



**CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, September 7, 2017 6:30 P.M.**

---

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

**Commissioners Present:** Richard Hall, Chairman  
David Scheuerer, Vice Chairman  
Sandi Levi, Secretary  
Shannon Carrell, Commissioner  
Gary Duspiva, Commissioner  
Rod Garrett, Commissioner  
Rick Fried, Commissioner

**Staff Members Present:** Planner, Debbie Root  
Planner, Dan Lister  
Kathy Frost, Recording Secretary

---

**OLD BUSINESS**

**ITEM # 1 JJ&T LLC**

**CASE: CU-PH2017-19**

Todd Lakey on behalf of JJ&T, LLC has made application for a long term (15 year) mineral extraction permit on parcel R34595011B, a 42.65 acre parcel. No crushing or batching is requested with this permit. The subject property is located at 17575 Hwy 20/26 and is further described as a portion of the NW quarter of 07-4N-3W, BM, Canyon County, Idaho.

**Planner Debbie Root**, reviewed the staff report for the record, no late exhibits.

**Chairman Richard Hall**, affirmed the witness to testify.

**Testimony in favor:**

Todd Lakey – 12905 Venezia Ct Nampa ID – Applicant representative in favor

- This property was previously approved for a Conditional Use permit for Lowes Ready Mix, the project never commenced and expired in 2016. Our application is similar to the one previously approved, our hours of operation are Monday through Friday 7:00 am – 7:00 pm, Saturday 7:00 am – 5:00 pm. We are asking for a fifteen year window of operation with no crushing or batch plant.
- Idaho Transportation Department has accepted the traffic study and approved our access and road improvement plan.
- This application fits well with the goals of the Comprehensive Plan and will not change the character of the area. There has been no opposition to our application.
- Stockpiles will not go above the base level of Highway 20-26.
- We are asking to keep the record open until we get the approval of our Reclamation plan from the Department of Lands.

**Testimony in neutral: none**  
**Testimony in opposition: none**

**MOTION:** Commissioner Scheuerer moved to close public testimony on case CU-PH2017-19, seconded by Commissioner Duspiva. Voice vote motion carried.

**MOTION:** Commissioner Scheuerer moved to table case CU-PH2017-19 to date certain September 21, 2017. Seconded by Commissioner Duspiva. Voice vote, motion carried.

**NEW BUSINESS**

**ITEM # 2 Dennis Pruett**

**CASE: PH2017-48**

Dennis Pruett is requesting a Conditional Rezone and Development Agreement to conditionally rezone the subject parcel (Tax Parcel R37255-013, approximately 5 acres) from an "A" (Agricultural) zone to an "RR" (Rural Residential) zone. The vacant property is located at 0 Fargo Road, Wilder, ID, adjacent to 18786 Fargo Road, in the NW ¼ of Section 34, T4N, R5W, BM, Canyon County. The property is located outside of a mapped floodplain.

**Planner Dan Lister**, reviewed the staff report for the record, including late exhibit #18. Exhibit #18 was entered into the record.

**Chairman Richard Hall**, affirmed the witness to testify.

**Testimony in favor:**

Will Pryor – 600 Denver St Caldwell ID 83605- Applicant representative in favor.

- Representing Mr. Pruett, the subject property has a drain ditch that separates the property, the two acre parcel would be better served as a residence.

**Testimony in neutral: none**

**Testimony in opposition: none**

**MOTION:** Commissioner Garrett moved to close public testimony on case PH2017-48, seconded by Commissioner Scheuerer. Voice vote motion carried.

**MOTION:** Commissioner Scheuerer moved to recommend approval of case PH2017-48 to the Board of County Commissioners as well as the Findings of Facts, Conclusions of Law and the Development Agreement with Conditions. Seconded by Commissioner Carrell. Roll call vote, motion carried with 7 in favor, 0 opposed.

**ITEM #3 Sunroc**

**CASE: PH2016-67**

Sunroc Corporation is requesting an amendment to a previously approved mineral extraction conditional use permit (CU2012-1011) to allow the installation and operation of an asphalt batch plant on parcels R38584, R35952-010, R38550-011 and R35950-010. The subject properties are 4 out of 11 parcels approved for mineral extraction use (R38540, R38546-010A, R38548-010, R38550-010, R38551, R35951 and R35953) located at 21377 Boise River Road, Caldwell, ID and is further described as a portion of the NW Quarter of Section 3, Township 4N, Range 4W and SW Quarter of Section 34, Township 5N, Range 4W, Boise Meridian, Canyon County, Idaho.

