



**CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, November 2, 2017 6:30 P.M.**

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

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

Staff Members Present: Patricia Nilsson, Director
Jennifer Almeida, Planner
Debbie Root, Planner
Dan Lister, Planner
Kathy Frost, Recording Secretary

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

Secretary Levi proceeded to the business items on the Agenda.

OLD BUSINESS

ITEM #1 Baker Land Management LLC

CASE: RZ-PH2017-41

Baker Land Management, LLC is requesting a Conditional Rezone with a Development Agreement to conditionally rezone parcel R29597, approximately 25.378 acres, from "A" (Agricultural) to "CR-C2" (CR-Service Commercial). The subject property is located in a portion of the SE quarter of Section 16, Township 2N, Range 3W, approximately 380 feet west of the intersection of Deer Flat Road and State Highway 45.

MOTION: Commissioner Scheuerer moved to approve case RZ-PH2017-41 and adopt the revised Findings of Fact, Conclusions of Law, Conditions of Approval and Order as written. Seconded by Commissioner Duspiva, Voice vote, motion carried.

ITEM #2 Michael Byers & Camille Douthit

CASE: CU MOD- PH2017-54

Case No. CU Mod-PH2017-54: Michael Byers and Camille Douthit are requesting to modify Conditional Use Permit CU2004-31 Condition #5 which restricts the minimum lot size within Jaialdi Estates Subdivision to one (1) acre. The requested amendment is for the purpose of adjusting the property boundary between Lots 4 & 5, Block 1 which would cause Lot 5, Block 1 to be less than one acre but allows for a more efficient design and utilization of the two lots within the development. The amendment would not allow for any lots but Lot 5, Block 1 to be less than one acre within this development. The subject properties are located at 124 and 130 Sebastian Place, Nampa, Idaho.

MOTION: Commissioner Scheuerer moved to table Case CU-Mod-PH2017-54 to date certain 12/7/2017, seconded by Commissioner Duspiva. Voice vote motion carried.

ITEM # 3 MS & MB Farms LLC (Blue Barn Produce) CASE: PH2017-42 & 43

MS & MB Farms LLC (Blue Barn Produce) is requesting a Comprehensive Plan Map Change to change the Future Land Use Designation of parcel no. R34600, approximately 7 acres, from "Agriculture" to "Commercial". Also requested is a Rezone of the same parcel, parcel no. R34600, approximately 7 acres from an "A" (Agricultural) zone to a "C-2" (Service Commercial) Zone. The subject property is located at 16356 Hwy 20 26, Caldwell, ID, in the SE ¼ of Section 08, T4N, R3W, BM.

MOTION: Commissioner Scheuerer moved to table case PH2017-42 & 43 to date certain 11/16/2017, seconded by Commissioner Duspiva. Voice vote motion carried.

ITEM #4 Cope Sand & Gravel CASE: PH2017-52

The applicant, Cope Sand and Gravel, is requesting a long term (20 years) mineral extraction use on a 40.69 acre property (parcel R33106) pursuant to Sections 07-14-19 and 07-07-05 of the Canyon County Zoning Ordinance. The requested use is an expansion of an existing mineral extraction use contiguous to the subject parcel (R33107). The use includes sand and gravel mining, operation of a portable crusher and gravel transportation. The subject property is located at 12475 Lake Lowell Avenue, Nampa, and is further described as a portion of the NE Quarter of Section 36, Township 3N, Range 3W, Boise Meridian, Canyon County, Idaho.

Planner Dan Lister reviewed report for the record, including late exhibits, 12, 13, and 14.

Chairman Richard Hall, affirmed the witnesses to testify and entered late exhibits into the record.

Testimony in favor:

MOTION: Commissioner Scheuerer moved to allow Mr. Lakey 7.5 hours of testimony and Mr. Cockrum 5.5 hours of testimony, seconded by Commissioner Duspiva. Voice vote motion carried.

