



**CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, October 4, 2018 6:30 P.M.**

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

Commissioners Present: Richard Hall, Chairman
Sandi Levi, Secretary
Rod Garrett, Commissioner
John Carpenter, Commissioner
Rick Fried, Commissioner
Rob Sturgill, Commissioner
Patrick Williamson, Commissioner

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

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

Secretary Sandi Levi proceeded to the business items on the Agenda.

OLD BUSINESS – ACTION ITEMS

TRIPLE CROWN DEVELOPMENT, CU2018-0004: Triple Crown Development is requesting a long term mineral extraction permit including sand and gravel mining and hauling from the site; operation of a portable crusher; concrete batch plant; and an asphalt hot plant. A total of 131 acres of 330 total acres are to be mined with 22 acres for a staging area. The project includes parcels R36058, R36060010, R36061, R36062, & R36063 located in Section 12, T4N, R4W, BM, Canyon County, Idaho and further described as lying north and west of Weitz Road and east of Dixie River Road in the Greenleaf area of city impact. A portion of parcel R36060011, approximately 18 acres, currently owned by Western Construction and subject to CU2008-58 is proposed to be traded to Triple Crown Development for a portion of R36058 to create continuity between properties owned and mined by each entity. Application CU2018-0005 has been filed to modify the existing mineral extraction permit.

Commissioner Carpenter is recused, due to a conflict of interest.

Planner Debbie Root reviewed the case, including late exhibits, revising Exhibits 24-figure 1, & 24-figure 2.

Chairman Hall affirmed witnesses and entered late exhibits into the record.

Dave Cochrum, Applicant Representative in favor – 4650 Malad St Boise ID 83705

- Mr. Cochrum presented details of the operation. This is a 30 year Conditional Use application for sand/gravel mining, crushing and an asphalt plant, product will be transported off site. The current operation has been operating since 2004 and will be

closing, this proposal will take over that operation moving to the new location. The hours of operation were discussed, the crusher will not operate at night however other parts of the operation will run 24 hours, when projects mandate. This will be a phased operation. The traffic pattern was detailed, the Weitz road access will be paved and used by Triple Crown and also for southbound traffic from Western Construction. This project will reduce traffic going near the school and residences in the area. This project will have no impact on the floodway and there are 50 foot buffers along the canals. Noise and dust emission mitigation will be practiced. Reclamation will take place after phase three is completed, before moving on to the next phase, final reclamation will be done according to the reclamation plan. A containment berm is surrounding the asphalt storage tank to contain any spills. DEQ regulates air quality. Landscaping and weed abatement will be maintained.

Lance Thueson, Applicant in favor – 455 S Kings Rd Nampa ID 83687

- Triple Crown Development is a land holding company, the aggregate that we extract goes to a redi-mix plant in Boise or Nampa. We have 150 employees. The aggregate is necessary to keep people employed and to repair and create roads. This area is one of a few areas still allowed to mine. It is a designated area for gravel pits. We have acquired additional property in the area, in order to keep operations going. The concrete plant is not new, it has been permitted since 2004 we just have not used it. The only new component is the asphalt plant. Most of the neighbors in the area moved into the area after the mine was already in operation. The asphalt plant comes and goes, the concrete plant stays in place.

David Sterling, Representative with TO Engineers, in favor – 2471 S Titanium way Meridian ID 83642

- We were retained by the applicant to prepare the floodplain development and do a no rise certification for the relocation of the canal and the internal haul road that was located in the floodway. The only thing in the floodway are the relocated canal and the haul access road. They were removed in 2017 to make way for the irrigation pivot that sits in the middle of phase 4. We are in agreement with the Staff report and conditions applied.

Steve Heaton, Owner of Western Construction – in favor – 3834 S Stockenham Ave Meridian ID 83642

- In favor of the operation of this proposal and part of the land swap which will make my property more usable and productive, and will benefit Triple Crown Development's operations as well. We do major highway work in the area, we are a grading company with an asphalt plant and crushers. 24 hour operations are needed when major projects are done at night, it is project related.

