

Speaker 1 ([00:00:02](#)):

Okay. It is now 2:36 on this 12th day of August 2026 and time for today's Canyon County Board of County Commissioners public hearing. This would be regarding case number CU2024-0023-APL. I am Chairman Brad Holton. To my left are Commissioner Zach Brooks and Commissioner Leslie Van Beek. The DSD staff report and any additional exhibits received by the established materials deadline have been posted on the county's website on the land use hearing page for anyone to review. So the person just walked in, are you wanting to testify today? No. You might. No or yes? I didn't. No. No. You're just observing. Okay. DSD staff report any additional exhibits as received by the established materials deadline have been posted on the county's website on the land use hearing review. Potential conflicts of interest. Before we begin testimony, are there any declarations pertaining to this application such as conversations or meetings outside of this hearing received by any commissioner?

Speaker 2 ([00:01:13](#)):

Thank you, Chairman. No.

Speaker 3 ([00:01:14](#)):

No, Mr. Chairman.

Speaker 1 ([00:01:16](#)):

No for myself. Is there any commissioner who bereaves this of conflict of interest request to be excused from participating in this specific decision?

Speaker 2 ([00:01:24](#)):

Thank you, Chairman. No.

Speaker 3 ([00:01:25](#)):

No, Mr. Chairman.

Speaker 1 ([00:01:27](#)):

Okay. No for myself. So testimony guidelines, orders, and process. So please silence your cell phones. Don't assume they're off. Make sure they're off, please. Commissioner's room electronically records all public hearings. There are microphones above your head, so don't think that you can whisper the person beside you if that's a public record or time and eternity. So you may or may not want that conversation held forever for someone to come back and listen to. As chairman, I'll maintain order by restricting inappropriate discussion or disorderly conduct. And if necessary necessary, I'll ask you to step outside of the room. At this time, I will explain the rules and procedures for today's hearing consistent with Canyon County Ordinances Chapter one, Article 17, and Chapter seven, Article one. The applicant has the burden of proof. The applicant or their representative will go first today with their testimony limited to 10 minutes.

([00:02:28](#)):

The board may have questions for the applicant, which will not count against their time. The DSD staff report will be next. The board may have questions for staff. Additional questions by the board to staff can happen at any time during today's hearing. After those two have gone, then once you're sworn and

all of this, at that point, individuals who have signed up to testify will be called one by one. And you will come up, take a chair in front of us, and pull the microphone up close to your mouth and, , start with your name and address. And you'll have three minutes to testify. Since the applicant has the burden of proof, they will get to go last and are permitted five minutes for rebuttal testimony first. Pardon me?

Speaker 3 ([00:03:16](#)):

They gotta go first. You said last. Oh, they gotta go first.

Speaker 1 ([00:03:19](#)):

Well, they did go first. I already said that, but just instead of - Oh, okay. Oh, sorry. That's all right.

([00:03:25](#)):

To answer any additional board questions, once the public comment is closed, this board will deliberate and render a decision. Request for those to testify. Speak loudly and answer the microphone for both those in the audience can hear, and we can hear you quite clearly on the audio recording. When your name is called, you'll be asked to come up to the desk and clearly state your name and address before you start any testimony. Please adhere to the three minute limit. We'd like to make sure everybody has time to give their testimony during this meeting. So if someone before you gave s - the same testimony that you plan to give, you may simply come out and state for the record you agree with the previous testimony. And if there's any nuances you can add to that. We will not be accepting any documents or other written materials at this hearing.

([00:04:14](#)):

All materials to be relied upon as part of the record were required to be submitted with an advertised deadline, which was a minimum of 10 days ago.

([00:04:24](#)):

Materials received by that deadline have automatically been included in the record, and we have received them. This deadline is to provide ample time for inclusion in the staff, staff report packet, hearing body review, and full transparency and access for the public. The submission of late documents or other materials does not allow all parties time to access the material or allow sufficient time for public review. If in your verbal testimony you're referring to some exhibits that we have, you might use specific verbal descriptions of what you're referring to. So if we end up having to make a written record of what happened today, we can understand what reference you're, you're, you're citing. So is, , we've already asked if anybody was in the room, so we've got to that point. So at this point, let's have you sworn in to the, take the oath.

Speaker 4 ([00:05:21](#)):

Amber Leonard, Josh Johnson, Dawn Moss, Holly Grubiak, Steve Moss, Melinda Upson, Stuart Beswick, Joe Grubiak, Julia Oman, Ryan Upson, Colby Brenton, Annie English, Brian Burnett, Natalie Johnson, Mary Wall. If I could have everybody raise your right hand. Do you swear or affirm that the testimony you give will be the truth, the whole truth, and nothing but the truth, so help you God? Yeah.

Speaker 3 ([00:05:47](#)):

Thank you. Your microphone's off. I didn't see it.

Speaker 1 ([00:05:55](#)):

And I'm, I'm

Speaker 5 ([00:05:55](#)):

Counting

Speaker 1 ([00:05:56](#)):

On you here. Okay. So thank you for that. Now we'll start taking testimony from the applicant or their representative. So if they would come up and cite their name and address, and then you'll have 10 minutes.

Speaker 6 ([00:06:13](#)):

Natalie Johnson, 2205 West Mace Road, Eagle, Idaho, 83616. I've never had the chance to sit down at one of these.

Speaker 1 ([00:06:22](#)):

It is nice, isn't it? This is

Speaker 6 ([00:06:24](#)):

Lovely.

Speaker 1 ([00:06:25](#)):

Yeah, this is way better than -

Speaker 6 ([00:06:26](#)):

This is way better. Thank you.

Speaker 1 ([00:06:27](#)):

I think it's even better for the public because you're just not so nervous and you can just kind of. Okay.

Speaker 6 ([00:06:32](#)):

Do I look nervous? Now I can. Great.

Speaker 1 ([00:06:34](#)):

Okay. You're

Speaker 6 ([00:06:34](#)):

Faking

Speaker 1 ([00:06:34](#)):

It really well. All

Speaker 6 ([00:06:35](#)):

Right. Oh, thanks.

Speaker 1 ([00:06:36](#)):

Okay.

Speaker 6 ([00:06:37](#)):

Thank you. , , Good afternoon, commissioners. I'm excited to be here, although I will not make it a habit to come to an appeal hearing. That's really not how I like to do things. The applicant and I try our best to cross our T's and dot our I's, , before presenting. So the fact that we're at an appeal hearing is not my favorite thing, but grateful to be here anyway and to get a redo. So I am here on behalf of the applicant today for the Riverbend Parma Gravel Pit. Oh, are you doing this, Amber? Love it. Great. You can go ahead and skip to the next slide. , , As I mentioned, I'm here on behalf of the applicant today to propose a gravel extraction operation, , shown here on the left side of the slide. It's west of Highway 2026 off of Lemp Lane.

([00:07:25](#)):

For context, , the site outlined on the right side of the slide, the proposed Arrowhead Springs project, it was approved by the Planning and Zoning Commission on March 19th. , The Parma Project, , was presented at the same meeting but was denied, and these two proposed sites are approximately a mile and a half apart.

([00:07:48](#)):

, The proposed Riverbend Parma Project is a surface sand and gravel extraction operation that will occur on approximately 26 acres of the overall 50 acre property. Peak operations are anticipated to include approximately six onsite employees. Operation between 7:00 AM and 7:00 PM seven days a week, , when resources are at their highest demand. Activities on site will consist of excavation, material crushing, screening, stockpiling, and transporting of the resources. During periods of pre - peak production, truck traffic is expected to average approximately 50 loads per day, , leaving the site. This equates to approximately one truck every 14 minutes during peak operation hours. While the conditional use permit allows for operations for up to 20 years, the actual duration of, , active resource removal will be largely dependent on regional demand for the aggregate, , within the Treasure Valley, which we know is in high demand right now.

([00:08:56](#)):

Based on current projected growth trends, it is anticipated that the, , period of active mining may be significantly shorter than the permitted duration, , if demand remains strong. This exhibit illustrates the proposed site and the operational layout of the River Bend Parma gravel extraction area. As shown, gravel extraction will be confined to approximately 26 acres in the lower portion of the property and will occur within the established property boundaries, , and required setbacks. There is a natural bench, , area which will be maintained along the eastern portion of the site to provide separation between the excavation area and the adjacent land uses. The existing irrigation facilities and drainage infrastructure will remain in place. , And a sediment pond is proposed to manage the storm water and maintain, , water, , quality during operations. There are designated staging. Oh, go back for me, Amber. Thanks so much.