Todd Lakey – 12905 Venecia Ct, Nampa ID – Applicant representative in favor

- Cope Sand & Gravel is a 3rd generation small family business with responsible gravel pit operators. They serve local businesses in Canyon County. There have been no code enforcement issues, violations, or complaints from neighbors prior to this application, there have been no accidents involving their trucks or equipment.
- This is an extension request not an intensification of the use. The comprehensive plan supports the application. The comprehensive plan notes the locations of mineral resources in Canyon County and call out that gravel resources are an important resource and need to be used and protected. Economic development is also important.
- The business has 10 employees, many local businesses are served by Cope Sand & Gravel. This is a needed resource in the area. Most other resources in the area are depleted.
- The future land use map designates this area for residential. Agricultural preservation is no longer the goal for this area. Currently it is zoned Agricultural, the property is historically used for mineral extraction.
- We are looking for a balance recognizing importance, location, and conditions such as hours of operation, buffers, setbacks, etc. this is an appropriate use for the area.
- Photos are presented to show the property and surrounding areas.

Dave Cockrum – 4650 Malad St, Boise ID – in favor

- Cope Sand & Gravel proposes a 20 year Conditional Use permit to expand its existing sand & gravel operation that has been in operation since 2005, including crushing and transporting of materials. Hours of operation will remain the same. The proposed expansion will begin in the southeast corner adjacent to the existing operation and move to the west and north in four phases. The boundary between the existing operation and the proposed expansion will be mined creating a southeast/west trending ridge that will be the pit high wall. The 50 foot buffer will be left on the south perimeter to protect the canal, there is also a buffer to protect the canal on the north perimeter. There is a 400 foot undisturbed buffer against the west boundary as agreed to at the neighborhood meeting. We do not propose sight & sound berms against the property boundaries towards the Wildrose subdivision or Memory lane as agreed to at the neighborhood meeting. Crushing will be moved west at the end of phase 2, but will be no closer than 900 feet from the nearest residents, reducing noise levels.
- Mine Safety and Health Administration data stated that no hearing safety devices are required for employees near crusher, the noise levels during active operation are in compliance with MSHA standards. Dust will be mitigated by regularly watering surfaces and roads. DEQ tested dust emissions in 2017 and they are in compliance.
- Equipment is at least 50 feet below surface, which mitigates noise. Visual mitigations are in place. Final reclamation includes building a Boy Scout Camp, including landscaping, trails and vegetation.
- Ground water contamination potential is very low. In the 12 years that the pit has been in operation there has been no contamination.

Robert Parrish – 9965 Pettit Star ID – in favor

- A small business owner in the area. Cope Sand & Gravel provides a valuable service to the local community. With the rate this valley is growing and the pressures that are put on gravel pits, supply is being limited to one or two major companies that have all of the aggregate tied up, making an unfair market place for contractors, and locals. The two major companies are deciding who can purchase product and are limiting purchase to select companies. The lack of materials available in the area is going to drive construction costs up.

Brett Cope – 12359 Moss Ln. Nampa ID – in favor

- This hearing will decide whether or not our family will be able to continue our livelihood, our family business. Cope Sand and Gravel is a family business, not a large corporation. We are the 3rd generation to work in sand & gravel. We have 10 employees and work with many local small businesses who depend on our quality material. Our location helps keep costs competitive. The city of Nampa and Caldwell and both Canyon County highway districts use our pit. The location saves tax payers money. The pit location keeps transport safe and efficient.

Bob Cope – 12360 Moss Ln. Nampa ID – in favor

- We have been in business since the 50's, over the years we have hauled materials from 11 different pits. The majority of those pits have been mined out and there are only 2 left, we seek the expansion because local gravel sources are limited and location is critical.

John Babcock - 12497 Midway Rd Nampa ID – in favor

- I am the sole survivor of my family, my grandfather homesteaded this land in 1929, they farmed the land, my father and I then farmed the land. Lake Lowell opened in 1905-1909, there are 2 gravel pits that were mined out on the land. When this pit is mined out it will be reclaimed to create a wildlife refuge, nature paths, and a Boy Scout camp. It is a protected area for Canadian geese. I lease some of the ground to farmers, my property will not be subdivided into residential use.

