



BOARD OF COUNTY COMMISSIONERS
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:
CU2025-0011-APL

The Canyon County Board of County Commissioners considers the following:

The appellant, Knife River Corp. – Mountain West, represented by Megan Winter & Joseph Smith, is appealing the decision by the Planning and Zoning Commission regarding the denial of a conditional use permit to allow long-term mineral extraction uses on parcels R35968010 and R35973010. The parcels are zoned “A” (Agricultural).

The subject property is located at 0 Centerpoint Rd, Caldwell, Idaho, also referenced as a portion of the SE quarter of Section 05, T4N, R4W, BM, Canyon County, Idaho.

Summary of the Record

1. The record is comprised of the following:

A. The record includes all testimony, the staff report, exhibits, and documents in Case File CU2025-0011 and CU2025-0011-APL.

1. All exhibits are located in the case staff report dated March 10, 2026.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-07 (Conditional Use Permits), Canyon County Code §07-02-03 (Definitions), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Canyon County Code §07-14 (Use Standards) and Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures).
 - a. Notice of the public hearing was provided pursuant to CCCO §07-05-01, Idaho Code §67-6509 and 67-6512.
 - b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.
 - c. Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. *See* CCCO §07-07-01.
 - d. Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development;(6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school

districts, providing services within the planning jurisdiction. See Idaho Code §67-6512, CCCO §07-07-17, and 07-07-19.

- e. Use Standards – Mineral Extraction Long Term: (1) If a conditional use permit is required, the following standards shall apply: A. Setbacks: Front 30’, Side 30’, Rear 30’ Corner 30’; 1. Front and corner setbacks shall be measured from the greatest of either the property line, right-of-way line, or road easement line of any local or private street. 2. When making a decision for a conditional use permit for the use, the decision making body shall consider the following: (A) The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses; (B) Duration of the proposed use; (C) Setbacks from surrounding uses; (D) Reclamation plan as approved by Idaho Department of Lands; (E) The locations of all proposed pits and any accessory uses; and (F) Recommendations from applicable government agencies. See CCCO §07-14-19.
 - f. The decisions of the commission or the hearing examiner may be appealed to the board by filing a written notice of appeal with DSD within fifteen (15) calendar days of the date the FCOs were signed. The notice of appeal should include a statement of the reasons for the appeal and must be accompanied by a filing fee as established by the adopted fee schedule. See CCCO §07-05-05.
2. The Board has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act (“LLUPA”) and can establish its own ordinances regarding land use. See I.C. §67-6504, §67-6512.
 3. The Board has the authority to hear this case and make its own independent determination. See I.C. §67-6519, §67-6504. The Board can sustain, modify or reject the Commission’s recommendations. See CCCO §07-05-03.
 4. There are no mandates in the Local Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. Chambers v. Kootenai Cnty. Bd. of Comm’rs, 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).
 5. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §07-05-03.
 6. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.
 7. The County’s hearing procedures, adopted per Idaho Code §67-6534, require that final decisions be in the form of written findings, conclusions, and orders. CCCO 07-05-03(1)(I).

The application, CU2025-0011-APL, was presented at a public hearing before the Canyon County Board of Commissioners on March 10, 2026. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Canyon County Board of Commissioners decides as follows:

Table 1. Conditional Use Permit Review Criteria Analysis

HEARING CRITERIA (CCCO §07-07-05): The presiding party shall consider each conditional use permit application by finding adequate evidence to answer the following questions in its FCOs:					
Compliant			County Ordinance and Review		
Yes	No	N/A	Code Section	Criteria	
			07-07-05(1)	Is the proposed use permitted in the zone by conditional use permit?	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Analysis</i>	<p>The proposed use, mineral extraction (long term), is permitted in the “A” (Agricultural) zone subject to conditional use permit approval pursuant to CCCO §07-10-27.</p> <p>According to CCCO §07-02-03, mineral extraction is defined as “<i>the various activities associated with the extraction of mineral resources, including, but not limited to, gravel, from the ground.</i>”</p>	