([00:09:59](#)):

, There are designated staging and stockpile areas, , that have been identified, , to contain operational activities within the projected area, or the project area. Upon completion of extraction activities, the excavated area will be reclaimed in accordance with the approved Idaho Department of Lands, , reclamation plan, and will be allowed to naturally fill with groundwater resulting in a permanent pond feature. I'll show you an example, , in a later slide. Approximately 15 acres of the property located on the existing bench will remain undisturbed, , by extraction activities.

(00:10:41):

, The proposed project is consistent with multiple goals and policies outlined in Canaan County's growth, , growing together comprehensive plan. , I don't know that we need to go through all of it. I absolutely will, but it is an allowed use in the agricultural zoning. We do believe it supports regional growth needs. , It's an appropriate use of the limited agricultural soils, , and it's compatible with the ru- rural character. Slide seven. I'm glad this map came up. , We have gone ahead and done soil samples as was requested from the results of our planning and zoning meeting. So you can see, , outlined on the map are where five soil samples were taken and then sent for, to a lab for, , results. I believe, Amber, are those results in the packet for everyone? Perfect. We didn't wanna bore you with that on this slide.

(00:11:37):

, Sample number one, you can see to the far right, , on that map. That actually came from the other proposed site that was already approved. And you can see sample, , one. Let me pull this up for myself. Sample one is excellent, , loam soil with good nutrient retention and strong productivity. So that is from the arrowhead gravel pit that was already approved. Samples two and three are from the upper shelf of the proposed project. , It is currently being farmed and is, , as noted, , the highest quality soil. And samples four and five are from the lower shelf, the proposed gravel extraction site. We contacted a gentleman currently farming the land and he sent a letter supporting our findings. You should have a copy of that also in the report. , So that is our soil samples.

(00:12:33):

This is our acceleration lane and intersection geometry shown here, , is the acceleration lane already approved by ITD. We can plan to, , or excuse me, we plan to complete all of the road improvements to this project this winter. We may, we may not open the project for gravel extraction immediately, but rather wait for an end user, , who can use all of the aggregate. , But we will not wait to do the road improvements that would happen this year. , Prior to submitting the application, the project team conducted coordination with local irrigation districts and other stakeholders to identify and address potential operational concerns. Neighbors have raised concerns relating to the maintenance of irrigation supply and waste ditches in the area. We agree to maintain these drainage facilities during operation to ensure continued functionality, , and avoid any disruption to the adjacent agricul- agricultural uses.

(00:13:35):

, No ag - gravel extraction will occur within the Boise River Floodway. From a transportation standpoint, coordination has occurred with both the Notice Parma Highway District and IDT. The applicant has agreed to conduct structural, , integrity testing on Lemp Lane and complete any improvements necessary to accommodate hauling operations. IDT has reviewed the proposed encroachment onto Highway 2026 and determined that a traffic impact study and accelerate - acceleration lane are not required. However, the applicant is proposing the acceleration lane from the previous slide, , as an additional safety measure. We have also agreed to continued monitoring of the project by ITD, and if they in the future deem additional safety measures necessary, we will comply. I believe there's also a letter from ITD in your packet stating that, so you, , you've got that also to review. Finally, the applicant

has conducted a site review with Union Pacific Railway, , to evaluate crossing safety and improvements necessary to accommodate the haul traffic, and has agreed to complete the, those improvements prior to initiating hauling operations across the railroad.

(00:14:51):

The stop sign has already been installed, and we will work with ITD to widen the crossing f - to accommodate the side-by-side trucks.

(00:15:02):

, The proposed project does not require the extension of any public utilities or services, including water, sewer, or irrigation structure. All storm water drainage will be retained on site in accordance with the approved Idaho Department of Lands Reclamation Plan. In addition, the existing roadway network will be utilized, , for hauling operations with improvements made where required by the applicable highway jurisdictions. , The proposed project we call Riverbend Parma, , because you can see on this slide, , the applicant has done a similar project also called Riverbend. So the slides are the before and after of that gravel extraction project. So we put this here because we would like to show, , what the applicant has already completed in Middleton. , For this particular project, Riverbend Ranch, , at the time of acquisition, the property consisted primarily of, , accretion ground located within the floodplain with limited agricultural productivity and, , minimal existing wildlife habitat.

(00:16:14):

With the improvements, , this project reflects exactly what the applicant's, , ability is and, , with the completion of the extraction, we plan to follow through with the same kind of completion pro- product. Okay. Man, I almost got it done.

Speaker 1 (00:16:34):

Was there anything else that was important that you wanted to share?

Speaker 6 (00:16:37):

No, sir. I think we, we got the gist of it. Okay.

Speaker 2 (00:16:41):

Questions? Chairman, I have a couple of questions. First on the setbacks, there's a condition that requires a 30 foot setback. I thought that I read in your a- application that it was proposed to be 50 feet. I'm looking for clarification somewhere in the documentation that helps me understand if it's 30 or 50.

Speaker 6 (00:17:01):

We would comply with whatever the, the commissioners deem appropriate.

Speaker 2 (00:17:05):

Okay. Thank you for that.

Speaker 6 (00:17:06):

You bet.

Speaker 2 ([00:17:07](#)):

And then there was discussion at the planning and zoning meeting about a depth. I inherently don't like large pits that don't have some restriction on how far down, especially where you've got surfaced groundwater as near, as to the top as that you do. There was no condition restricting that. Are you objecting to anything like that being put in as a condition?

Speaker 6 ([00:17:30](#)):

No, ma'am.

Speaker 2 ([00:17:30](#)):

Okay. And then on one of the diagrams that you had, there's a house that's in proximity on, I think it's the northern boundary. Can you tell me anything about that?

Speaker 6 ([00:17:44](#)):

Yeah, , the applicant owns it.

Speaker 2 ([00:17:47](#)):

Okay. Thank you. Yeah. And I was probably in the record and I missed it. So thank you.

Speaker 6 ([00:17:51](#)):

No problem.

Speaker 3 ([00:17:54](#)):

Mr. Chairman? Yes. The minutes from P&Z state Monday through Saturday, seven to seven. Your presentation here said seven days a week. Can you clarify the difference?

Speaker 6 ([00:18:06](#)):

Yeah. I think because we were denied, we went back with our initial proposal, but we are not opposed to, , discussing that.

Speaker 3 ([00:18:15](#)):

Okay. So you changed that, , since the P&Z meeting?

Speaker 6 ([00:18:19](#)):

I think our initial presentation said seven to seven, seven days a week. And then through that discussion, , we said we were open to, , trimming that back.

Speaker 3 ([00:18:29](#)):

Okay. , Ms. Chairman, I'm gonna ask a question here based on the other one that was approved because it is the same owner and it's included in our staff report, if that is okay. So the applicant owns both of them, correct?

Speaker 6 ([00:18:51](#)):

Correct.

Speaker 3 ([00:18:52](#)):

Why did P&Z say yes to one and no to the other?

Speaker 6 ([00:18:57](#)):

I wish I had a great answer to that. We were very confused. This one was denied first and then the second was approved after.

Speaker 3 ([00:19:07](#)):

Okay. So I guess, Mr. Chairman, I've read through the minutes. And as a side note that we don't have to discuss here further, but I'm kinda concerned about that.

Speaker 1 ([00:19:21](#)):

We'll follow up with staff on that question. Thank

Speaker 3 ([00:19:23](#)):

You.

Speaker 1 ([00:19:24](#)):

All right. Okay. Anything else? All right. Thank you.

Speaker 6 ([00:19:30](#)):

Yeah, you bet.

Speaker 1 ([00:19:31](#)):

We'll see you back at rebuttal.

Speaker 6 ([00:19:32](#)):

Thank you.

Speaker 1 ([00:19:33](#)):

All right. So now we're gonna call you randomly from you've signed up. Oh, sorry, sorry. I forgot one really important step. Forgive me. DSD staff will now. Amber's going to tell us what I forgot. There we go. Okay.

Speaker 7 ([00:19:54](#)):

Good afternoon, chairman and commissioners. My name is Amber Luder, and today I'm presenting the Burnett River Bend appeal case CU2024-0023APL for a long-term mineral extraction conditional use permit. The appellant requests that the Board of County Commissioners overturn the denial of KCU 2024-0023, a conditional use permit for a long-term mineral extraction not to exceed 20 years. The request includes stockpiling, crushing, staging, and hauling the sand and gravel offsite. The subject parcel is located at 25192 Lymph Lane in Parma. The proposal is on approximately 26 acres of 50.2

acres, which is zoned agriculture. County Code Section 07- 07-05 establishes eight approval criteria for a conditional use permit. The Planning and Zoning Commission considered all eight criteria and ultimately found the application did not satisfy criteria three, four, and seven. The next several slides will summarize those findings and the applicant's responses. The Planning and Zoning Commission found that the proposed use is not consistent with the comprehensive plan.