Charles LaMouse – 4301 Garrity Blvd. Nampa ID – in favor

- As a small business owner I depend on local gravel sources, local companies reduce risk by having less truck traffic on the road.
- This year alone we have been involved in 177 home sites that have utilized gravel from Cope Sand & Gravel. More subdivisions are moving into Canyon County this creates a greater need and an increase to our tax base.
- Small local gravel pits are becoming rare and it is more expensive and harder to get product from large corporate companies.

Paul Cope – 12373 Moss Ln Nampa ID – in favor

- Cope Sand & Gravel is requesting an expansion of our existing gravel pit, because the existing pit is nearly depleted. With the continuing growth in Canyon County this location is in close proximity to businesses and City and County governments, which makes prices reasonable and transportation safer.
- We know there is a gravel vein running through the proposed site and it is a prime property to mine gravel.
- Dust is a concern with neighbors, and will be mitigated to have a minimal impact, we will continue to spray as we operate, noise will be minimized by keeping the crusher inside the pit and our crusher is run off of electricity not a generator, which keeps the noise levels down, we work to keep noise levels down in consideration of our neighbors and our employees. We take dust and noise control seriously, dust is damaging to our equipment and creates an unsafe work environment, and therefore we work hard to mitigate it. We are federally mandated to have safety measures and controls in place for our employees in regards to dust and noise and personal safety. We have always met regulations set forth by governing agencies. Regarding traffic, Canyon County highway department determined that Lake Lowell is a low density rural road, the traffic will not increase as a result of this expansion.

Caleb Gentry – 12415 S Sunrise Mist Loop Nampa ID – in favor

- Operate a small excavation company in Caldwell, we purchase our gravel from Cope Sand & Gravel, when the job is in the area to keep the trucks out of town. The growth in this area is going to continue to grow, if this pit is not allowed to continue we will be forced to take our trucks to Middleton or South Boise, creating more traffic hazards.

Jose Cervantes – 16503 Wagontier Rd Caldwell ID – in favor

- Cope Sand & Gravel keep costs low by being local, I am a small business owner, if they are not allowed to continue prices will rise

Chris Lords – 1790 Garrison Kuna ID – in favor

- I have a local excavation business and use this product, it is a high quality product. There are County businesses using this pit as well as local business. Having this business local is good for the economy and keeps the roads safer.

Chris Smith – 11296 W Ardyce Boise ID 83713 – in favor

- Manage a small business in Caldwell and buy a majority of our product from Copes pit, we dig foundations for 20-40 new houses a week at least half of those are in South Nampa.

Testimony in neutral: none

Testimony in opposition:

Ed Wofford – 13694 Wildrose Ln Nampa ID – in opposition

- Lived in my home since before the last proposal for the pit expansion was considered. At that time I was the water system operator for our subdivision. The water system is tested monthly and there has never been a problem but that doesn't mean it can't happen. Our wells are the only source of water we have.

Claudia Frent – 12359 Rivendell Ct Nampa ID – in opposition

- We hear the crusher inside our house with the windows closed. Cope Sand and Gravel applied for a pit at a different location, and it was denied. Ms. Frent read the conditions from that decision.

Steve Torano – 12678 Wild Rose Ln Nampa ID – in opposition

- Last year this case was brought before the commission for a different location and it was denied.
- I am concerned about the close proximity to our home and the refuge, also concerned about dust, noise and truck traffic. Traffic can be held up by the trucks.

Greg Lasher – 12233 Rivendell Ct Nampa ID – in opposition

- We do take advantage of the product, but this is now a residential area and it is no longer appropriate for the area. Traffic is a concern.
- They keep asking for more time, when will it stop.
- Property values may go down as a result of this proposal.

Elspeth Turner – 12527 Lake Lowell Ave Nampa ID – in opposition

- I own a home next to the proposed expansion and have 3 children, I am concerned about safety regarding traffic, dust, silica and noise. My son is a special needs child and is a runner, I am concerned that he will run out in front of the trucks. I can hear the noise now, with it moving even closer I am concerned that the noise will be worse.
- We had a house fire and are now rebuilding, this will have a devastating impact on our property value. We moved here to find a beautiful environment. This will be an eyesore to the area.
- Who finances the reclamation? (Note from commissioner, the pit owners will pay for reclamation).