				Per CCCO §07-07-03, the applicant submitted a conditional use permit application on May 6, 2025 (Staff Report Exhibit 3A).
			07-07-05(2)	What is the nature of the request?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Analysis</i>	<p>The nature of the request involves operating a sand and gravel pit on Parcels R35968010, consisting of approximately thirty (30) acres, and R35973010, consisting of approximately twenty-eight (28) acres, in the “A” (Agricultural) zone for a maximum of twenty (20) years (Staff Report Exhibits 3A2 and 3A7).</p> <ul style="list-style-type: none"> • The activities on site include mining sand and aggregate to be crushed, screened, washed, and stockpiled within the boundary of the subject parcels. • There are no additional signage, improvements, or structures proposed within the boundaries of the conditional use permit, except for truck scales for monitoring weight. • The mining operation will take place in two (2) phases and is planned to begin in the Northwest corner of the site. Phase one (1) will consist of the plant area and soil/aggregate stockpiles on approximately twenty (20) acres. A portion of the salvaged soil will be used to create a berm around the mining operations. Phase two (2) will result in approximately thirty (30) acres of disturbance (Staff Report Exhibit 3A2). • According to the letter of intent (Staff Report Exhibit 3A2), the site will be mined to a minimum elevation of 2,280 feet, with a maximum depth of twenty (20) feet from the surface elevation. The operational slopes on the mine walls will be between 1:1 and 3:1. • Proposed hours of operation for mining are 7 a.m. – 5 p.m., Monday through Saturday. However, loading and hauling of material may take place 24 hours a day, seven (7) days a week to support construction activities. In the letter of intent, the applicant states that they will send a notice to the neighbors 10 days prior to starting a 24-hour operation (Staff Report Exhibits 3A2 and 3A3). • There is expected to be one (1) to ten (10) employees on site at any given time (Staff Report Exhibit 3A2). • Four (4) foot berms along the eastern and southern shared property lines are proposed (Staff Report Exhibits 3A2 and 3A8). The applicant is proposing a topsoil berm, stabilized with grass or rock, to be placed around the site as mining progresses to serve as the perimeter of the mining area. The berms will be graded and seeded to control stormwater runoff. <i>See condition of approval number 4.</i> The topsoil will be removed and reclaimed during the reclamation process. • There will be a 30-foot setback from the subject property boundaries in accordance with CCCO §07-14-19 (Staff Report Exhibits 3A2 and 3A7). • A Reclamation Plan has been approved by the Idaho Department of Lands. The applicant proposes to create a 50-acre water feature due to the depth of mining. The remainder will be sold as agricultural land or residential development (Staff Report Exhibit 3A7).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	07-07-05(3)	Is the proposed use consistent with the comprehensive plan?
			<i>Analysis</i>	The Board of County Commissioners found that the proposed use is not consistent with the 2030 Canyon County Comprehensive Plan. The 2030

				<p>Canyon County Comprehensive Plan designates the subject parcels as “agriculture” with an “Intensive Agriculture Overlay” on the future land use map (Staff Report Exhibit 3B2.16).</p> <ul style="list-style-type: none"> • The area primarily consists of agricultural uses (primarily livestock and grazing, with some crop production), feed lots, and limited residential uses (Staff Report Exhibits 3B2.6, 3B2.7, and 3B2.9). • The 2030 Comprehensive Plan describes intensive agriculture as “<i>This overlay is applied to protect working lands and operations. These areas may have higher-quality soils, water availability, and relatively flat topography. Uses may include seed production, crops, orchards, vineyards, concentrated animal feeding operations, grazing, and other agriculturally-based uses. This designation aims to protect agriculture operations from incompatible uses and reduce the conflicts concerning noise, dust, smells, and safety.</i>” <ul style="list-style-type: none"> ○ Based on testimony provided during the March 10, 2026, hearing, which included evidence of multi-generational agricultural operations in the immediate vicinity, a gravel pit is not compatible with the intensive agricultural overlay as described. <p>The request does not align with the following goals and policies of the 2030 Canyon County Comprehensive Plan:</p> <ul style="list-style-type: none"> • Chapter 1 - Property Rights: <ul style="list-style-type: none"> ○ <u>Property Rights G1.02.00</u>: “Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition, and preserve it for future generations without becoming a public nuisance.” • Chapter 2 – Population: <ul style="list-style-type: none"> ○ <u>Population G2.01.00</u>: “Incorporate population growth trends & projections when making land-use decisions.” • Chapter 3 – Economic Development: <ul style="list-style-type: none"> ○ <u>Economic Development G3.01.00</u>: “Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.” ○ <u>Economic Development P3.01.02</u>: “Support suitable sites for economic growth and expansion compatible with the surrounding area.” • Chapter 4 – Land Use and Community Design <ul style="list-style-type: none"> ○ <u>Land Use P4.02.01</u>: “Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.” ○ <u>Land Use G4.03.00</u>: “Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.” <p><i>See criteria 07-07-05(4) for additional supporting evidence.</i></p>
□	☒	□	07-07-05(4)	<p>Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?</p> <p><i>Analysis</i> The Board of County Commissioners agrees with the Planning and Zoning Commission's findings regarding the request, finding that the proposed use</p>

will be injurious to other property in the immediate vicinity and will negatively change the essential character of the area.