(00:21:06):

The comprehensive plan has the subject parcel designated agriculture with an intensive agriculture overlay. The intensive agriculture 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, and concentrated animal feed operations, grazing, and other agricultural based uses. This designation aims to protect agriculture operations from incompatible uses and reduce the conflicts concerning noise, dust, smells, and safety. It was found that a long-term mineral extraction is not compatible with the uses outlined in the description for what the intensive agriculture overlay is intended to protect.

(00:21:54):

The appellant contends that the proposal is consistent with a comprehensive plan as conditioned. And although the intensive agriculture overlay is intended to preserve agriculture land, it is not reasonable to expect property owners to limit the use of their property when the soil is of poor quality and the land is not highly productive. The Planning and Zoning Commission found that the proposed use would negatively change the agriculture character of the area because the proposed use would remove land from productive agriculture. One comment submitted in opposition expressed concern that future residential development could occur around the reclaimed lake. It was also found that the proposed use would be injurious to other property in the immediate vicinity due to noise, dust, and traffic. The appellant argues that the proposed use will not be injurious to the other property in the immediate vicinity organically change the essential character of the area with the mitigating conditions that were proposed.

(00:22:52):

Although the land has been used for agriculture purposes, the appellant argues that it was not, has not been particularly protective. Therefore, the county should not restrict the owner to this use and not, and that a long-term mineral extraction is allowed in an agricultural zone with a conditional use permit. Without the result from the studies requested, such as a traffic impact study for the surrounding area, the commissioners find that there is not enough evidence to suggest the proposed use will not interfere with the existing or future traffic patterns. The appellant states that there are prepared, they are prepared to make improvements required by Idaho Transportation Department, Notice Parma Highway District, and Union Pacific Railroad prior to beginning gravel pit operations. In addition, the applicant offered to construct an acceleration lane for trucks turning right on Highway 206. These photographs were taken during the June 4th, 2025 site visit from the property's approach on Limp Lane.

(00:23:48):

They showed the surrounding area in each cardinal direction. Additional photographs are included in Exhibit 3D of the staff report. Notification was done as required by code. At the expiration of the materials deadline, eight agencies provided comments which can be seen in the planning and zoning staff report as Exhibit 3E. For the planning and zoning hearing, one public comment was received in opposition, which could be found in exhibit 3F. For the Board of County Commissioners hearing, 10 public comments were received in opposition, which can be found in exhibit four.

(00:24:22):

The board has three options this afternoon, approve the appeal and overturn the Planning and Zoning Commission's denial, deny the appeal and uphold the commissioner's decision, or continue the hearing to request additional information. Thank you for your attention. That concludes my presentation and I'd be happy to answer any questions the board may have.

Speaker 3 (00:24:44):

Mr. Chairman, , Amber, does the intensive ag overlay, , encompass the property that was approved? ,

Speaker 7 (00:24:54):

Thank you, Commissioner. No, the intensive agricultural overlay was not included in the Arrowhead approval.

Speaker 2 (00:25:03):

Okay.

Speaker 1 (00:25:13):

Any other questions?

Speaker 2 (00:25:15):

Not at this time.

Speaker 3 (00:25:17):

No, Mr. Chairman. Okay.

Speaker 1 (00:25:18):

Thank you. Sorry I forgot you. <Laugh> Now we're getting to the part where you get to speak. There we go.

Speaker 4 (00:25:26):

Don Moss.

Speaker 8 (00:25:38):

Hi, how you doing today?

Speaker 1 (00:25:39):

Good,

Speaker 3 (00:25:40):

Thank you.

Speaker 8 (00:25:41):

, I'm just here - State your name and

Speaker 1 ([00:25:43](#)):

The address.

Speaker 8 ([00:25:44](#)):

Pardon? , 3954 West Deerflat, Kewan, Idaho.

Speaker 1 ([00:25:48](#)):

Okay, thank you.

Speaker 8 ([00:25:53](#)):

And I'm just here to help support. , I spend a little bit of time down on the river and adjacent properties. , The area's quiet. It's clean. , Traffic is just about null. I'm, it's a nice area. It's quiet. And, , all the surrounding areas is, is nice. And I can't really see turning onto the Limp Lane and running into trucks and, , crushers and haulers and, you know, all the equipment that it's gonna take to, , remove this gravel and stuff out of the property. , I can't imagine the, the noise that the neighbors are gonna have to put up with. , And, , that's about all I got to say.

Speaker 1 ([00:26:53](#)):

You don't live down there. What's the closest residence, in your opinion, from where this proposed would be at?

Speaker 8 ([00:27:01](#)):

, The, the closest residence? , There's a house up on top. And then there's, , there's a house at the gate, , Limp Lane there. Two houses, I believe. And then there's a house, , which the property I go down is a little bit down further on the river. Down

Speaker 1 ([00:27:22](#)):

Further towards the river.

Speaker 8 ([00:27:23](#)):

Yeah, closer to the river.

Speaker 1 ([00:27:24](#)):

Okay. All right. Any other questions?

Speaker 3 ([00:27:30](#)):

No, Mr. Jerna.

Speaker 1 ([00:27:31](#)):

All right. Thank you. Thank you.

Speaker 4 ([00:27:34](#)):

Holly Grubiak.

Speaker 9 ([00:27:45](#)):

Good afternoon, commissioners. Good

Speaker 3 ([00:27:47](#)):

Afternoon. Good

Speaker 2 ([00:27:47](#)):

Afternoon.

Speaker 9 ([00:27:49](#)):

, Holly Grubiak, 24811 Lemp Lane. And I'd like to say that, , unless the, , applicant has purchased the, you asked the question about the other property on the Arrowhead property. He does not own that unless they purchased it between now and then. , It's a private owner and it's right on the border of the intensive agricultural overlay. This proposal is asking to parachute in a seven day a week, 12 hour a day crushing opera- operation and sales operation in the middle of a rural farming neighborhood. Noise, fugitive dust, and heavy commercial truck traffic does not align with the characteristics of our surrounding area. We are surrounded by several multi-generational agricultural operations in the immin - immediate vicinity. The roaches, the Ads, the Mondays, and the bilbows, just to name a few. Some of these directly above the proposal property as shown in exhibits three through six.

([00:28:46](#)):

Ours and ours and neighbors' quality of life will be ruined. Our safety will be compromised. Wildlife habitat and agricultural property will be destroyed. It is also directly adjacent to wetlands and wildlife refuge. We have seen no studies regarding any of these concerns from the applicant. It would have an extremely negative impact to the area. No amount of conditions could mitigate the negative effects that it would have to the surrounding area or all of our neighbors. The applicant states that this proposal is compliant with county code 070705. This is simply not true due to all the points that I just mentioned. Statements regarding the traffic impact study. The applicant keeps redirecting the traffic impact study to Lemp Lane. Yes, Limp Lane will be destroyed. The applicant says they will fix it or repair it. It, big deal. It's nothing to them. That's what they do for their professions.

([00:29:35](#)):

The fundamental issue is the intersection of Limp Lane Highway 2026 and the uncontrolled railroad crossing that exists there. The access is dangerous enough just to residential traffic entering and exiting the highway, let alone adding 50 gravel trucks into the equation. No studies have been done on Lemp Lane or Highway 2026. Exhibit E shows all of these challenges. The applicant references the need for materials. As you can see in Exhibit A, there There's plenty of sources already approved and operating outside the intensive agricultural overlay. The applicant was just approved a pit on a pri- private parcel less than a mile down the highway, just on the border of the overlay zone, and has a 382 acre pit less than five miles off of Highway 2026, just outside of notice. This was annexed into the city as to circumvent the Canyon County approval process. Suggesting another gravel pit and adding another 50 trucks per day on this stretch of 65 mile an hour highway is ridiculous.

(00:30:29):

Please stand to the comprehensive plan that you put into action to preserve this agricultural grazing and farmland of Cannon County. A proposal of this nature in an agricultural zone in an intensive agricultural overlay simply does not make sense. If not denied, this would open up a Pandora's box throughout this corridor and other areas already voted to preserve the intensive agricultural overlay. The comprehensive plan and the faith in your actions are what your constituents support you for. Please uphold the denial of the Planning and Zoning Commission's decision and deny this proposal.

(00:31:06):

Thank you for your time.

Speaker 1 (00:31:07):

Thank you. Any questions?

Speaker 2 (00:31:09):

Not at this time. Thank you for being here.

Speaker 9 (00:31:12):

Thank you. Thank you.

Speaker 4 (00:31:13):

Steve Moss.