Tina Putnam – 12674 Wild Rose – in opposition

- Moved here two years ago and am concerned about safety for my children and grandchildren. We entertain outside and have a pool, there are a lot of people at our home in the summer. The dust could damage our pool and the kids will not be able to play outside. The irrigation canal is not covered and that pump can be damaged from the dust.

Robert Turner – 12670 Wild Rose Ln Nampa ID – in opposition

- Mr. Turner is the home owner association president.
- Purchased my home 3 ½ years ago, thinking that the pit was going to expire and I was told that development would not include gravel pit expansion.
- Dust is a concern. Truck traffic is a concern,
- There are hundreds of people in opposition to this project.

Exhibit #15 entered into the record

Patricia Huston Dennis – 12657 Memory Ln Nampa ID – in opposition

- I have lived in this home all of my life. My grandparents owned land, some of their land has been sold off. The Cope pit has been there since the dam was built, it has never changed. We have wild animals that come through the area because of the refuge.
- The property values are going to go down and we are losing our farmland and irrigation. I am against this expansion. None of the pits in the area have ever been reclaimed.

Charles Dennis – 12657 Memory Ln Nampa ID – in opposition

- There are 5 expired gravel pits in the area and surrounding areas that have not been reclaimed. Copes say they are going to reclaim, but we don't know if they will.
- I hear the noise from the crusher and am partially deaf.

Exhibit 16 entered into the record

Rebuttal: Todd Lakey – 12905 Venecia Ct, Nampa ID – Applicant representative in favor

- Gravel is a needed resource in our community and it is located where it is.
- Small business pits are important to local businesses.
- Recognize concerns from the neighbors.
- The conditions proposed by staff all provide a balance.
- This is a gravel area, it has been historically used for gravel, and there are a number of pits in the area. Some of those are older pits and were not required to be reclaimed, we do have to reclaim this pit there is a bond posted to insure that.
- A water study was done and safety requirements are in place and there has not been any contamination in the history of the pit.
- Noise and economic impact have been addressed in the studies.
- Property values are a common concern, the indication on exhibit 16, regarding property values in the Wild Rose, and Two Towers Subdivisions show that since the Cope pit started in 2005 property values have gone up.
- The refuge has not had any concerns regarding this project. We have practices in place to preserve the wildlife and in the long term this will be a preserve for wild animals and birds.
- We are in agreement with the eastbound traffic pattern.
- Silica and dust have met standards.

MOTION: Commissioner Garrett moved to close public testimony on Case PH2017-52, seconded by Commissioner Scheuerer. Voice vote, motion carried.

MOTION: Commissioner Garrett moved that we approve Case CU-PH2017-52 and adopt the recommended Findings of Fact, Conclusions of Law and Conditions of Approval. Seconded by Commissioner Duspiva. Voice vote 4 in favor, 2 opposed. Motion carried.

ITEM #5 Ordinance Amendment

CASE: ZOA-PH2017-15

An ordinance amending Canyon County Code, chapter 7, section 07-02-03 to add a definition of aliquot, to modify the definition of original parcel and to add a definition of nonconforming property; to amend section 07-10-21(2) to add a note to table 2 providing for a calculation of lots in cases where public dedications are made when subdividing property and to provide a decrease of up to 15% of the required average minimum lot size when public dedications are provided when subdividing or through an administrative land division; and to delete section 07-01 and replace it with standards for the regulation of nonconforming properties, structures and uses.

MOTION: Commissioner Scheuerer moved to table case ZOA-PH2017-15 to date certain 11/16/2017, seconded by Commissioner Duspiva. Voice vote motion carried.