**Planner Dan Lister**, reviewed the staff report for the record, including late exhibit #25, 26, 27.

**Exhibits #25, #26, #27** were entered into the record.

**Chairman Richard Hall**, affirmed the witness to testify.

**Testimony in favor:**

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

- Sunroc corporation requests to allow the installation and operation of a hot mix asphalt plant, Sunroc is currently working with Canyon County, local State and Federal entities to properly install and follow the guidelines set forth in the Conditional Use Permit. We have owned and operated sand & gravel facilities as well as hot mix asphalt plants along the Western United States for over 80 years, our goal is to provide a quality product to local residents and contractors as well as create jobs in the area. The plant that is proposed to be installed is currently operating in Fruitland Idaho and has a Conditional Use Permit in Fruitland as well as an approval order with Idaho Department of Environmental Quality, the plant will move from the Fruitland facility to the Notus facility on a temporary re-location permit or a transfer from that facility to this one.
- The plant will move from a scrubber (an older emission capturing system) to a more efficient emission capturing system (a bag house).
- Sunroc Corporation currently has several parcels of land along the Boise River with permits that allow the batching of concrete and asphalt.
- We have been working with Quadrant Consulting on a “No-rise” study, this process has been lengthy in order to get feedback from agencies in the area.
- To the south of us there are two other hot mix asphalt plants that were granted approval orders.
- The Golden Gate highway district does have some concerns and we are in the process of completing a traffic study and will follow all recommendations.
- We are regulated by DEQ & EPA, who schedule random as well as scheduled tests.
- Oil is stored on site in tanks that are stationary at the plant. Hours of operation will vary depending on the time of year and supply and demand however they will operate within the hours approved in the Conditional Use Permit.

Brent Sumsion – Orem Utah - Applicant Representative – in favor

- The asphalt plant works similar to a clothes dryer, using a drum and a belt feeder, heated to 300 degrees, when processed it is fed into a silo, maintained at 300 degrees and stored for transport.
- Mr. Sumsion has worked in this field for 43 years.
- The top soil has been stripped off and set aside for reclamation purposes, making a depth of about 1½ feet for the processing plant.
- Sand and gravel, asphalt and concrete is a very minor contributor of dangerous emissions, the vast majority of harmful emissions are from tail pipe emissions coming from cars.
- Not aware of any violations resulting in fines, there have been some issues that have been resolved, but no fines were issued.

Russell Leslie – 750 North 1500 West Orem Utah – Vice President of Sunroc Corporation – in favor.

- Asphalt oil is 5% of the mix the rest is rock & sand, we operate 4 asphalt plants in industrial parks near residential areas, and near airports. Our company is large enough that it is on the radar of all regulating agencies and are inspected regularly. Air quality permits are very detailed, we are committed to the area and are environmentally conscience.

**Testimony in neutral:**

Tina Wilson – 158 S Streamleaf ave. Star Idaho– in neutral

- Ms. Wilson is the director of Wester Alliance for Economic Development which provides economic development services through a nonprofit organization funded through the Idaho Department of Commerce for Canyon & Owyhee Counties.
- The City of Notus has taken a neutral position on this development, there is concern, that the project is in compliance with State & Federal agencies.
- Some positive economic impacts of this development are; an added benefit for the company to bid on local projects, and six full time jobs that will be created with a living wage of \$34,000.00 or above. Indirect jobs created will be truck drivers. As long as environmental concerns are met this project can have a positive impact.

**Testimony in opposition:**

Ann Wood – 1605 N Harrison Blvd, Boise Idaho – family representative in opposition

- Family property is across the street from the proposed asphalt plant.
- The requested area is in a floodplain, the Army Corp of Engineers was not notified of this project.
- Air quality will negatively impact humans and animals, there is research showing the detrimental effects of emissions from asphalt plants.
- Odors will have a negative impact on property values.

Anthony Ritaco – 23680 Boise River Rd, Parma Idaho – in opposition

- The flooding last spring was significant is this area,
- Sunroc was supposed to put in a turn lane when the original Conditional Use Permit was granted, it was never installed. The truck traffic is dangerous.

Dan Troncale – 24228 Boise River Rd, Parma Idaho – in opposition

- Quality of life is a concern for our neighborhood, pit capture is a large concern, regarding flooding. Army Corps of Engineers was not notified of this project. Other agencies were not noticed either.
- Those of us in opposition would like 30 days to make our case against this project.