Speaker 10 (00:31:24):

Good afternoon, commissioners. , My name's Steve Moss. , Address is 12161 West Kittredge Road in Kuna, Idaho. And, , I don't live on Limp Lane. I, , Ryan Upson allows me to use his property for recreation, hunting and fishing out there. It's a unbelievable piece of property. It's all wetland. There's waterfowl, like I said, fish, there's deer, there's elk, there's turkeys, pheasants, quail, you name it. It's, , like an oasis down there. Really nice area to be in, place to hang out, spend time, and I just can't see any benefits to that wildlife or any of that property down there, , coming from a gravel pit.

Speaker 1 (00:32:22):

Okay. Questions? Comments?

Speaker 2 (00:32:25):

Not at this time, Chairman. Thank you. Thank you. Thank you.

Speaker 4 (00:32:29):

Melinda Upson.

Speaker 11 (00:32:41):

Hello, I'm Melinda Upson and, , I don't live on 2468 Limp Lane, but I'm the owner of it. And I just wanna say that I oppose the permit for a gravel pit to be put in. It would just be a big disruption to my

property, to all the wildlife, and, , and just the noise in general, the noise pollution would be horrible. So that's all I have. Okay.

Speaker 1 ([00:33:16](#)):

Thank you. Thank you.

Speaker 4 ([00:33:19](#)):

Stuart Beswick?

Speaker 12 ([00:33:29](#)):

, Address is 21805 10 Davis Road, Parm, Idaho. , Name is Stuart Beswick. I, , have a friend that on January 4th of 2025 died in a head-on collision about 0.3 miles from Limp Lane. His wife still lives on Dawn Lane about a quarter mile north of Highway 2026. , On August 11th in this courthouse, the guy that hit him was charged with vehicular manslaughter. , And so to me, it's a safety concern. I drive to Nampa every day for work. , There's a thousand gravel trucks. They are always pulling out in front of people. They. There's just no way to. I mean, another 50 trucks, okay, if there's only one every 14 minutes, okay. , There's just been so many traffic fatalities on Highway 2026. I don't have the exact data, , but I know just from looking up this year, there was one on Wagner.

([00:34:42](#)):

, Three days after my friend died in a head-on collision, there was a sugar beet truck that, you know, that hauls to the sugar factory. I mean, there's so many trucks on this road. , We don't need another gravel pit. There's just, there's just no way. , The second part is we live in Parma. My kids go to Parma. We know and have people that have lost their life on this highway. There was a wreck today north of Parma. , A truck went off the road. Like, this is just, this is a, this is a dangerous stretch of road. , I drive it every day. I get people that pass me going 75, 80 miles an hour, , aren't watching what they're doing. It is, it's dangerous. , My second point is I'm on the school board in Parma. The most frustrating part is when local control is lost.

([00:35:38](#)):

When we're told from the State Board of Education that we have to spend money on certain things when we need to spend it other places and we have lost local control. The Planning and Zoning Commission already put their, their, they, they denied it, obviously, because those people are closer to the actual impact area. And so I would just ask that you respect that decision and withhold, , uphold the denial.

Speaker 3 ([00:36:06](#)):

Any questions? Thank you. Thank you.

Speaker 4 ([00:36:11](#)):

Joe Grubiak.

Speaker 13 ([00:36:22](#)):

Thank you, commissioners. I'd, , previously submitted a variety of exhibits. They were exhibits A through I, and I'll be referring to a number of those. , My name is Joe Grubiak, 24811 Lemp Lane.

Speaker 3 ([00:36:35](#)):

Thank you.

Speaker 13 ([00:36:36](#)):

I've lived on Lemp Lane for 20 years. For the applicant, this is about having another gravel pit. After all, now they have one, one mile down the road and another one, another 382 acres three miles down the road. Where again, they circumvented the oversight and approval process of this governing body by annexing into the city. For us and my neighbors, this is incredibly emotional, disruptive to our lives. This is about our homes and our quality of life. I'm here to ask you to affirm planning and zoning's denial of the Burnett Riverbend gravel- gravel pit application for all the reasons documented in my submitted narrative supported by exhibits A through I. I believe your careful examination and consideration of these points will lead you to the common sense conclusion that this is the wrong location for this use. At the planning and zoning hearing, I learned my lesson that three minutes is an inadequate amount of time to cover all the reasons why this is the wrong location.

([00:37:33](#)):

So I welcome the opportunity to discuss number one, the location of all the gravel pits along Highway 2026, which was exhibit A, in the route of access to the highway. Number two, the fact that these gravel pits exist outside of the intensive agricultural zone. It's Exhibit B, page one. Number three, the productivity of the applicant's land when they are literally surrounded by adjacent and productive row crop and cattle grazing land. Exhibits B, pages two through six. Number four, the intersection geometry realities at Lemp Lane. The railroad tracks in a 65 mile per hour section of Highway 2026. Exhibit C, D, and E. Squared with the applicant's Exhibit 2.0, which shows 70 foot long trucks. And why the applicant testified to planning and zoning commissioner Matthews that truck traffic will not stop after crossing the railroad tracks and prior to entering Highway 2026. That's page 10 of the PNZ hearing minutes, which by the way, is not legal.

([00:38:36](#)):

Number five, the danger that all existing vehicles experienced on 2026 is demonstrated by the entry into the applicant's existing notice gravel pit. Exhibit F. Number six, the safety hazards as documented by the train accident and vehicle accident data. Exhibit G. Number seven, the daily intersection drama experienced by local residents on Notice Road in Highway 2026. A controlled railroad track crossing on a 35 mile per hour section of Highway, Exhibit H. And number eight, the example of end dump turning radius on a 50 mile per hour section of Notice Road, Exhibit I. I respectfully ask that you deny this application and appeal. With that, I'll stand for questions.

Speaker 1 ([00:39:26](#)):

Yeah, but fairly well delineated.

Speaker 3 ([00:39:29](#)):

No questions, Mr. No

Speaker 1 ([00:39:30](#)):

Questions for me.

Speaker 2 ([00:39:31](#)):

Thank you for being here. Thank you. Testimony.

Speaker 4 ([00:39:35](#)):

Julia Allman.

Speaker 14 ([00:39:44](#)):

Good afternoon, commissioners. , My name is Julia Allman, 25301 Dawn Lane, Parma, Idaho. , Good afternoon. I'm here on behalf of my husband and Kevin and I, , to respectfully ask for you to deny the appeal of the case and affirm the planning and zonings denying the Burnett River Bend gravel pit application. After reviewing the case and all 373 pages of the appeal, , I agree with much of my neighbor's oppositional comments. I believe there are several issues that deserve attention. First is the location and compatibility of the proposed gravel operation with the surrounding agriculture area. This area is within an intensive agriculture overlay and is surrounded by productive agricultural land and homes. I believe the agricultural value of this property deserves serious consideration before approving a long-term gravel operation. While it has been said that this soil is poor quality or not highly productive, under most classification systems, class three and four soil remain very agriculturally productive land, although they require, may require more careful management to use it sustainably in some cases.

([00:40:43](#)):

While it may not be class one or two, like many areas close by, it still serves a major agricultural purpose and retains meaning valuable, value for farming, hay production, pasture, forage, and grazing. Converting that land to a long-term mineral extraction operation is therefore a significant and irreversible land use decision. , By allowing those, that valuable agricultural soil to be removed or permanently altered for gravel extraction, I believe the board should carefully consider whether this location is truly appropriate for that use and whether the loss of agricultural resources is consistent with the Canyon County's responsibility to protect and appropriately manage its agricultural lands. My second concern, and perhaps most importantly, is the proposed operation would introduce repeated heavy truck traffic through an intersection involving a railroad crossing in the 65 mile per hour highway that was not designed for this type of use. The neighbor's exhibits raise legitimate concerns about the limited space between the railroad crossing lump lane and the highway, as well as whether a fully loaded truck can safely maneuver through this area without stopping, creating conflicts, or creating conflict with other traffic.

([00:41:44](#)):

, There is also a potential need for a dedicated left-hand turn lane or other highway improvements to safely accommodate the increased truck traffic. As the homeowner at the end of Dawn Lane, my additional concern is that the proposed highway approach would coincide with Dawn Lane intersection at the Highway 2026. I believe there is two sections about 600 feet and then another 250 that lands it right at the intersection. This configuration could create another significant point of conflict, particularly when vehicles are simultaneously entering or exiting Dawn Lane, merging onto the highway and encountering gravel trucks coming from Lump Lane. The concern is not simply the number of trucks, but the combination of large slow moving gravel trucks, highway speed traffic, turning and merging movements, the railroad crossing, and multiple access points concentrated within a limited distance. Given the history of personally witnessed close calls and fatalities along the highway involving vehicles and gravel trucks, this possibility is.