NEW BUSINESS

ITEM #6 Keith & Amanda Draper

CASE: PH2017-58

Case No. PH2017-58 – Keith and Amanda Draper are requesting approval of a Rezone of approximately 2.75 acres from an “R-R” (Rural Residential) zone to an “R-1” (Single Family Residential) zone. The subject property, R27957, is located at 5855 Joe Lane, Nampa, Idaho, in a portion of the SE ¼ of Section 19, T3N, R1W, BM, Canyon County, Idaho.

Commissioner Levi, will be recused.

Planner Jennifer Almeida, reviewed the staff report for the record.

Chairman Richard Hall, affirmed the witnesses to testify

Testimony in favor:

Amanda Draper – 5911 Joe Ln Nampa ID – Applicant in favor

- Agree with the staff report

MOTION: Commissioner Scheuerer moved to close public testimony on Case PH2017-58, seconded by Commissioner Duspiva. Voice vote motion carried.

MOTION: Commissioner Scheuerer moved that we approve Case PH2017-58 and adopt the recommended Findings of Fact, Conclusions of Law, Conditions of Approval and Order, as written and forward our recommendations to the Board of County Commissioners for consideration. Seconded by Commissioner Garrett. Roll call vote 5 in favor 0 opposed.

ITEM #7 EJ Lewis

CASE: PH2017-59 & 60

EJ Lewis Trust is requesting a Comprehensive Plan Map Change to change the designation of parcel no. R34493 from “Commercial” to “Residential” Also requested is a Rezone of R34493, approximately 19.71 acres from an “A” (Agricultural) zone to a “R-1” (Single Family Residential) zone. The subject property is located on the east side of El Paso Road, approximately 865’ north of the intersection of State Hwy 44 and El Paso Road, Caldwell, Idaho, in the SW ¼ of Section 3, T4N, R3W, BM, Canyon County, Idaho.

Planner Jennifer Almeida, reviewed the staff report for the record including late exhibit #18.

Chairman Richard Hall, affirmed the witnesses to testify and entered the late exhibit into the record.

Testimony in favor:

Alan Mills – PO Box 206, Middleton ID – Applicant representative in favor

- Exhibit #7 shows the current zoning and it is consistent with the surrounding neighborhood. Exhibit #8 shows the subdivisions in the area, exhibit #11 shows the future land use map as residential.
- We are working with Mr. Houser to address and rectify the concerns he has regarding the erosion next to his property line.
- There are some drainage issues that we will be working on to alleviate any negative issues.
- There is not a conceptual plan yet, we are anticipating 11- 12 lots with an average size of 1 – 1 ½ acres.

Lamar Lewis – 23252 El Paso Rd, Caldwell ID – Applicant in favor

- Lived on the property since 1969, there was a lease to haul gravel out of the pit, it was closed in the 80's. The irrigation is from Black Canyon Irrigation, and was until recently flood irrigated. Went over the maps showing the direction of the irrigation water. There is a drainage ditch that runs south mostly underground. As long as the drain ditch is not dammed or ruined the water drains fine. The irrigation from the gravel pit has been changed to sprinklers. When there have been problems with water we have discussed it with neighbors and resolved issues.
- If there is concern about the integrity of the ditch we could easily put in a pipe.
- The gravel pit has been sloped and landscaped to some degree.

Testimony in neutral:

Jarita Augerot – 14738 Hwy 44, Caldwell ID – in neutral

- Family has lived in the area since 1950, there is concern about the water flow and potential flooding. We are also concerned about erosion from flooding.
- There is a natural deer migration coming from River Rd through Rainbow ridge and down into the pit. The pit is a potential safety hazard and should be fenced to keep kids out of it.
- The density of homes, proposed could have a negative effect on neighboring wells and septic systems as well as traffic, there are four bus stops in the area.
- Opposed to a Commercial zone.

Ray Overlin – 14830 Hwy 44, Caldwell ID – in neutral

- Live next door to Easy Access Storage, the facility was never finished and my property gets flooded every year from that facility. The property from Hwy 44 and Hwy 30 drains to the drain ditch behind my property. The drain should be restored to its natural state and the property should be turned into a wildlife refuge, there is a lot of wildlife in that area and it should be preserved.

