



Planning and Zoning Staff Report

Meholchick Juniper Ranch, CU2018-0022

Hearing Date: March 21, 2019

Development Services Department

Applicant:

Stan and Jeanie Meholchick
Juniper Ranch

Staff:

Deb Root droot@canyonco.org

Tax ID, Acres:

R34083 (10.09 acres)

Current Zone:

"A" (Agriculture)

Current Use:

Rural Residential home site

Impact Area:

Middleton

Flood Hazard Area

Zones AE & X

Comprehensive Plan:

2020 Canyon County Comprehensive Plan
Future Land Use Designation: 'Agriculture'

Lot Size/Project Area:

Approximately 10.09 acres

Applicable Zoning Land Use Regulations:

CCZO §07-02-03, §07-05-01, §07-07-01-05, §07-07-23 & 25, §07-10-27, §07-10-29

Notification:

- 01/07/19 -Agencies & JEPA
- 02/28/19 -Mailing
- 03/05/19 -Publication
- 03/14/19 -Posting (on or before)

Exhibits:

1. FCCO'S & Attachments
 - A. Site Plan
2. Small Aerial w/Flood Layer
3. Small Aerial
4. Letter of Intent
5. Small Vicinity Map
6. Dairy, Feedlot and Gravel Pit Map
7. NFIP Coordinator (FEMA) comments
8. Martin Galvin-Mason Creek Ditch Co.
9. City of Caldwell-opposed
10. Zoning and Classification Map
11. City of Caldwell Zone Map (portion) & Zoning District purpose statements
12. Canyon County Future Land Use Map
13. City of Caldwell Comp Plan Map
14. Lot Classification Map

Request

Case No. CU2018-0022: Stan and Jeanie Meholchick are requesting a conditional use permit to operate a special events facility on ten (10) acre parcel currently referred to as Juniper Ranch. The applicant is proposing that the facility will be utilized for Veteran Events such as, but not limited to, picnics, chili feeds, fishing, meetings, and a horse therapy program. The applicants are also proposing to facilitate non-Veteran events to include weddings and other temporary public gatherings. Juniper Ranch, parcel R34083, is located at 21500 Wells Road, Caldwell, ID.

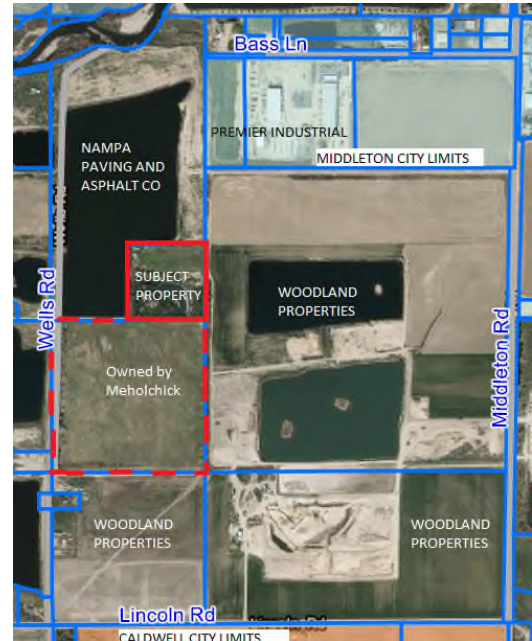
Background

The Canyon County Zoning Ordinance broadly defines 'SPECIAL EVENTS' as "Any temporary event including, but not limited to, weddings, picnics, barbecues, holiday events and parties, dances, concerts, footraces and walks, bazaars, and harvest festivals."

Analysis

The subject property is located in the Middleton area of city impact and is located within an AE flood hazard zone in the Boise River flood hazard area. The Meholchicks own the forty (40) acre parcel to the south of the subject property but have not requested it to be a part of the conditional use permit.