Character of the Area:

The subject properties are zoned “A” (Agricultural) (**Staff Report Exhibit 3B1**), with the surrounding zoning also “A” (Agricultural). There are no subdivisions located nearby. Within 1,000 feet of the subject property, there are 21 parcels (**Staff Report Exhibit 3B2.2**). The character of the area consists of livestock grazing, feed lots, mineral extraction operations, and some residences (**Staff Report Exhibits 3B2.6, 3B2.7, and 3B2.9**).

Adjacent Existing Conditions:

Direction	Existing Use	Primary Zone	Other Zone
N	Agricultural with Primary Residence	A	CR-RR
S	Agricultural with Primary Residence	A	-
E	Agricultural Operation	A	-
W	Agricultural Operation	A	-

“A” (Agricultural), “R-R” (Rural Residential), “R-1” (Single-Family Residential), “C-1” (Neighborhood Commercial), “C-2” (Service Commercial), “M-1” (Light Industrial), “CR” (Conditional Rezone)

Within a 2-mile radius, there are several approved gravel pits to the northeast and southeast of the subject parcels and three (3) feedlots to the southeast, west, and northwest of the subject parcels (**Staff Report Exhibit 3B2.9**).

The Board of County Commissioners found that, based on the evidence provided, a gravel pit would be injurious to agricultural operations and the homeowners who would be surrounded by the gravel pit, and would alter the character of the area.

- The reclamation plan for the proposed gravel pit is creating a lakeview property that will result in residential development (**Staff Report Exhibit 3A7**). Residential development is not in line with the agricultural nature of the area. New property owners will have an expectation of their new house, whereas the operators who have been operating in this area for decades will have different expectations for their right to farm.
- Public testimony by Shaw Holdings stated that they move their cattle on the road that the proposed use would use. Verbal testimony on November 20, 2025, stated that the character of the area, along with the subject properties, is productive agriculture.
- Public testimony at the March 10, 2026, hearing provided evidence that there are several multi-generational households in this area, along with multi-generational agricultural operations.
- Canyon County Soil Conservation District comments in the Staff Report Exhibit D3 state that they do not recommend a land use change due to the soil classifications.

				<p>Impacts: The Board of County Commissioners finds that the long-term mineral extraction use will impact the surrounding area, due to an increase in noise, lighting, and traffic related to the use. The Board expressed that the applicant may have been able to mitigate most of the concerns expressed during public testimony had the applicant gone to the neighbors and come up with a written agreement, so as not to be a theoretical action plan.</p> <ul style="list-style-type: none"> • TRAFFIC: See Findings for criteria 07-07-05(7) in Table 1 for evidence. • NOISE: Although a batch plant will not be located on Parcels R35968010 and R35973010, noise levels may increase in the immediate vicinity due to the mining activities and rock crushing that are proposed to take place on site (Staff Report Exhibit 3A2). The berms surrounding the mining activities will act as a noise barrier to decrease noise pollution. The hours of operation proposed are Monday through Saturday, 7:00 a.m. through 5:00 p.m., with the operation closed on Sundays and traditional legal holidays (unless an emergency occurs). There was discussion for the rock crusher to be limited to an area away from the nearby residence (Staff Report Exhibit 3A9), and a 10-foot high topsoil berm constructed along the northern and western property boundaries (Staff Report Exhibit 3A8), it was found by public testimony from the neighbors that would be impacted by the noise that putting these conditions would not mitigate the impact. The neighbor located at parcel R35968010B is in the middle of both proposed parcels R35968010 and R35973010 works in the healthcare profession and does not have a set schedule. <ul style="list-style-type: none"> ○ The Board of County Commissioners finds that the proposed berms do not create adequate fences or mitigate noise or dust coming from a gravel pit. Based on testimony, the acoustics in this area make it so that existing gravel pit operations can be heard approximately 3.5 to 4.5 miles away.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>07-07-05(5)</p> <p><i>Analysis</i></p>	<p>Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?</p> <p>The project will have adequate water, sewer, irrigation, drainage, and stormwater drainage facilities, and utility systems to accommodate the proposed use based on the analysis contained herein.</p> <p>Water: Per the land use matrix, no well is proposed (Staff Report Exhibit 3A3).</p> <p>Sewer: No septic tank or drain field is proposed, as portable toilets will be provided for employees on site (Staff Report Exhibit 3A3). Southwest District Health was notified of the request on June 5, 2025, and on October 16, 2025. Comments were received on June 6, 2025, stating that a nutrient pathogen study and a septic system are not required (Staff Report Exhibit 3D1).</p> <p>Irrigation: According to the land use worksheet, the applicant is not proposing to use irrigation water (Staff Report Exhibit 3A3). Eureka Irrigation District was notified of the request on June 5, 2025, and on October 16, 2025. Eureka Irrigation District provided comment on November 10, 2025, stating that no water is allowed to be discharged into the Eureka Ditch or any of its laterals or sub laterals (Staff Report Exhibit 3D8).</p> <p>Drainage/Stormwater:</p>