Testimony in opposition:

Dan Custer – 23203 Stone Lane, Caldwell ID – in opposition

- Own the property immediately east of the subject property, I have been in a dispute with the owners regarding drainage on the property, I am opposed to the engineering, the drainage does not go into the ditch as it should, it comes onto my property and causes flooding.
- The ingress and egress into the site, is not safe, there have been 4 deaths in that area, including my father.
- The depth of the pit is in question.

Stan Allsberry – 5185 Middle Creek Dr. Nampa ID – in opposition

- Opposed because of the water issues, there were problems with the existing well and the water table has gone down, we had to move our pump down 80 feet to get water. The other neighbor had problems getting enough water for cattle on their property. Adding additional homes to the area will further reduce the water supply.

Rebuttal: Alan Mills – PO Box 206, Middleton ID – Applicant representative in favor

- Septic and well concerns will be addressed by engineering and approved by Southwest District Health and Department of Water Resources.
- Exhibit 19 was added to the record showing the result of a Water Resources study on aquifers, showing that this area has had no change since 1969.
- Pressurized irrigation will alleviate water concerns.
- The drainage issue is a valid concern and will be addressed by engineering.
- We ask that the neighbors come to us with concerns and we will work to resolve them.

MOTION: Commissioner Garrett moved to close public testimony on Case PH2017-59 & 60, seconded by Commissioner Scheuerer. Voice vote, motion carried.

MOTION: Commissioner Scheuerer moved to recommend approval of Case PH2017-59 and adopt the Findings of Fact, Conclusions of Law, Conditions of Approval and Order as written and forward our recommendations to the Board of County Commissioners for consideration. Seconded by Commissioner Garrett. Roll call vote, 6 in favor 0 opposed, Motion carried.

MOTION: Commissioner Duspiva moved to recommend denial of Case PH2017-60 based on the incompatibility with the surrounding area and negative drainage issues. Seconded by Commissioner Scheuerer. Roll call vote 6 in favor, 0 opposed. Motion carried.

ITEM #8 JT Ventures LLC

CASE: CU Mod-PH2017-62

Case No. CU Mod-PH2017-62: JT Ventures LLC is requesting to modify Conditional Use Permit CU PH2016-60 to include a Contractor Shop with the approved staging area on parcels R33930 and R33925. The subject properties are located at 10175 & 10189 Hwy 44, Middleton, Idaho.

Planner Debbie Root, reviewed the staff report for the record.

Chairman Richard Hall, affirmed the witnesses to testify.

Testimony in favor:

Matt Garner – 1211 W Hawk Pl Nampa ID - Applicant in Favor

- Access to the property will be through a joint access agreement that is in place with the current owners.
- We are seeking approval in order to move all operations to one site, most work takes place on job sites, there is no customer traffic onsite. There will be three full time employees onsite, with a 4000 square foot building, 1100 square feet of that building will be office space the remaining is storage for equipment and vehicles.

Testimony in neutral: None

Testimony in favor: None

MOTION: Commissioner Scheuerer moved to close public testimony on case CU Mod-PH2017-62, seconded by Commissioner Levi. Voice vote, motion carried.

MOTION: Commissioner Scheuerer moved to approve case CU Mod-PH2017-62, and adopt the recommended Findings of Fact, Conclusions of Law, Conditions of Approval and Order as written. Seconded by Commissioner Levi. Roll call vote 6 in favor, 0 opposed. Motion carried.

ITEM #9 Scott Pyrrhic Paintball

CASE: CU-PH2017-61

Scott Kraemer of Pyrrhic Paintball has applied to modify a previously approved conditional use permit (PH2014-8) for a paintball facility. The modification will remove and/or modify conditions of approval that restrict occupancy, operations and use limits. The property is located at 7365 Airport Road, Nampa, also known as parcel R30560-012, and further described as a portion of Section 20, Township 3N, Range 1W, BM, Canyon County, Idaho. The property is not located within a mapped floodplain.

Commissioner Levi, will be recused.

Planner Dan Lister, reviewed the staff report for the record, including exhibit #18.