The Meholchick properties are currently surrounded by active and reclaimed mineral extraction operations owned by Woodland Properties, LLC and Nampa Paving and Asphalt. The Middleton city limits are located approximately 680 feet to the northeast and the Caldwell city limits are located approximately 2635 feet to the south of the 10 acre subject property. Middleton agency response indicates that the applicants have "successfully provided a venue and social events for many years." The city is requesting road improvements including right and left turn lanes at Lincoln and Wells Road intersection (**Exhibit XX**). Canyon Highway District has indicated that more information is required to determine if the request has any "appreciable impact on the road network" and may require a Traffic Impact Study (TIS). An approach permit is required for the change of use for the approach to Lincoln Road from Wells Road (**Exhibit XX**).



The Canyon County 2020 Comprehensive Plan Future Land Use (FLU) Map has the subject properties designated as 'Agriculture.' The properties to the east are designated as industrial on the FLU (Exhibit XX). The property lies within the Middleton impact area and Middleton has the property designated as Residential-Special Area (flood hazard note required) (Exhibit XX). Caldwell city limits and impact area is located in the near vicinity and the area is designated to the south and west is designated as low density residential and residential estates (Exhibit XX). As indicated by the city of Middleton (Exhibit XX) the Meholchicks have been conducting these Veterans events for some time with little or no complaints from the surrounding property owners.

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."*
- Property Rights Policy No. 8- *"Promote orderly development that benefits the public good and protects the individual with a minimum of conflict."*
- Property Rights Policy No. 9- *"Property owners shall be responsible for maintaining their property in the best possible condition as circumstances allow."*
- Property Rights Policy No. 11- *"Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods."*
- Economic Development Policy No. 2- *"Support existing business and industry in the county."*
- 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 Goal No. 1- *"Encourage the protection of agricultural land, fish and wildlife habitat, clean water and air, and desirable vegetation for use by future generations."*
- Special Areas, Sites and Recreation Policy No. 7- *"Support and encourage community organizations to develop a variety of cultural facilities that meet the needs of residents."* Currently the primary use of the facility for special events is for veterans and provides a haven for them to "get away" and enjoy the company of their families and fellow veterans and other community members in a tranquil environment. The participants have access to fishing and boating with continued efforts to provide suitable access such as jetties and sidewalks around the facility.
- 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."*

Comments

Public Comments

At the time this staff report was written staff had not received comments from the public. However, the Meholchicks applied for the Conditional Use permit as a result of a Code Enforcement review due a report of the activities occurring on the property. A courtesy notice was sent and the Meholchicks responded quickly to correct the non-compliance with ordinance requirements.

County Agency Comments

Staff notified affected agencies and the comments are attached as exhibits.

Significant Impacts

The properties contain areas designated as “AE” special flood hazard areas. The applicant must comply with County and Federal code regulations with regards to Floodplain development including construction or structures and excavation. A floodplain development permit is required from Canyon County DSD prior to commencement of any development within the special flood hazard areas. The State NFIP Coordinator indicated that an evacuation plan should be provided for the guests in the event of flooding. Portable restrooms also provide a hazard in the event of flooding and should be located in areas outside of the designated flood hazard area.

Alternatives

The Planning and Zoning Commission may **approve** the conditional use permit as conditioned and/or amended;

The Planning and Zoning Commission may **deny** the conditional use permit 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 for long term mineral extraction, crushing, staging, hauling and asphalt batch plant along with office, shop, and parking. Staff is **recommending approval** of the request 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.