				<p>Stormwater shall be retained onsite per the applicant's letter of intent and land use worksheet (Staff Report Exhibits 3A2 and 3A3). The stormwater shall be retained onsite in the proposed settling ponds within the pit. The stormwater will be used for dewatering. The stormwater will be controlled on the site through site grading, permanent or temporary ditches, and berms. Stockpile berms will be seeded for stabilization to act as the first control for runoff. Stormwater will be allowed to pond inside the pits. Stormwater will then be channeled into the lower parts of the pit throughout the mining operations.</p> <p>Discharging/ Dewatering into Irrigation Facilities: According to the letter of intent, dewatering will occur by pumping groundwater and stormwater from the ponds. Discharging of water will be done into an irrigation ditch. The applicant states they will send a Notice of Intent to discharge stormwater associated with Industrial Activity under the IDEQ National Pollutant Discharge Elimination System Multi-Sector General Permit. Staff spoke with Drainage District 6 over the phone on November 10, 2025 (Staff Report Exhibit 3D9). Drainage District 6 requested that drainage occur in the irrigation canal during the summer months. Eureka Irrigation District's comment on November 10, 2025 (Staff Report Exhibit 3D8), advised that Eureka Irrigation District does not grant access for any operations to discharge into Eureka.</p> <p>Utility Systems: Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziplly, were notified of the application on June 5, 2025, and October 16, 2025. No agency comments were provided by those services at the time the staff report was written. It is anticipated that the applicant will be able to work with utility providers to gain any additional utilities needed.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>07-07-05(6)</p> <p>Does legal access to the subject property for the development exist or will it exist at the time of development?</p>	<p>The subject property does have legal access for the development and will exist at the time of the development.</p> <p>The only site access point will be located near the northeast corner of the site, adjacent to Centerpoint Road (Staff Report Exhibit 3A2).</p> <p>Golden Gate Highway District was notified of the request on June 5, 2025, and on October 16, 2025. Golden Gate Highway District provided comment on October 1, 2025, advising that an approach permit application is required for the access proposed (Staff Report Exhibit 3D5).</p>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>07-07-05(7)</p> <p>Will there be undue interference with existing or future traffic patterns?</p>	<p>The Board of County Commissioners agrees with the findings of the Planning and Zoning Commission and found additional evidence that there will be undue interference with the existing and/or future traffic patterns, primarily because there are several approved gravel pits in the area that have yet to improve the roads; adding another gravel pit to the area would further add to the interference.</p> <ul style="list-style-type: none"> The subject parcels are located on the northwest corner of the Centerpoint Road and Howe Road intersection. Centerpoint Road and Howe Road are under the jurisdiction of the Golden Gate Highway District and are classified as Local Road and Minor Collector, according to the Golden Gate Highway District's comment (Staff Report Exhibit 3D5). A Traffic Impact Study (TIS) and pavement analysis are required per the Golden Gate Highway District to determine the impacts of the existing and future