(00:42:34):

Oh, sorry. The possibility of similar dangerous situations occurring here is not merely theoretical. Before consideration of approving this appeal or project, I ask that the appropriate engineering and traffic analysis are performed. Commissioners, I recognize that gravel is an important resource in the Canyon County needs gravel. But the fact that gravel extraction is necessary does not mean that every location is appropriate for it. For those reasons, I respectfully ask that the board reject the appeal. Thank you. Thank

Speaker 2 (00:42:59):

You. Thank you for your testimony. Thank you.

Speaker 4 (00:43:04):

Ryan Upson.

Speaker 15 (00:43:12):

Hello, commissioners. Ryan Upson, 24684 Limp Lane. I live on the property adjacent to the proposed gravel pit to the south. , I manage the property for my mom. , There's a wetlands on that property. , There's farmlands that have been farmed and productive. , We lease it to a farmer. I had him submit a letter to you guys. , It's in the notes. , I just, I really wanna talk to the previous owner, Lee Douglas, that lived, , there prior. Where they're saying that this farmland wasn't suitable. He used to irrigate that every week for his cattles in the grass. , The ditch that runs along there, it's not just wastewater. It's actually spring fed. And it's fed between my neighbor and me. There's a, a canal where the water comes up and it runs out, and then it's also up on his property. That water runs year round.

(00:44:21):

And in that water right that we have on that ditch, it includes wildlife and also groundwa- groundwater in the wetlands. So we have seven different water rights mining a 20 foot or however deep pit they go. I think that's gonna have a huge effect on our water rights. And I also ask the parks, , the Idaho Land and Parks to write a letter. And I agree with all their keynotes to why that pit should not go in there. , It is held in a deed of trust through the Idaho Parks and Lands. It was approved by the county, Army Corps Corps of Engineers. , There's a list of the Environmental Protection Agency, , Idaho Department of Environment Quality, Idaho Department of Fish and Game. , It's a wetlands. It's a sanctuary for wildlife. And it does house abundant wildlife. , As part of that wildlife, , it's their sanctuary.

(00:45:28):

We don't hunt that. We don't do anything with that. It's just for the wildlife. We do hunt other areas of the property. It's just friends and family, the river. , And I have three boys that live with me. And two of them are teenagers. They're driving. So <laugh> I have a lot of concerns about that stretch of road, the highway, railroad tracks, all of that. , I don't know if you guys have any questions for me from what I submitted. , As far as that, that letter that they wrote, Exhibit 6D, the, , where they took soil samples, it's right there in the very first s - , second sentence that it's still capable of supporting agricultural products. That's from the, the soil sample. So I, I think it's suitable farm ground. That's, that's what I got.

Speaker 1 (00:46:36):

Brian, can you walk up over here to the map? Could you show me the general area where that articial well is and how that flows in that area?

Speaker 15 ([00:46:44](#)):

So there's a spring right here that flows up and out this way.

Speaker 1 ([00:46:48](#)):

Okay.

Speaker 15 ([00:46:49](#)):

There's a spring right here that flows this way. This is all wetlands that wraps all the way around right here. And then this is all ponds that start back here, that go all the way around. There's ponds back in here. , And so the proposed area, then mining, that's all right where we have ponds sitting. Adjacent to that and springs that flow through there.

Speaker 1 ([00:47:17](#)):

Okay. Thank

Speaker 15 ([00:47:19](#)):

You. Yep.

Speaker 16 ([00:47:24](#)):

I don't have any questions. Okay. All right.

Speaker 4 ([00:47:28](#)):

Colby Brunton.

Speaker 17 ([00:47:40](#)):

Colby Brunson, 1660 Dafford Place. Okay. , my name is Colby Brunton. , I am reading this for Hillary Henaway. She's not able to be here today, but she was here for the last hearing. Okay. As a concerned citizen who drives Highway 2026, frequently I am against a gravel operation in this area. Over the past several years, I have seen an increase in traffic and a large increase in heavy truck traffic on this highway resulting in numerous accidents and fatalities and posing a serious threat to public safety. Also, I have seen many large and small rock damages, damaged vehicles and windshield, windshield while driving along this road, mine included. Adding more heavy truck traffic to the stretch of already congested and dangerous highway will heavily impact the safety of this community as well as the lives of many that travel it. Having been raised in a farm, family and community, I would like to see the agriculture and farming in Canyon County be preserved.

([00:48:42](#)):

This saying, no farms, no food, has never been more valid. More agriculture, land being consumed for the benefit and profit other than farming and not the right direction. We need balance. We need to preserve our agriculture/farming and grazing resources. I support all the proceeding statements made in

opposition and the opposition letter from Growing Together Idaho. Thank you for your time and I ask that you deny this proposal. Thank you. Thank you.

Speaker 4 ([00:49:16](#)):

Annie English.

Speaker 16 ([00:49:30](#)):

So I'm Annie English. I live at 215 South Queens Drive, but my sister lives on Lemp Lane. , I've grown up in Idaho my whole life and I've actually worked in construction for 33 years. And I actually started in a gravel pit and then became an operator. So I have knowledge of all of it. And, , when I'm looking at the proposed schedule for trucking, I know it doesn't happen. They always get, they always get boxed up. We've tried to hold of the schedules, but it doesn't happen. And Lemp Lane, I really see a problem with that because of the length of the trains, the frequency, already heavy traffic, and also people just trying to get to and from work. I see the real problem is them coming from Notice to Parma trying to turn there. If they wanna do a, a lane to get them out of there, but they're gonna back up and they're gonna back your traffic up getting onto Lemp Lane.

([00:50:44](#)):

That being said, Lemp Lane is like the only multi-family neighborhood in the area. My kids and grandkids have grown up there. One, which I brought. <Laugh> And I have two little girls, four, seven and nine. And a grandson that's just learning to, has his driver's license. And they've always had the pleasure of driving, playing with their bikes, up and down Lemp Lane, playing in the fields, and that will be taken away from them. That privilege will be gone. So I ask you to re - to deny this because we need to find some balance. We all have families and we can never get the land back. , This gravel pit will forever change the quality of this, of our lives. Thank you.

Speaker 1 ([00:51:37](#)):

So I need a clarifying question. Answered. You made, I heard you say, I could be wrong, that this is the only multi-family, , road in the area on this side of the, I'm adding this, on this side or on the south side of the railroad tracks. Is that, is that what you're -

Speaker 16 ([00:51:57](#)):

In several directions. Like, that's it. Like, there's big, big properties, but this actually has a multi-family area.

Speaker 1 ([00:52:07](#)):

On this road?

Speaker 16 ([00:52:08](#)):

On Lemp Lane.

Speaker 1 ([00:52:09](#)):

Okay. So I did hear that, right?

Speaker 16 ([00:52:11](#)):

Yeah.

Speaker 1 ([00:52:11](#)):

Okay. Any other questions?

Speaker 2 ([00:52:14](#)):

I don't have any, but thank you. Thank you.

Speaker 1 ([00:52:16](#)):

Thank you. Okay.

Speaker 4 ([00:52:18](#)):

Brian Burnett.

Speaker 18 ([00:52:26](#)):

Brian Burnett, 2205 West Mace Road, Eagle, Idaho. , I'm obviously the developer. , And I'd just like to say a few things that I believe in every single thing that they've said. And I think you realize why the, , at the last hearing, this one was denied, but the other one was approved. And it's really because of three neighbors. , And having three people that live at the end of Lemp Lane would be my depiction of why that other one was passed. , But I will tell you that there's a huge problem in the valley. I am almost out of gravel. All of my competitors are almost out of gravel because of Micron and because of the demand that we're seeing right now for Highway 16 and all the infrastructure that's coming into the Treasure Valley. And what's that causing is us to have to increase prices.

([00:53:17](#)):

Everybody's increasing prices because we're out of aggregate. And that just leads to more and more, , rise in costs, rise in housing, rise in road infrastructure, rise in everything. So we are trying to stay out in front of it. And what most people don't know unless you're in the industry is that the river valley, the portion of it that's not productive is where the Boise River dropped all of the hard aggregate that is the only aggregate that basically gets state and federal approval for those type of roads. So there are other pits. , We also own some over in Cuna and in other places that have rock, but it is not qualified. You have to mix it with harder gravel. The river basin is the harder gravel. If you could have gone backwards, , we would have built Boise on the Snake River and we would have mined around the Boise River for the aggregate because that's really what's building all the infrastructure.