Canyon County Planning and Zoning Commission

Meholchick Juniper Ranch, CU2018-0022 FCCO's

Development Services Department

March 21, 2019



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

Conditional Use Permit for Special Events Facility

Findings of Fact

1. The applicants are requesting a conditional use permit for a Special Events Facility.
2. The subject property contain approximately 10.09 acres.
3. The subject properties are located within the Boise River "AE" special flood hazard area (Exhibit 2, 7, 10 & 11)
4. The subject property is zoned "A" (Agricultural).
5. Special Events Facility is allowed by conditional use permit in the "A" (Agricultural) zone. (CCZO §07-10-27)
6. The subject properties have residential and agricultural access to Lincoln Road, public road via Wells Road (private). A change of use access permit shall be required from Canyon Highway District No. 4 (Exhibit 1 FCCOs Exhibit "C").
7. The subject property is located within the Middleton City area of impact.
8. The subject property is located within the Canyon Highway District, Caldwell Fire District, Mason Creek Ditch Co. and the Vallivue School District.
9. Notifications were made in accordance with CCZO §07-05-01. JEPA was mailed to Middleton City on January 7, 2018. Notifications were mailed to the applicant and property owners 03/06/2019. The legal notice was published to the Idaho Press Tribune on 03/05/2019. Agencies were notified on 01/07/19. The property was posted on March 14, 2019.
10. The record includes all testimony, staff reports, exhibits, and documents in case file CU2018-0022.

Conclusions of Law

For this request the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for Conditional Use Permit (§07-07-05):

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

Conclusion: The subject property is zoned "A" (Agricultural). Long term mineral extraction and batch plants are allowed by conditional use permit (CUP) in the agricultural zone (CCZO §07-10-27).

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?

Nampa Paving and Asphalt is requesting to establish a long term mineral extraction permit on with mining, crushing and staging of materials to occur on approximately 86 acres of approximately 155 acre subject properties. They are also requesting to operate an asphalt batch plant for use with the approved mineral extraction operations. Site facilities would include a portable office, scale, employee and equipment parking. The proposed hours of operation are 24 hour operation 7 days per week. The applicant is proposing a 20 year extraction period to complete the proposed mining operation. (Exhibit 4 & 7)

Finding and Conclusion: The adjacent Idaho Materials and Construction operations have restricted hours of operation for crushing and mining as 7:00 a.m. to 7:00 p.m. Monday through Saturday on the

Agricultural designated properties with 24 hour operation for short duration projects that require night time operations to meet contract obligations (CU2003-284). Sunroc permit allows for normal hours of operation Monday through Sunday 7 a.m. to 7 p.m. (PH2016-66). This permit shall be conditioned to standard hours of operation Monday through Saturday 7 a.m. to 7 p.m. Limited duration, 24 hour operations as required to meet night time contract requirements are permitted with no crushing or excavation of materials to take place after 7:00 p.m. or before 7:00 a.m.

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

Conclusion: The proposed use is consistent with multiple goals and policies of the 2020 Canyon County Comprehensive Plan.

Finding: The proposed use is consistent with multiple goals and policies of the 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 change the essential character of the area. The primary land uses in the area is mineral extraction and agricultural crop production. Permitted mines are operating in this area as shown in Exhibit 3. Noise, dust, and traffic are associated with mining operations and can have a negative impact on properties in the immediate vicinity but will not change the character of the area.

Finding: The immediate vicinity is comprised of mineral extraction, agricultural and rural residential uses. Although there are rural residential uses in the area, there are multiple mining operations approved or in production in the immediate vicinity of the subject properties (Exhibit 3 & 6). Mining operators in the vicinity including Idaho Materials & Construction have approval to operate concrete and asphalt batch plants. The permit will be conditioned to limit the normal hours of operation to 7 a.m. to 7 p.m. with 24 hour operations as required to meet night time contract obligations and a condition will be placed restricting crushing operations to normal business hours Monday through Saturday.

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. Applicant shall comply with all federal, state and local jurisdiction rules, regulations and permitting requirements and the applicant shall not disrupt the irrigation structures, canals, ditches on the property and shall not affect the upstream and downstream users of those systems as conditioned herein.

Finding: There are irrigation structures and ditches that are located on the subject properties (Exhibit 12) and these structures shall remain undisturbed by the mining operations. Modifications of any irrigation structures, ditches, drainages shall be in accordance with irrigation district permitting requirements and without disruption to water users. The applicant shall comply with all federal, state and local permitting requirements with regards to human generated waste, dewatering, and mitigation of environmental contamination.

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

Conclusion: A commercial access permit is required for the mining operations. The operator shall comply with Canyon Highway District No. 4 requirements and obtain an approach permit for the commercial use prior to commencing operations at the site. (Exhibit 1 FCCOs Exhibit "C").