Liza Dicks – opposed – 21880 Dixie River Road Caldwell ID 83607

- There are ten homes left in the area, Mrs. Dicks has lived in her home for since 1994. Agree with the traffic moving to Weitz road. Dust and noise are a major concern. The crushers can be heard from inside the home. The dust is atrocious. Have lost calves due to dust pneumonia. We have cows and chickens and would like to see a tree line, bordering our property and would like to see conditions that we can live with.

Matthew Choate – neutral – 22455 Weitz Rd Caldwell ID 83607

- Mr. Choate came to the meeting to get information about the project, specifically regarding the asphalt plant. Recently moved to the area and was aware of the gravel pits. There is a concern about air quality.

Rebuttal – Dave Cochrum, Applicant Representative in favor – 4650 Malad St Boise ID 83705

- Communication is key to mitigate concerns, if there is a problem, the neighbors can come and talk to the operators, and they are very willing to address concerns. Noise is an issue and we have done everything we can to mitigate noise, the crushing is at least 2000 feet away from homes. Dust is not a problem with the asphalt plant. Trees would not help much with noise and dust. Noise, dust and air quality are regulated by OSHA, MSHA, and DEQ. The Department of Lands has compliance regulations

Steve Heaton Owner of Western Construction – in favor – 3834 S Stockenham Ave Meridian ID 83642

- We do have dust mitigation the piles do not have dust, the hot plant looks like dust coming off, but it is steam not dust. The bag house captures any dust from the asphalt plant. We are heavily regulated by DEQ. A stack test is done every five years.

MOTION: Commissioner Williamson moved to close public testimony on Case CU2018-0004, seconded by Commissioner Sturgill. Voice vote motion carried.

MOTION: Commissioner Garrett moved to approve Case CU2018-0004 and adopt the recommended Findings of Fact and Conclusions of Law, and Conditions of Approval. Seconded by Commissioner Fried. Roll call vote 6 in favor and 0 opposed. Motion carried.

TRIPLE CROWN DEVELOPMENT, Case No. CU2018-0005 Triple Crown Development CU2018-0005: Triple Crown Development and Western Construction are requesting to modify conditional use permit CU2008-58 -- a long term mineral extraction permit including sand and gravel mining and hauling from the site; operation of a portable crusher; concrete batch plant; and an asphalt hot plant. The modification request is to complete a land exchange between the two mining companies as follows: A portion of parcel R36060011, approximately 18 acres, currently owned by Western Construction and subject to CU2008-58 is proposed to be traded to Triple Crown Development for an approx. 18 acre portion of R36058 to create continuity between properties owned and mined by each entity. This modification and land exchange will also provide for Western Construction to relocate the current access from Dixie River Road to Weitz Road. The project includes parcels R36058, R36060011, R36060 located in Section 12, T4N, R4W, BM, Canyon County, Idaho and further described as lying north and west of Weitz Road and east of Dixie River Road in the Greenleaf area of city impact.

Commissioner Carpenter is recused, due to a conflict of interest.

Planner Debbie Root reviewed the case, no late exhibits, clarifying traffic and access points, not all traffic will diver to Weitz road, some will remain as is. Conditions 21 & 22 will be amended to reflect that. Triple Crown will only access via Weitz Road.

Chairman Hall affirmed witnesses and entered late exhibits into the record.

Dave Cochrum, Applicant Representative in favor – 4650 Malad St Boise ID 83705

- Western Construction has a permitted operation giving them access to Dixie River Road, they will divert to Weitz Road for southbound traffic. There is a 125 foot easement allowing Western Construction access to Weitz Road and runs with the property not the owner.

Liza Dicks – neutral– 21880 Dixie River Road Caldwell ID 83607

- Mrs. Dicks questions if the land swap changes the permit that Western Construction has currently. The land swap does not alter the Conditions of Western Construction’s permit.

Lance Thueson, Applicant in favor – 455 S Kings Rd Nampa ID 83687

- The commercial approach for Western Construction will not be in front of a school or residences. If Triple Crown only uses Weitz road to go north we will be traveling in front of the school and homes. Staff stated that Canyon Highway has made that determination, any changes to that will be made by Canyon Highway District.

MOTION: Commissioner Garrett moved to close public testimony on Case No. CU2018-0005, seconded by Commissioner Williamson. Voice vote, motion carried.