([00:54:11](#)):

So that's what's going on in the industry. , I believe that if you were to look up or drive to every major gravel pit, this is probably the safest, most least impacted place to extract gravel. , The one that got approved before, we don't have a, , you know, 4,000 foot road to straddle - to stack gravel trucks coming out of a gravel extraction site like we do here. , My only, you know, , availability to, to, , get things approved is to go through state regulated agencies that you, , have to believe in. , At our denial, they told us, "Well, you're denied because we just don't believe ITD because the neighbor's more of an expert on the intersection than ITD." Well, I can't go on that when I'm, you know, developing a project. So I have to go with the traffic count that ITD said.

(00:55:04):

I do believe the first gentleman who said that he visits the site doesn't see any traffic because he lives in Cuna and he knows there's way more traffic in Cuna than is ever on this road. So, I do believe some of the testimony. I believe everything they said. I know that there's wildlife everywhere. The fishing game is actually trying to eliminate a complete herd of elk that runs this whole corridor from Parma all the way to the, intersection of the freeway. And, and much my, my property in Middleton, I am the one in notice that I already have. If I can continue. They, they are going to conservation when we're done. They actually became, become wildlife habitat more than the surrounding areas, just like, the gentleman south of me. We did leave 10 acres, two tracks of land in between our property and his so that he would have a buffer.

(00:55:53):

But I do believe after this is extracted, just like my other properties that we've done, they become, you know, basically sanctuaries. And they're absolutely beautiful. And it's just a hard transition period before they get to that stage. But I do think this is a safe intersection. I do think we will have ITD monitor it and do whatever we need to. We've worked with the railroad. My business partner's whole family died down in notice on one of these intersections. So we weren't required to put in the acceleration lane. We offered it because we are all about safety. We do not want anything that's unsafe. We're just trying to supply a demand and keep prices and the development in Boise kind of on schedule. So with that, I would say I agree with all of it. And we've tried to work with all the agencies and make, arrangements to satisfy everybody that we could.

(00:56:40):

And unfortunately, we have to extract gravel along the river to be able to build roads. So that's what I got. Okay.

Speaker 2 (00:56:47):

Questions? Yep, so Chairman, I'm gonna refer to Exhibit F. And what it has contained in there is crash data between I-84 and Parma, a 14 mile stretch, which includes the limp lane turnoff. So I guess just for reference, there was someone that tried to reference what the crash data was. Mm-Hmm. It is included. I had business out on 10 Davis Lane. Nobody has business out there, but I did. Mm-Hmm. It makes me nervous. I have, people that I know drove that for delivery and it's always a concern, that stretch of highways. So I find it, I guess not factual to say that that doesn't have significant traffic concerns with the, just a two-lane road that comes and goes in there. And, evidently you were friends with the people that were killed on that. So - uh-huh. Maybe what I should do is jump to my question and ask what your mitigation plan is included in this are schematics of the length of a truck - uh-huh.

(00:57:55):

At 70 feet. That truck sits right on the track. And Simplot has had trucks hit by that at different rail crossings. Tell me what your plan is to mitigate that. And then on the schematics provided here, I, I, I respect and understand that a, a driver has to have room to navigate and sometimes takes up two lanes of road. And so on that turnout, whether it's, you know, a right turnout wouldn't be problematic, a left turnout would. Help me understand with just what's here, how that would work.

Speaker 18 (00:58:36):

So, so a left turnout would be going towards Parma. Right. And I would

Speaker 2 ([00:58:39](#)):

Tell

Speaker 18 ([00:58:39](#)):

You 99.9% of gravel is not going to Parma. There's no development in Parma. It's going the other direction. So turning in, turning in might be a factor. , I have spoken to ITD and it's based on traffic count. So once again, all I can do is go by traffic engineer studies. I don't get to make my own requirements. We decided to put the acceleration lane just so a truck, if it was pegged, you know, before the tracks, they do, one truck fits each direct - each direction, but can pull out after they stop in the railroad. We had all of these agencies, highway district, ITD, railroad, road, all of them out there together to, you know, come up with what they thought was safe and why. , Obviously there's different kinds of trucks that go in and out of there. I, I don't know if we have a specific truck that we're using.

([00:59:27](#)):

A lot of different vendors come in there, but we're trying to make it as safe as possible. I went back to ITD and said this was the concern of, you know, all the constituents. What can we do? Do we need a turn lane? Do we need a deceleration lane? Do we need. We can't do that, Brian, at this, at this juncture with only 50 trucks, that's not when that happens. It would probably be 150 trucks. I'm just guessing. But I can tell you, , I happened to be here before this hearing and just jump in and they were talking about the intersection at Duff and Highway 44 in Middleton. Well, I just happened to be the div. Developer that owns those three corners. And I would tell you, there is a death and a cra - car crash there every week. So I believe that there is traffic issues in between Barma and Notice.

([01:00:11](#)):

I believe all around Boise, there are tons of infrastructure issues and traffic, and all I can do is offer that I will have it monitored by ITD. And if there's anything that happens, we will have to mitigate that, and we are upfront willing to build whatever we need to. So we decided acceleration lane, even though it wasn't required. We also did that on the Arrowhead one that was there. So I'm not here to, , you know, , argue about the concerns. I'm here to solve for the concerns. I do believe though that the lower river basin is where the gravel is, and that it's not high productive land. Most of the people are down there, the farmers, are either grazing cattle and it takes a tremendous amount of water. I, because it, it drains through the gravel. So I do believe in the future that Canyon County is going to change its stance and say water's more important now, just like in the other, you know, 49 states.

([01:01:02](#)):

And we probably don't need to be feeding water into the river basin. We need it actually where the good crop land is. , My brother-in-law's the head salesperson for George Crookum, and I just happen to know a lot about farmland. And this is not high producing farmland. Most of the corn that's grown down in the river basin is used for duck hunters. There's been fines by the neighbor two doors down for duck hunting and cutting the corn and leaving it on the ground to be able to shoot ducks. So I, I, I understand what everyone's trying to do, but I'm not here to fight them. I'm here to create solutions for, like, I, I think, , one of you mentioned gradual change, but we do have to extract gravel from the river basin. It's, it's kind of inevitable and that's why you see it happening down there.

Speaker 2 ([01:01:44](#)):

Right. And Chairman, I have one more, , question potentially. , It was referenced in the staff report, another entity that's an active mining operation around the valley. And they had presented, and it

wasn't related to this, but at a different hearing, a lot of opposition. They went back, they met with neighbors. And because of the, the manner that they presented that to try and mitigate some of the concerns, went from planning and zoning to a crowded, contested, to a commissioner's hearing where they were then in support. And so my point is, I live next to that person that's o - running that operation. I have maybe 400 trucks with jake brakes.

Speaker 18 ([01:02:28](#)):

I know you do.

Speaker 2 ([01:02:29](#)):

Yep. Mm-hmm. And so with that, one of the reasons that we did not contest that was because he had other, so you've provided that documentation, examples of what they've done for reclamation purposes. But I can tell you that if I'm at home, I'm at work now, my husband is at home, he's retired, listening to 400 trucks in front of ours. Seven days a week, 24 hours a day is not neighborly. Yeah. That's not, not nice. Yeah. And so even six days a week, he limited it to five days a week and that stops. It is done at five o'clock. There is no holiday traffic. He's got a lot of interest in, , production for that because he's in an area of where it's really growing and the demand is high. But he moved roadways, he built check boxes, he did things that showed he was vested in the wellbeing of the people that lived there.

([01:03:32](#)):

And we're rural, like this community is talking about. So I have some concerns and I appreciate what you're saying, but I would want, , I guess some additional considerations on this project. Yeah. Particularly where you have operations and the demand is high. Yeah. It's probably profitable. I don't know. But like the human component in there for people with kids, for a busy highway, for all those mitigating efforts, it feels like there's an extra effort that could have been extended on that.

Speaker 18 ([01:04:06](#)):

, I, I believe that w- we would be fine with that. Like we will, , so there's, it's kind of a, I guess it's a double-edged sword. We're trying to. One mitigation, one, one of those mitigations was we will not open this pit for, you know, to access it for slow periods all the time where it's always open. So these two, the one that got approved before, Arrow Rock and this one, we have another mining operation, like they mentioned down in Notice, that's like 300 acres. So that kind of services all the, all the kind of fast traffic demand. We were saving these, , so that we would be able to be friendly neighbors and say, "Let's try to get it out of there as fast as possible. Let's wait until ITD calls us and they need a, you know, a huge section of Highway 16 and Emmett repaired and they need, you know, 30,000 tons.