Finding: Canyon Highway District #4 has indicated that agricultural and residential approaches exist on the subject property and that a change of use permit will be required for commercial use and access.

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

Conclusion: The mining of the subject properties may not create undue interference with existing or future traffic patterns Nampa Paving and Asphalt shall comply with the requirements of Canyon Highway District 4 as required for mitigation of operations on the public transportation system. (Exhibit 1 FCCOs Exhibit "C").

Finding: The proposed haul route is Lincoln Road. CHD#4 has indicates that the haul route shall not be to the east of the proposed access on Lincoln Road. CHD#4 indicates that curves, grades and intersections make travelling eastward from the site on Lincoln Road unsuitable for truck traffic. Canyon Highway District #4 (CHD4) indicates that a traffic impact study for the new operations is required at time of application for an approach permit.

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 are available in the area and the proposed use of long term mineral extraction should not require additional public funding to accommodate the use.

Finding: Agencies were notified of the intended use. No comments were received indicating that services would not be provided or be negatively impacted by this application.

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

When making a decision for a conditional use permit for the use, the decision making body shall 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. Three approved mineral extraction sites are located in the immediate vicinity of the subject parcels: Canyon Highway District No. 4 (R34069-010, CU2002-1); and Idaho Materials/Oldcastle MMG Inc. (R3467010 & R34071, CU2003-284) and Sunroc Corporation (R34067, PH2016-66).

2. Duration of the proposed use;

Conclusion: The proposed duration of 20 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 20 years on the subject property.

3. Setbacks from surrounding uses;

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

Finding: The project proposes a 50 foot minimum buffer between on the property boundaries and a 50 foot buffer from Fifteen Mile Creek and the Boise River (Exhibit 4, 7). All ditches, canals, laterals and rights of ways shall not be disturbed, re-routed, changed without proper permitting and agreements with the appropriate irrigation company/associations. Mason Creek Ditch Company and Franklin Ditch Company are affected entities.

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

Conclusion: An approved reclamation plan is approved as S602954 dated November 21, 2018.

Finding: The applicant has submitted a reclamation plan and amended reclamation plan S602954 (Exhibit #7) 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, operations and proposed reclamation plan (Exhibit 7). A “Pit Capture Protection Plan” (Exhibit 1 FCCOs Exhibit “B”) was subsequently submitted to address special flood hazard areas including floodway encroachment. No mining or construction of mitigation measures in the floodplain special flood hazard area and no mining, stockpiling, construction shall occur in the regulated floodway without first obtaining a DSD Floodplain Development permit and completing required studies in accordance with federal regulations and Canyon County Code.

Finding: The applicant has submitted a reclamation plan S602954 (Exhibit #7) approved by the Department of Lands demonstrating pit locations. The proposed mining operations are located within mapped floodplain and regulatory Floodway for the Boise River. A “Pit Capture

Protection Plan” authored by Quadrant Consulting and submitted by the applicant’s representative Todd Lakey provides for recommended berming, armouring, subsurface weir, and construction of a grade control structure at varying times during the mineral extraction process to mitigate potential uncontrolled flood risks (Exhibit 6).

6. Recommendation from applicable government agencies

- The applicant shall obtain a commercial approach permit from the Canyon Highway District #4 (Exhibit 1 FCCOs Exhibit “C”).
- The applicant shall comply with DSD Floodplain and Floodway requirements including the submittal of a CLOMR and LOMR as required by federal (Exhibit 11) and county floodway development regulations.
- The City of Caldwell is opposed to the mineral extraction operation (Exhibit 13).
- Flood District #11 is generally opposed to mineral extraction in a floodplain unless a study has been provided to address pit capture and/or flooding (Exhibit 10).
- Department of Environmental Quality standard letter of required compliance elements (Exhibit 9).
- Department of Lands approved Reclamation Plan as conditioned (Exhibit 7).