			<p>traffic patterns. Due to the proximity of case CU2025-0009 heard on November 6, 2025, Golden Gate Highway District would like to see the traffic impact study and pavement analysis combined. See Staff Report Exhibit 3D5 for Golden Gate Highway District's comment letter.</p> <ul style="list-style-type: none"> • According to the Idaho Transportation Department's (ITD's) comment (Staff Report Exhibit 3D7), IMC, case numbers CU2024-0007 and CU2019-0018 were conditioned for a westbound right-turn lane at SH-19 and Notus Road. As of now, the improvement has not been made. ITD's comment recognizes that the improvement should not be the sole responsibility of the current applicant, but states that the turn lane must be installed for the highway to safely serve the increased traffic demand at this intersection. • The Board of County Commissioners finds that the rural roads in this area are not built to withstand the truck traffic of an 80,000 to 120,000-pound-ton truck driving over them several times a day without rebuilding the infrastructure. <p>Without the studies requested, such as the Traffic Impact Study for the surrounding area, the Board of County Commissioners finds that, considering the cumulative effect of all the approved gravel pits in this area, there will be interference with the existing or future traffic patterns.</p>
		07-07-05(8)	<p>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?</p> <p>Essential services will be provided to accommodate the use, including, but not limited to, school facilities, police and fire protection, emergency medical services, and irrigation facilities. The services will not be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use.</p> <p>School Facilities: The subject properties are serviced by the Notus School District. Agency comments were sent out on June 5, 2025, and October 16, 2025; no comments were received by the school district. The proposed use is not anticipated to impact the Notus School District.</p> <p>Police and Fire Protection: The subject properties are under the jurisdiction of the Canyon County Sheriff's Office. The Canyon County Sheriff's Office is required to provide services to the property. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding. Agency notice was sent out on June 5, 2025, and October 16, 2025, and no comments were received by the Sheriff's Office.</p> <p>Wilder Rural Fire District serves the subject properties and sent a comment letter on September 25, 2025. The comment letter did not express any concerns about the proposed use (Staff Report Exhibit 3D4). It was advised that the average response time to the subject properties would be approximately 7-10 minutes.</p> <p>Emergency Medical Services: Emergency Medical Services are provided to the subject properties. Canyon County Paramedics/EMT and Canyon County's Emergency Management</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><i>Analysis</i></p>

			<p>Coordinator were notified of the application on June 5, 2025, and October 16, 2025, and no comments were received. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding.</p> <p>Irrigation Facilities: The subject properties are under the Eureka Irrigation District’s jurisdiction. Eureka Irrigation District provided comment on November 10, 2025, stating that no water is allowed to be discharged into the Eureka Ditch or any of its laterals or sub laterals (Staff Report Exhibit 3D8). See CCCO 07-07-05(5) for information on irrigation.</p>
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**Table 2. Article 14 Use Standards Criteria Analysis
- Mineral Extraction Long Term -**

USE STANDARDS 07-14-03(1): The provisions of this article apply to all properties where a use is listed as an allowed use, a conditional use, or a director's decision in section 07-10-27 of this chapter (land use matrix).																
CCCO §07-14-19(1): If a conditional use permit is required, the following standards shall apply:																
Compliant			County Ordinance and Review													
Yes	No	N/A	Code Section	Criteria												
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-14-19(1)A	Setbacks: Required = 30'												
			<i>Analysis</i>	<p>The proposed use will comply with the minimum required setbacks for a long-term mineral extraction facility. See further analysis contained below.</p> <table border="1"> <thead> <tr> <th>Setbacks</th> <th>Front</th> <th>Side</th> <th>Rear</th> <th>Corner</th> </tr> </thead> <tbody> <tr> <td>Required</td> <td>30'</td> <td>30'</td> <td>30'</td> <td>30'</td> </tr> <tr> <td>Proposed</td> <td>30'</td> <td>30'</td> <td>30'</td> <td>30'</td> </tr> </tbody> </table> <p>07-14-19(1) A.1. Front and corner setbacks shall be measured from the greatest of either the property line, right-of-way line, or road easement line of any local or private street.</p> <p>According to the letter of intent (Staff Report Exhibit 3A2), the applicant is proposing to establish a 30' setback from the property lines.</p>	Setbacks	Front	Side	Rear	Corner	Required	30'	30'	30'	30'	Proposed	30'
Setbacks	Front	Side	Rear	Corner												
Required	30'	30'	30'	30'												
Proposed	30'	30'	30'	30'												
CCCO 07-14-19(1)A.2 When making a decision for a conditional use permit for the use, the decision-making body shall consider the following:																
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	07-14-19(1) A.2 (A)	The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses.												
			<i>Analysis</i>	See Finding 07-07-05(4) in Table 1												
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-14-19(1) A.2 (B)	Duration of the proposed use.												
			<i>Analysis</i>	According to the Reclamation Plan (Staff Report Exhibit 3A7), the applicant is proposing to be in operation for a maximum of twenty (20) years.												
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-14-19(1) A.2 (C)	Setbacks from surrounding uses.												
			<i>Analysis</i>	A minimum of a 30' setback is proposed along the property boundaries (Staff Report Exhibit 3A2).												
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-14-19(1) A.2 (D)	Reclamation plan as approved by Idaho Department of Lands.												
			<i>Analysis</i>	<p>A reclamation plan was approved by the Idaho Department of Lands on February 3, 2025, subject to conditions (Plan No. S603017, Staff Report Exhibit 3A7).</p> <p>The operation consists of two (2) phases. Phase one (1) will begin in the northwest corner of the site (Staff Report Exhibit 3A7). Phase one (1) will be approximately thirty (30) acres, and phase two (2) will be approximately twenty-eight (28) acres. The aggregate deposit will be mined using both dry and wet extraction techniques. The material will be crushed, screened, washed, and stockpiled at the mining site. As mining progresses, the pit floor will be smoothed and flattened. Once mining operations have completed, the site will</p>												