Chairman Richard Hall, affirmed the witnesses to testify and entered the late exhibit into the record.

Testimony in favor:

Scott Kraemer – 225 Buttercup Ct Nampa ID 83651- Applicant in favor

- Currently we have marked 55 spaces for parking, with an additional 5 that could be added if necessary. There will not be parking allowed in the gravel pit, if additional parking is needed we have an agreement with a neighbor in order to keep parking off of the street.
- Once a year we would like to hold a special event that could bring in 200 participants.
- The reason we are asking to modify the CUP to include additional hours is that we are finding a need in the area for more events, there was a paintball facility in Boise that has burned down, we are the only facility in the area currently and we are turning people away. This type of business brings revenue into the area, such as restaurants, hotels, stores and others. As well as gives people a safe, controlled place to participate in the sport. It has been utilized by youth and military people as a way to alleviate PTSD and other stress related issues. Mountain Home Air Force Base would like to have training sessions, and church groups would like to have to have events on Wednesday's, we would like to accommodate them. Wednesday and Thursday would be by appointment only. We are having to turn away many people because of the lack of available hours of operation.
- This activity is not harmful to the environment.
- The closest house to our fields is 100 feet, the paintball gun registers 69 decibels at 100 feet, and general noise in the area has higher decibels. Places on our property where people congregate and have conversations are at least 250 feet away from neighboring properties.
- We now have our own gate and do not share an access point with the gravel pit.
- This is a safe environment for children. We are outgrowing our current location and will be looking for a larger facility. The taxes we pay the County is quite significant and has grown over the years.
- We have netting around the property to keep paintballs away from the neighbors and we work hard to keep the property clean. There is a buffer between the netting and the neighbors fencing. All games are supervised, we have training videos that participants have to watch.

Mike Lewis – 131 E Roselake Dr. Middleton ID – in favor

- This is not a loud environment, the airport is much louder. Normal neighborhood noise is louder than this activity. The Military people that use this facility are greatly helped by this facility. Kids with disabilities use the facility. This is a team building activity.

Kyle Rognlie – 2920 W Kuna Mora, Kuna ID – in favor

- This was an unused portion of a gravel pit, now it is a facility for families to be outside playing. I have suffered from depression and going out weekly to this facility has allowed me to get off of medication and has helped me tremendously. This is the only safe place around here to participate in this type of activity, and it is an asset to the community.

Clint Harwood – 1210 Virginia Circle, Nampa ID – in favor

- My experience has been very positive, my son works at the site and it has been a positive experience for him. The business is run professionally, having a controlled environment to paintball keeps people off of public lands and keeps them out of trouble.

Keith Draper - 5911 Joe Ln, Nampa ID – in favor

- My family owns the gravel pit that this facility is on, I am on the property frequently. Originally the Paintball facility was in the bottom of the pit. We have had vandalism on our property in the past, since Mr. Kraemer installed cameras, the vandalism has stopped.
- Traffic in and out is not a problem.

Jonathan Loscot – 16772 Rose Park Dr. Nampa ID 83687 – in favor

- I have been playing for 1½ years, it has been a blessing to me and my entire family. It is unfortunate that people have to be turned away. It would be good to have Sunday available for people who work on Saturday. Since the Boise facility has closed it makes this the only place around to paintball safely.

Timothy Ball – 3424 S Como, Meridian ID – in favor

- I started playing 1 ½ years ago, it has been one of the best things I have ever done, it gets me out of the house and has increased my physical activity and I have met many new friends. The extended hours that are being requested is needed, especially since the Boise facility has burned down.

Brandon Johnson – 7315 Airport Rd Nampa ID – in favor

- I am the closest resident to the Paintball facility and have been there 6 months. I am not a paint baller, we have had a few paint balls in the yard, we are there every night and noise is not a problem. Have been in the area all of my life.

Testimony in neutral: none

Testimony in opposition:

Roger Wood – 100 Witts End, Nampa ID – in opposition

- I live in the area, and this has changed the area significantly. When the paintball operation was approved they were not supposed to make changes, however they have made changes. There is an Afghan village that is on the highest hill.
- The noise is heard on occasion and does affect the quality of our life.
- I regret that I did not oppose this operation when it first came along.