Conditions of Approval CU2018-0015

Nampa Paving and Asphalt Co. Long Term Mineral Extraction

Parcels R34063010, R34063010A, R34063011, R34062011 and R34164011 (155 acres ±)

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 operation permitted is for mineral extraction and processing on approximately 86 acres to include crushing, staging, hauling, and hot mix asphalt plant operations. There will be employee and mining equipment parking, a scale, and scale house/office located on the property. Mining and Reclamation shall be in substantial conformance with Plan S602954 (Exhibit 7) and Site Plan (Exhibit 1 FCCOs Exhibit “A”).
3. A Floodplain Development permit shall be obtained from Canyon County Development Services Department Floodplain Administrator prior to commencement of operations, including excavation of overburden materials, in the designated special flood hazard areas.
4. No mining, stockpiling, or construction of mitigation structures as outlined in the Pit Capture Protection Plan shall occur in the regulated Boise River Floodway prior to obtaining required documentation and studies in accordance with federal and county regulations for special flood hazard areas and floodway encroachment. A Floodplain Development permit shall be obtained from Canyon County Development Services Department Floodplain Administrator prior to commencement of operations in the regulated Boise River Floodway (Exhibit 1 FCCOs Exhibit “B” and Exhibit 11).
5. The operator shall maintain a minimum 50 foot undisturbed perimeter along the external property boundaries other than permitted approach to public roads. There shall be a minimum 50 foot undisturbed buffer along both sides of Fifteen Mile Creek as stated in the reclamation plan and applicant letter of intent (Exhibit 1 FCCOs Exhibit “A” & “B”, and Exhibits 4 & 7).
6. Alterations of irrigation structures located on the property shall be conducted with written approval from the irrigation company having jurisdiction including Mason Creek Ditch Co. and The Franklin Ditch Company. The alterations shall not impede or affect water delivery to adjacent properties/water users.
7. Development shall not impede, disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way.

8. Water--surface and groundwater, shall be discharged in accordance with state, federal, and local standards and/or regulations.
9. The duration of the proposed operations on the subject properties shall be 20 years not to exceed January 3, 2039.
10. The properties shall be mined as conditioned and reclaimed in accordance with reclamation plan S602954 (or as amended) and in compliance with the Pit Capture Protection Plan attached hereto as Exhibit 1 FCCOs Exhibit "B" in accord with federal and county special flood hazard regulations for floodplain and floodway encroachment. A Letter of Map Revision shall be submitted to the DSD Floodplain Administrator upon completion of the reclamation of the site.
11. Normal business hours of operation shall be Monday through Saturday 7:00 a.m. to 7:00 p.m. Temporary 24 hour per day seven days per week operations may be conducted as required by projects mandating nighttime delivery of materials. No crushing of materials shall occur after 7:00 p.m. or prior to 7:00 a.m. The duration of 24 hour operations should be temporary.
12. The storage of diesel fuel, petroleum products, and any other hazardous materials must meet the standards set forth by the applicable agencies.
13. Noise emissions shall follow the regulations and standards of OSHA and MSHA.
14. Commercial truck traffic shall not travel eastbound on Lincoln Road from the property access point on Lincoln Road. Prior to commencement of mining operations a traffic impact study is required in accordance with Canyon Highway District #4 permit requirements. A commercial approach permit from Canyon Highway District #4 is required for a change in use from agricultural to commercial mineral extraction (Exhibit 1 FCCOs Exhibit "C").

Order

Based upon the Findings of Fact and Conclusions of Law, and Conditions of Approval contained herein, the Planning and Zoning Commission **approves** Case # CU2018-0015, for long term mineral extraction on approximately 86 acres of 155 acre subject properties including parcels R34063010, R34063010A, R34063011, R34062011 and R34164011. The operation shall include mining, crushing, stock piling, hauling, and asphalt batch plant operations as conditioned herein.