MOTION: Commissioner Garrett moved to approve Case CU2018-0005 and adopt the Findings of Fact and Conclusions of Law, and Conditions of Approval as amended referencing Attachment “A”. Seconded by Commissioner Fried. Roll call vote 6 in favor 0 opposed.

TRIPLE CROWN DEVELOPMENT, Case No. CU2018-0006

MOTION: Commissioner Garrett moved to table Case CU2018-0006 to date certain November 1, 2018. Seconded by Commissioner Sturgill. Voice vote motion carried.

GREG AND ANN OBENDORF, Case No. CU2018-0018

MOTION: Commissioner Williamson moved to table Case CU2018-0018 to date certain 11/15/2018. Seconded by Commissioner Garrett. Voice vote, motion carried.

NEW BUSINESS- ACTION ITEMS

JULIE TUCKER, Case No. RZ2018-0016: Julie Tucker is requesting a **Rezone** of approximately 20.62 acres from an “A” (Agricultural) zone to an “R-1” (Single Family Residential) zone. The subject property is located on the east side of Duff Lane, approximately 1967 ft. north of the intersection of Willis Rd. and Duff Ln., Middleton, ID, in a portion of the SW ¼ of Section 33, T5N, R2W, BM, Canyon County, Idaho.

Planner Jennifer Almeida, reviewed the staff report for the record, including late exhibit # 22.

Chairman Richard Hall: affirmed the witness to testify and entered the late exhibit into the record.

Julie Tucker, Applicant Representative in favor – 104 9th Ave S Nampa ID 83651

- Representing the property owner. This is not prime farm land and is more suited for residential lots. We are asking for 1 acre average lot size, however SWDH will determine the number of lots that will be allowed based on engineering report. City services are not planned for this acreage.

Tamara Sloviaczek, in neutral – 11741 Bullock Ln Middleton ID 83644

- Ms. Sloviaczek owns the property north and east of the proposed subdivision. Concerned about more subdivisions encroaching farm land and the number of residential lots that are reducing farm area. Traffic is also a concern on Duff lane. Agree that this property is not good for farming.

Rebuttal Julie Tucker, Applicant Representative in favor – 104 9th Ave S Nampa ID 83651

- Ms. Tucker's son is farming the property currently, it has been difficult to make a profit. The cost to irrigate is high, the ground is very hilly.

MOTION: Commissioner Carpenter moved to close public testimony on Case RZ2018-0016, seconded by Commissioner Williamson. Voice vote motion carried.

MOTION: Commissioner Garrett moved to recommend denial to the Board of County Commissioners on Case RZ2018-0016 based on Criteria #B, that the proposal is not more appropriate than the current zoning designation, and #C, that the proposed rezone is not compatible with surrounding land use. Direct staff to bring revised Findings of Fact and Conclusions of Law to the Planning and Zoning Commission on October 18, 2018. Seconded by Commissioner Levi. Roll call vote, motion carries with 6 in favor and 1 opposed.

FKH LLC, Case No. RZ2018-0013

MOTION: Commissioner Sturgill moved to table Case RZ2018-0013 to date certain 11/1/2018. Seconded by Commissioner Carpenter. Voice vote, motion carried.

LINFIELD ESTATES SUBDIVISION, Case No. SD2018-0002

MOTION: Commissioner Carpenter moved to table Case SD2018-0002 to date certain 11/15/2018. Seconded by Commissioner Garrett. Voice vote, motion carried.

APPROVAL OF MINUTES:

- September 20, 2018

MOTION: Commissioner Sturgill moved to approve the Minutes from September 20, 2018 as amended, seconded by Commissioner Garrett. Voice vote, motion carried.

COMMISSION, DIRECTOR, & PLANNER COMMENTS: Director Nilsson briefed the Commissioners on the Compass packets and the Parks and Preservation Plan. Nampa city is working on updating their Comprehensive plan.

ADJOURNMENT: 10:00 pm

MOTION: Commissioner Sturgill moved to adjourn, seconded by Commissioner Carpenter. Voice vote Motion carried.

Signed this 18th day of October, 2018

Chairman Richard Hall

ATTEST

Kathy Frost, Recording Secretary

