravel pits contribute to poor air quality and water quality, they endanger the health and lives of private land owners in proximity due to the pollutants that are generated. The pits reduce the value of the land held by private property owners.
- The staff report is like other reports reviewed on gravel extraction and is littered with half-truths, leading readers to assume that all of the documentation and processes are in place from the sited entities and that the proposal is compatible with City and County comprehensive plans.
- Developers are trying to capitalize on the financial gain of extracting gravel.
- This plan represents a lack of due diligence on the part of Planning and Zoning Department. Missing from the staff report were statements from flood District 10, The Army Corp of

Engineers, The Idaho Department of Fish and Game, The Idaho Rivers United, and The Department of Environmental Quality.

- Reasons to deny this proposal include the property identification map, and the disclaimers attached to them, Ms. VanBeek read the disclaimer on the Canyon county map.
- Standing as an unofficial representative of the Franklin Ditch Company, who did not receive notification of the proposed project.
- A condensed list of property owners within a 300 foot boundary of the project, shows Natalie Wilhite, a joint owner with Tom Love, who was not notified.
- Ms. VanBeek is approximately ½ mile northeast of the proposed project, while technicalities may only require notification within 300 – 600 feet of the external boundary, the impact of another gravel pit in this area extends far beyond those boundaries. Last summer a wind storm blew black sand and gravel from the tops of the piles being mined in the area, visibility was reduced to almost zero.
- The City of Caldwell should have been notified as well as neighboring farmers and land owners.
- The intent is 15 years not six years, gravel pits are exempt from time restraints.

MOTION: Commissioner Scheuerer moved to allow an additional five minutes of testimony to Leslie Jansen VanBeek, seconded by Commissioner Carrell. Voice vote, motion carried.

Leslie Jansen VanBeek – 9613 Linden Road Caldwell Idaho – continuing testimony

- There are two ditches, which bisect the property. The Mason Creek Ditch company and the Franklin Ditch company letters are not in the staff report. Concerns have not been addressed by the staff. The impact description and rights concerning the relocation of the laterals are not adequately described in the proposed plan, they have to obtain written permission from Mason Creek Ditch Company.
- Water rights cannot be manufactured.
- This proposal violates the rights of property owners to have a life free of air and water pollution and it violates the quality of life. Land concentration is not balanced.
- The property is located in a flood zone, which has not been addressed. Ground water is at the surface. The Agricultural component is unknown. The plan is inconsistent with the Agricultural neighbors that will be impacted by another gravel pit.
- There is not adequate staff input in this project. The traffic impact study is not sufficient. The City of Middleton letter is misleading. The pavement engineering report is not sufficient, it stated they did not find ground water when they drilled, this is not true.
- This project should be denied, it is poor development for the City, the County and for the neighbors.

Joann Kafka – 20593 Midland Blvd Caldwell ID 83605 – in opposition

- I am not in the 600 feet area of notification, however this project will affect my home and my life.
- Unfortunately we only found out about this project and tonight's meeting last Thursday.
- Very unhappy about the project. The gravel pits that are currently in the area have not maintained the landscaping as they were supposed to.
- The project will impact the barn that is currently on the property,
- Do not believe water quality will be honored. The dust will not be mitigated.
- The water level in this area is at ground zero, how can they dig a 30 foot pit and mitigate the water. There is nothing in the report saying what they are going to actually do about the water. Ground water is a concern, we have Artesian wells.

Rebuttal: Samuel Bernard – 730 N 1500 W, Orem Utah 84057 – Applicant Representative in favor

- The City of Caldwell has a project in the area that has been approved for Mineral Extraction. The surrounding properties of roughly 800 acres are extracting sand and gravel, the footprint in which we have is much smaller than the surrounding operations. We realize that there is opposition, however we have been in business for 100 years and have not received any fines or penalties for our mining procedures or mitigation plans.
- We have put in place a 15 year period, and if a condition needs to be added that we will operate for that 15 year period and have it expire at that time we are willing to do that.
- Regarding the notification; we sent out two separate notifications for neighborhood meetings the first one no one came, it was at a public library, after work hours at 6:30 p.m. to make sure people would have time to attend. The second meeting was held after work hours as well, one person attended that meeting.
- Hours of operation is not realistically going to be 7 days a week, we just wanted to have the same conditions as the surrounding operators.
- Department of Reclamation will inspect the reclamation, prior to us getting our bond returned.
- Gravel is hauled damp, we will not be crushing onsite, we may use a “Grisly screen” that does not emit emissions. The pumps will be running for the duration of the project.

Commissioner Scheuerer: Clarification of the days and times of operation; are they commiserate with the surrounding operations? Staff confirmed that they are very similar. Regarding the surrounding operations and a timeline; some have a definite time frame and some do not.

Planner Dan Lister confirmed that the requested timeline is 15 years, originally the request was 6 years, however that request was modified to 15 years. The condition on the reclamation plan will be updated to reflect that timeline. Staff will bring revised Findings of Facts and Conditions of Approval for the Commission to consider at a date certain.

MOTION: Commissioner Carrell moved to close public testimony on Case PH2016-66, seconded by Commissioner Scheuerer. Voice vote, motion carried.

MOTION: Commissioner Duspiva moved to table a decision on Case PH2016-66 to date certain May 4, 2017 and bring revised Findings of Facts and Conditions of Approval, and a Revised Reclamation Plan to the Commission. Seconded by Commissioner Scheuerer. Voice vote, motion carried.

ITEM 4: APPROVAL OF MINUTES:

- a. April 6, 2017

MOTION: Commissioner Duspiva moved to approve the minutes of April 6, 2017 as presented, seconded by Commissioner Scheuerer. Voice vote motion carried.

ITEM #5 PLANNER and COMMISSION COMMENTS: None

ITEM #6 ADJOURNMENT: 8:37 pm

MOTION: Commissioner Scheuerer moved to adjourn, seconded by Commissioner Duspiva. Voice vote motion carried.

Signed this 4th day of May, 2017

Richard Hall, Chairman

ATTEST:

Kathy Frost, Recording Secretary