APPROVED this _____ day of _____, 2019.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

Richard Hall, Chairman

State of Idaho)

SS

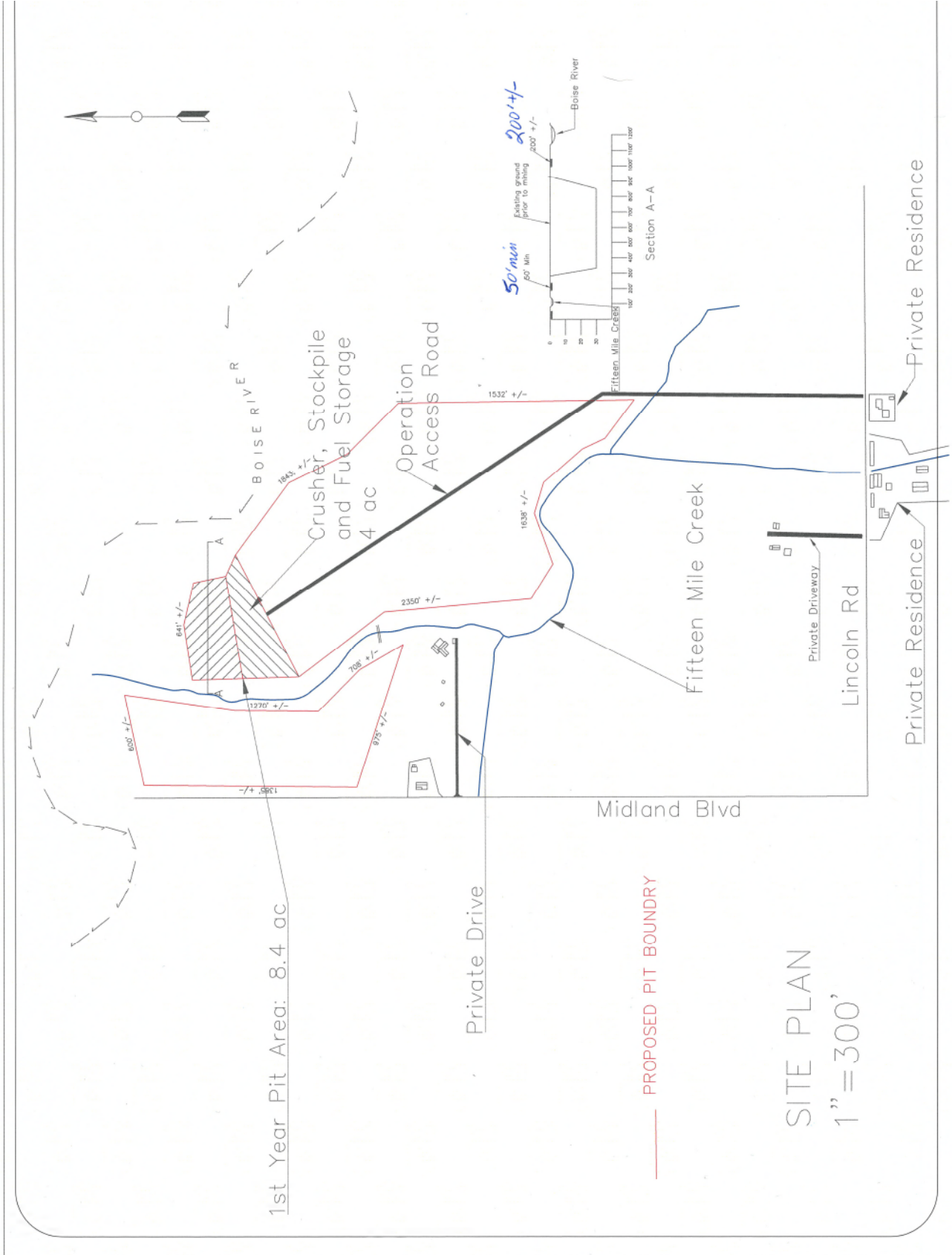
County of Canyon County)

On this _____ day of _____, in the year 2019, 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: _____

FCCOs EXHIBIT "A"
SITE PLAN



1st Year Pit Area: 8.4 ac

— PROPOSED PIT BOUNDARY

SITE PLAN
1" = 300'

Reclamation Plan Drawing 2018 REV 9.14.18.dwg

3/19/2007

FCCOs EXHIBIT "B"