				be graded to establish a large pond. The post-mining land use plan for the property contains a large water feature due to the depth of mining. The perimeter berms created during the stripping process will be leveled into the water surface to reduce visual obstruction.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-14-19(1) A.2 (E)	The locations of all proposed pits and any accessory uses.
			<i>Analysis</i>	See Reclamation Plan (Staff Report Exhibit 3A7) for discussion of the location of the two (2) phases of the mineral extraction. Accessory uses include, but are not limited to, handling construction aggregate and overburden soil onsite, parking for the equipment and vehicles, and servicing the vehicles. The vehicles will be serviced with fuel and lubricating oil. Fuel will be kept on-site for the vehicles and crusher. All fuel tanks will be double-walled or installed in a second containment. Heavy equipment to be used for the operations includes hydraulic excavators, dozers, front-end loaders, and crushing and screening equipment (Staff Report Exhibit 3A2). The rocker crusher shall be located within the designated area in Staff Report Exhibit 3A9 .
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-14-19(1) A.2 (F)	Recommendations from applicable government agencies.
			<i>Analysis</i>	Southwest District Health provided comments on June 6, 2025; no recommendations or conditions were provided (Staff Report Exhibit 3D1). Idaho Department of Environmental Quality (DEQ) provided comments on June 9, 2025; general recommendations were provided (Staff Report Exhibit 3D2). Canyon County Soil Conservation District provided comments on June 10, 2025; a recommendation of not changing the land use was provided with no conditions to mitigate (Staff Report Exhibit 3D3). Wilder Rural Fire District provided comments on September 25, 2025; no recommendations or conditions were provided (Staff Report Exhibit 3D4). Golden Gate Highway District provided comments on October 1, 2025; proposed conditions were provided (Staff Report Exhibit 3D5). Canyon County GIS Department provided comments on November 6, 2025; proposed conditions were provided (Staff Report Exhibit 3D6). Idaho Transportation Department (ITD) provided comments on November 7, 2025; proposed conditions were provided (Staff Report Exhibit 3D7). Eureka Irrigation District provided comments on November 10, 2025; proposed conditions were provided (Staff Report Exhibit 3D8). Drainage District 6 had a phone conversation with staff on November 10, 2025; proposed conditions were provided (Staff Report Exhibit 3D9). <i>See Staff Report Exhibit 3D for all agency recommendations and comments.</i>

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of Canyon County Commissioners **denies the appeal**, upholding the Planning and Zoning Commission's denial of Case # CU2025-0011-APL, a conditional use permit for a mineral extraction (long term) on parcels R35968010 and R35973010.


APPEAL DENIED this 14th day of April, 2026.

**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY,**


Yes No Did Not Vote

 X _____ _____
Commissioner Brad Holton

 X _____ _____
Commissioner Zach Brooks

 ✓ _____ _____
Commissioner Leslie Van Beek

Attest: Jess Urresti, Clerk

By:  _____
Deputy

Date: 4/14/26