Gerry Lee – 174 Witts End, Nampa ID – in opposition

- The sound is not bad, however there is a lot of screaming, yelling, and cussing. Our patio is 125 feet from there boundary and we have splatters on our patio.
- It looks like a war zone. Ms. Lee showed a container of pellets. There is a lot of trash on the road. I am embarrassed to have people come visit me and see this facility.

David CdeBaca – 212 Witts End, Nampa ID – in opposition

- I live on the west side of the property.
- The BLM and Birds of Prey have shut down some paint ballers because of dangers to birds and the animals. I have a daughter with special needs and have tried to have a 4 year olds birthday party outside, but the kids were too afraid to be outside because of the noise. There has been bull horns used at times. I had to put a fence up to keep the paintballs out of my yard, they are a danger to my daughter if she gets ahold of a paintball and puts it in her mouth, and she has seizures if she is subjected to noise.
- I am opposed to extending this CUP. This was supposed to stay away from the homes, but it has moved closer to the homes in the area. Having 120 military people out there would be very disruptive. I have paintball guns and know how far they will shoot, the noise is disruptive.

Joe Clegg – Jim Clegg – 7218 Airport Rd, Nampa ID – in opposition

- I live near the access point and am concerned about future property values. The pit will be there for a long time. I am opposed to extending the hours. There should be permanent end date for this operation.
- Noise is a factor, we can hear the conversation.
- There are schools proposed for this area and they will be negatively affected.

Rebuttal: Scott Kraemer 225 Buttercup Ct Nampa ID – Applicant in favor

- I was unaware of trash being left behind and I will watch for it and make sure it is cleaned up.
- There was a bull horn used for one event only.
- The netting is extremely small it is designed to stop air soft bb's, it is approved and tested. We have shot over 5 million paint balls since we started, maybe a handful have made it through the netting via a seam, that seam has since been closed. We are working hard to be good neighbors and have trained the referees to teach participants proper techniques.
- Noise studies are scientific and we are below standards. Property values are out of our control, however I know property values are going up. Two of the people in opposition have moved in to the neighborhood since we have been in operation.
- If there are issues we are happy to address them if people will bring them to our attention.

MOTION: Commissioner Garrett moved to close public testimony on case CU-PH2017-61, seconded by Commissioner Scheuerer. Voice vote, motion carried.

MOTION: Commissioner Duspiva moved to deny case CU-PH2017-61, based on the negative impact on the surrounding area. Seconded by Commissioner Garrett. Roll call vote 2 in favor, 3 opposed. Motion failed.

MOTION: Commissioner Scheuerer moved to approve case CU-PH2017-61, and adopt the recommended Findings of Fact, Conclusions of Law, amending the Conditions of Approval as follows: Item #1, no more than 80 patrons may use the paintball facility at one time except for one weekend (Saturday and Sunday) per calendar year, the facility may host events for up to 200

patrons. Item # 2, adding one Sunday in a calendar year, which must be noticed in writing to the Canyon County Development Services Department and adjacent property owners at least three months prior to the event. Item # 5 end date of the CUP stays as originally ordered. Seconded by Commissioner Duspiva. Roll call vote 4 in favor, 1 opposed. Motion carried.

ITEM #10 APPROVAL OF MINUTES:

a. October 19, 2017

MOTION: Commissioner Scheuerer moved to approve the minutes of October 19, 2017 as written, seconded by Commissioner Duspiva. Voice vote, motion carried.

ITEM #11 PLANNER & COMMISSION COMMENTS:

- Director Nilsson thanked Commissioner Scheuerer and Commissioner Duspiva for their service on the Commission as their terms are ending tonight, as is Commissioner Carrell, who is not in attendance tonight.

ITEM #12 ADJOURNMENT: 1:15 a.m. 11/3/2017

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

Signed this 16th day of November, 2017

Richard Hall, Chairman

ATTEST:

Kathy Frost, Recording Secretary