([01:04:56](#)):

And let's just mine it out of there." So the reason why we put the seven days of the week on this was to say we're not gonna open it up as an active mine until we have a big job that we can just funnel it so it gets done really quickly. The slide 11 that, , Natalie posted was my project in Middleton across where you live on the river. And that I think I had approved for 20 years and it took me a year and a half and it was 18 acres. So I was able to say, "The demand in Middleton's so high. Let's just open it up to more trucks faster and, and more hours to those neighbors." And they were like, "Yeah, just get it done as fast as you can." So it's really, I'm fine to go down to five ways a week.

([01:05:33](#)):

I'm fine to open it up, you know, and, and take a longer time. I was actually trying to be mindful of the neighbors and make it site specific, job specific, open it up and get rid of it. That's why the seven days a week was on there. I can do it in five. It just takes longer. But I'm fine with that. I'm fine with making those concessions today to, you know, move forward. I

Speaker 2 ([01:05:53](#)):

Appreciate your comments. Yeah. And the other consideration for people that live in that area, and I too, you're familiar with that. Mm-Hmm. There's riparian corridors. I see bald eagles, deer, beaver, , moose, like all that's down there. It's really interesting.

Speaker 18 ([01:06:09](#)):

Where I've improved that in Middleton, it's like a sanctuary. I have five bald eagles. I have duck hunters. I have deer. I have everything you can think of, even more than I see on this property, except for the elk and the fishing game is trying to get rid of the elk here. They've given out all us landowners permits because they're starting to get hit on the highway and they're dangerous. So, , I'm fully aware of that and I try to create projects that, , you know, they mentioned this is a residential neighborhood. I love that. I think that it should be residential. I think there should be a couple houses around a nice lake in the future. And that's what I'm really trying to create. I'm not gonna just mine it out and leave it and walk away like a lot of the mining, you know, type outfits do.

[01:06:45](#)):

I actually am a real estate developer that does residential. So eventually, I think it would be beautiful. Does it need to be huge tracks with a couple houses? Yes. Is it gonna be s- stacked housing? No. So I'm trying to create what I think they, they would love and what the people in Middleton loved. It just, unfortunately, it starts out with extracting a nice pond and just like Eagle, Idaho or anywhere along the river, Star, Herron Point, all of a sudden everybody wants to live in those and they become public places where people go on the river and get to enjoy it, not just the landowners, but the people who have access to the greenbelt. So I'm kinda pro-conservation too, but, and, and it does create more wildlife. It creates more wetlands. It creates all the things that they love. It just takes a minute to get there.

Speaker 2 ([01:07:30](#)):

Yeah. Thanks for your comment.

Speaker 18 ([01:07:32](#)):

Mm-Hmm.

Speaker 1 ([01:07:37](#)):

Questions, comments?

Speaker 3 ([01:07:38](#)):

Not right now. Okay. Thank

Speaker 1 ([01:07:40](#)):

You. Thank you.

Speaker 4 ([01:07:43](#)):

Mary Walk. No comments.

Speaker 1 ([01:07:49](#)):

All right. We're ready for a rebuttal. Pardon me?

Speaker 6 ([01:08:01](#)):

I think, I think Mr. Burnett did most of the rebuttal just then. , But we're both back up here, , for anything else. , Any other questions? We'll stand for those.

Speaker 1 ([01:08:12](#)):

Well, I think for me, I'll lead off. , If you're standing for questions, one of our criteria is four. Will the proposed use be interest to other property in the immediate vicinity and/or negatively change the essential character of the area? , Just by, , acknowledging, and I thank you for doing that, going from seven days a week in a seven to seven operation admits that there is impact to the immediate vicinity of the area. And unfortunately, these are, this road is one of the few roads that have several residential on the south side of the, the railroad track. Is, is there other mitigations that you can do? I, I hear from Brian, and it makes sense to me, you know, if you could, if you could get in there and get out in 18 months, might be the best thing that ever happened to the area, then, then you could, they could have, they could end up with a nice road, whatever, right?

([01:09:20](#)):

, That's, that's one of the criteria that I have to wrestle with. And we have turned down other gravel pits in the, in the past because of number four, because it was injurious to the immediate vicinity, the immediate area.

Speaker 18 ([01:09:38](#)):

Yeah. I mean, we've obviously done a lot of gravel pits around residential neighborhoods too, or any developer in a residential area has to, , you know, mitigate for the subdivision next to it while they're digging ponds. I mean, this is, this is not just a gravel extraction. I mean, there are 10, five acre ponds all over the valley. So we build berms, you know, high berms so that the noise content's down. We don't issue and turn on a crusher until we have the pit dug deep enough to bury the crusher so the noise inflection isn't above ground. There's several things that we do. , The timeframe is really depending on getting through state agencies. As you know, you're the first step. , Then you gotta go back to the Department of Lands and you gotta get a SWIP plan and you gotta get the Army Corps of Engineers and everybody to kinda keep signing off on these things.

([01:10:23](#)):

So we don't know how long that part takes. It just depends on the area, , and, and how busy they are. And obviously with all the development of the Treasure Valley, those things take longer and longer and longer. , So the timeframe, you know, we have it at 20 years, you know, just because of those things. And we don't know when the demand's gonna take place. I don't know when someone's gonna come to me if I don't open it and say, "Hey, you know, I, we need 50,000 yards." And then we open it up, right? So I don't know when that's gonna happen. , Mitigation, we try to do the mitigation like Natalie showed in the first couple slides of where we stockpile, you know, where, and we always do dust abatement. So

we have water trucks that run 20, you know, twenty four seven when the operations and they're behind the trucks to knock down all the dust.

(01:11:10):

We try to do everything that we can. , And obviously the state follows those plans and they are monitored on a weekly basis by, , whatever engineering firm you, it's usually Simons that we hire. But we do all that mitigation. I think, , these type of extractions are done all over the Treasure Valley. And, , a- a- and I, I understand it i- it is kind of a, it is a disruptor. , But then it's absolutely stunningly beautiful. So I, I, , I, I know that I will take in consideration, , anything that I can do to make sure that the neighbors are, you know, not poorly affected. And if there's something that comes up along the way, just like ITD monitoring the intersection, if there's a wreck there and we need to make adjustments, we make adjustments. So, , always willing to do that.

(01:12:01):

This isn't my first project. , I probably have 17 projects going right now, and I care about every single one of them, and I want everybody to drive by them and say, Brian Burnett did that project. So, , I would hope, and usually I stack the audience like they did, but I didn't think that I needed to do that to have everyone come here and say, "This person does what he says, and this is what they look like." And that's why I used the reference in Middleton to look at it. All those neighbors would show up and say, "They were exactly the same. We don't want this." And now they go, "This is crazy. We have a 90 acre park in our backyard with all the wildlife. Can we go use it, Brian?" Every weekend, all those neighbors get on the river and are in my property.

(01:12:41):

So, , and, and I don't have a problem taking this lake, the surrounding area lake, if you wanna put it in the minutes, to go to conservation when it's done. That's what I'm doing with the 300 acres and notice before it, along the river basin where we are mining out. And I think that that's appropriate. And I think eventually, you know, there'll be trails in it for the public to go down. So I'm very much a community member, and I don't plan on going anywhere, and I'm not gonna stop what I doing, what I'm doing because I love it. So I, I, I care about these projects. I want them to look right.

Speaker 2 (01:13:09):

Okay. Thank you. Chairman? Yes. Because you're familiar with the area that we're talking about, there's a lot of mineral extraction happening there. Mm-Hmm. Some of those are better than others. I don't know if you've seen Sunrock's project, which is on the, , Sportsman's Access. Mm-Hmm. And they mind that to the point that, , the power poles are laying in the water with the power lines. It's, it's a horrible project. Yeah. And what's happening there, I think, is a real travesty. Mm-Hmm. I wish that in your neighborhood meetings, because I saw the documentation that you had took minutes, you called the meeting, you asked for input. I think that was where I saw the 50-foot easement buffer was in that, actually those minutes of that meeting. -

Speaker 18 (01:13:56):

And I, and I'm fine with that 50 foot. Like I said, I think that there's a little bit of discrepancy where they say they don't want gravel, this is a neighborhood community. And then they say, "Well, we don't really want housing either in the future." And I left enough land around that entire thing that you could build big, beautiful houses, whether that's another public hearing, obviously, or not, and it never gets approved, but I left so much space around it. That's why it's 26 acres of 56.

Speaker 2 ([01:14:19](#)):

Yeah. And the other thing I would say is that off the Veterans Parkway, there's a reclaimed, , mine there. I don't so much like it. It kind of creeps me out to walk through there. Mm-Hmm. But I'm, I don't know. , Three to one is a walking slope. Four to one, you're gonna have nice park amenities. At two to one, you would have some concern with kids rolling down in there or something. Mm-Hmm. And s- so Chairman, I guess I'm gonna take the Chairman Holton position. It would be nice if this developer, and I, I know you're well respected in the community, your name is out there in development, but there has not been a coming together. You have a group of people behind you that are wondering what that looks like. And sometimes we give the applicant the opportunity to meet again and see if mitigating conditions, , your highest success rates in a negotiated agreement are when you get buy-in.