Michelle DeGiorgio – 322 Notus Road – in opposition

- Ms. DeGiorgio is a City of Notus Council member, and sent a letter to Planner Dan Lister with a list of concerns.
- Sunroc Corporation has a violation of the Clean Water Act, dated June 20, 2017 with a fine of \$1650.00.
- The river, irrigation, drain ditch and private wells should not be put at risk.

- EPA states that asphalt fumes are toxic. Animal studies have shown risks from asphalt fumes. If an asphalt plant meets all EPA standards, people living nearby are still exposed to cancer causing substances. The author of the reports that these studies are from is Winchester Informer.
- There are schools and day care centers in the area.

William Hopkins – 24269 Boise River Rd. Parma ID – in opposition

- Traffic has greatly increased in the area & there is a concern about property values. I would like to see some of the land in this area remain Agricultural.

Mike Houston – 23228 Boise River Rd. Caldwell ID – in opposition

- Mr. Houston maintains the Bowman canal, Sunroc was discharging waste water into the canal, upon asking an employee about this, he was told by an employee, that Sunroc does not follow permits. There was also damage to the back of the canal. The pumping has ceased however the bank has not been repaired. There was no complaint filed regarding this issue.

Randall Taylor – 348 Notus Rd. Notus Idaho – in opposition

- Mr. Taylor lives ½ mile from the proposed asphalt plant and is concerned about air pollution resulting from emissions coming from the plant, there is also concern about the close proximity of the river.

William Baber – 2112 Boise River Rd, Caldwell ID – in opposition

- The meetings regarding this proposal have been disorganized, and notifications have not been adequate. Flooding has been an issue.

**Rebuttal – Russell Leslie – 750 North 1500 West Orem Utah – Vice President of Sunroc Corporation – in favor.**

- We understand that this is a sensitive issue and we are trying to be respectful and responsive to our neighbors.
- I have not been made aware of problems with the ditch, but if there are repairs that need to be made, we will make sure they are done.
- Sand and gravel is a vital commodity to the development and growth of the Treasure Valley. There are other operators in the area, and this is an approved use for the area.
- There has been a “No Rise” study submitted. In the spring when the river was flooding, I personally visited the area every other week and met with the Army Corps of Engineers observing what was happening with our other properties as well as this property. At the height of the water flow last spring, this location did not have flood waters. We have moved the location of the proposed asphalt plant to the south to be further away from the river, we understand the delicacy of the river and what that means to the community.
- DEQ determines the safety levels and we are required to be within those limits.
- Asphalt is very hard when not heated, as such it will not flow into the river.
- Asphalt plants are a summer operation, basically from April to November, during that time it is kept hot and liquid, however within 15- 20 minutes of being at room

temperature it is a solid. During the winter months there could be asphalt stored in the tanks, however they would be turned off, resulting in the product becoming solid.

- An estimate of truck trips per day during peak seasons for the current gravel operation, are an average of 65 per day, adding the asphalt plant could add approximately 13 truck trips to that average.
- Not aware of any fines resulting from violations.
- Complaints according to policy, should be courteously and respectfully handled, if it is a significant complaint and is not handled well by the employee it should be brought to the attention of that employee's direct supervisor. If an issue is not adequately solved on the local level there is a place on our website to make comments directly, they come to Mr. Leslie at that point.
- Odor emissions should dissipate over a ½ mile radius.

**MOTION:** Commissioner Carrell moved to close public testimony on case PH2016-67. Seconded by Commissioner Scheuerer. Roll call vote, motion carried.

**MOTION:** Commissioner Garrett moved to approve case PH2016-67 as well as the Findings of Facts, Conclusions of Law and Conditions of Approval. Seconded by Commissioner Scheuerer. Roll call vote, motion carried with 5 in favor, 2 opposed.

**ITEM 4: APPROVAL OF MINUTES:**

- a. August 17, 2017

**MOTION:** Commissioner Duspiva moved to approve the minutes of August 17, 2017 as written, seconded by Commissioner Scheuerer. Voice vote motion carried.

**ITEM #5 PLANNER & COMMISSION COMMENTS:**

- Planner Debbie Root commented on proper procedure for CUP's and addressed the follow up that will happen as a result of tonight's meeting.
- Requested that comments on "Minimum lot size" be e-mailed to the Director.
- Discussion on noticing procedures.

**ITEM #6 ADJOURNMENT: 10:15 pm**

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

**Signed this 21st day of September, 2017**

---

Richard Hall, Chairman

**ATTEST:**

---

Kathy Frost, Recording Secretary