([01:15:16](#)):

, To have that contested is sometimes difficult. I, I don't, I, I think these projects can be good projects, but when they're contested, it's difficult. You, I don't, I don't have anybody in here saying, I, yeah, man, we, some of those reclaimed pits, you know, the, I have 60 acre ponds plus - Yeah. Over there happening. Yeah. And that extends all the way east down to Star Point and in Sperado.

Speaker 18 ([01:15:44](#)):

Yeah. I, I mean, I would hope that they could just tell by the drawing that, you know, I left all that buffer around it. And, and I don't think that they're actually upset about that. I think it's more the traffic when you have a neighbor that is an engineer, you know, depicting what happens in an intersection over ITD. I think it's a traffic thing. And I just, I'm not gonna be able to get around that. There's gonna be traffic, there's gonna be trucks, and ITD is gonna monitor it. And I can't override a state agency, nor, nor can you. So I don't really, , my hands are tied. I don't really know what to do there. Right. And - I don't think it's the development. I think it's the traffic.

Speaker 2 ([01:16:17](#)):

And I don't disagree with you. Just preceding this meeting, we had, , a request for, , local auction sales tax to help mitigate all the traffic issues that are happening. The state of Idaho is evidently bankrupt when it comes to funding road improvements. That's unfortunate.

Speaker 18 ([01:16:35](#)):

And, and just so you know, I did enter in early and didn't realize that was my intersection where I own three of the corners and I am building that traffic intersection and light on my own dime to solve their problem. So I'm a very much a community member that's saying, yes, you know, let me help. Let me get the design, Bruce Bain to do the design, and I will build the intersection. So - Yeah. I'm building that intersection. If it's presented to me and it's reasonable and I can pay for it in the context of what I'm doing, I will do that. So if ITD comes to me, and I've promised them this, and they wrote a letter specifically saying it for you people, is if something happens and we need a left turn lane or we need a center lane or we need to widen, then we'll do it.

([01:17:15](#)):

And so I, I, I don't know what to do to, for any, you know, I don't know what I can do with any state agency that I haven't done on this project. I think I've checked every box. Yeah.

Speaker 2 ([01:17:25](#)):

Thank you, Mr. Burnett, for your comments. I do appreciate it. So I still have a, I guess a question out there to the chairman on.

Speaker 1 ([01:17:34](#)):

What question is that?

Speaker 2 ([01:17:35](#)):

Well, the, on the, the buy-in from the community given, , that is a recent decision that came before the board. And I, I didn't, I failed to put that together.

Speaker 18 ([01:17:44](#)):

Yeah. And the, and the, , the, , I, I forgot which, which lady it was, but you could probably look through the notes. I asked her that question, "What am I supposed to do?" And she said, "I don't know. We're not gonna let anything through because we don't trust ITD. We don't believe anything they say and we're, we got slapped in the hands once and we're not going back to them." So, and I said, "So nothing's gonna be approved?" And she said, "Yeah, we don't trust them." So that was kind of the, the gist of my denial. And I thought, well, I have to go through them. That's the state requirement. So I'm really not sure, you know, like I said, what to do.

Speaker 2 ([01:18:14](#)):

Yeah. , and I feel your pain.

Speaker 18 ([01:18:19](#)):

I appreciate that. Yeah. <laugh>

Speaker 1 ([01:18:22](#)):

All right. That's a, that's one a- avenue that would be available for this. We'd have to. I'd rather that would be united to, to do that, and this isn't the part of the meeting that we would discuss that.

Speaker 2 ([01:18:40](#)):

Correct. Yeah. Mr.

Speaker 3 ([01:18:41](#)):

Chairman, I have a question.

Speaker 1 ([01:18:42](#)):

Yes.

Speaker 3 ([01:18:44](#)):

I don't know what the process on your end looks like. , Like, say for the one that you just got approval on. Is the next step. Is, is this approval a prerequisite for moving on? Mm-Hmm.

Speaker 1 ([01:19:00](#)):

-

Speaker 3 ([01:19:01](#)):

Absolutely

Speaker 1 ([01:19:02](#)):

Is.

Speaker 3 ([01:19:04](#)):

And I guess where I'm going with that is, and I wouldn't have thought of this if you did not say something with, like, a specific project where you would go in and get it and get out. , You could not move on to the next steps if this was basically continued with a date uncertain until you came back with a specific pro - large project.

Speaker 18 ([01:19:30](#)):

Mm-Mm. And, and the government agencies don't move fast enough, so I would never be able to do that. Okay.

Speaker 3 ([01:19:36](#)):

That's

Speaker 18 ([01:19:36](#)):

Kind of the problem. It's bottlenecked. You know, it takes two years to get in front of you guys, and it'll take me another year to get it open. So you got three years. Nobody shows up and says, "Hey, we need gravel for this project three years from now. Can you get it to us?" So it's kind of like it has to be ready to go with a site plan and then, you know, somebody shows up. What I would tell you is I have enough gravel mines in other places that I can wait because I can, I can funnel business and wait for something like that to happen, which is what I would do here. , Because at the end of the day, I would like to, you know, put a couple houses around this lake and make it beautiful. So, , I have to, you know, kind of wait for that.

([01:20:13](#)):

, And, and I, I think it works, but I don't know what the economy's gonna be like in two years when I actually can open this, even if I get approvals. So that'll be, that's also a determination. Maybe I'll have robots out there digging it with shovels. I have no idea. But in, it, it'll probably take me two years from the state to even open it.

Speaker 3 ([01:20:37](#)):

I have another question. Go for it. Again, I don't know what the process looks like on your end.

Speaker 18 ([01:20:44](#)):

It's long. How,

Speaker 3 ([01:20:45](#)):

How much, how much, . You, you've used 30,000 tons, I think it was, and then 50,000 tons.

Speaker 18 ([01:20:53](#)):

How many tons are in here? Probably a million and a half. So it has to be a really big project.

Speaker 2 ([01:20:59](#)):

At what depth? That's an engineering question.

Speaker 18 ([01:21:02](#)):

Oh, probably, I, I'm. So on this side of the river, it's kind of what, what they do in the, in, in the mining is you, you, . It depends. There's usually overburden, right? There's dirt on top of the gravel, and then it goes to gravel. And then you just don't know until you start digging it. That's why it's so hard because some, some places have, you know, veins of sand in them. Some have veins of clay and you can't use that. And so it. But on that side of the river, the depth has been about 20 feet. In Middleton, my pit is 20. That lake I built was about, is about 20 feet deep. , On the other side of the river, and I think that's, that's what they're finding. , Some of the competitors or even some of my business partners on the south side of the river, you're only getting down like 10 or 12 feet and then the gravel's gone and you're hitting clay.

([01:21:49](#)):

And so this side of the river is going to be more utilized for gravel extraction because the other side's gonna go faster because it's not as deep. So you open up a pit. , Randy, Randy, you know, the competitor that's next to your home, , he just opened up a pit on Notice Road and, yeah, Notice, Notice Road in Highway 24, , the Mako Pit. And, you know, gosh, I thought that would be just as deep. And at 12 feet, he's gone and he's done. And he thought it was gonna take 20 years and in a year he'll be out of there because the gravel wasn't deep. So, you know, you just don't know until you start digging the hole. You, you dig test holes, and we always do. We go out on the property and dig 10 or 15 of them, but it's, it doesn't matter.

([01:22:28](#)):

In between them can, you know, anything can happen. So you just. The depths aren't set, and that's why the depths aren't set, because you don't really know what you're getting into, and you don't know how much the overburden is until you really just start digging the hole. But that calculation's based on 20 feet.

Speaker 2 ([01:22:44](#)):

Thank you.

Speaker 18 ([01:22:47](#)):

An- another thing, if I can add it. The deeper you go - The cleaner the pond. The cleaner the pond. So when you look at ponds and they have algae growing on them and they stink and they got blue algae and everybody's scared of them and you have no wildlife is because they're shallow, so they stay warm. And so they're like microbio - you know, microbes just go crazy. And if you can dig them deep, the cold water from the river that goes through the gravel basically keeps them cold and they stay pristine and, you know, the wildlife likes them. So that's, that's the counter argument, I guess, to saying, well, we

don't really like the deeper ponds, but they are cleaner for the environment and the kids around them and the people who are interacting in the water. And that's why they dig them deep.

Speaker 3 ([01:23:40](#)):

I got more questions, I guess. Go

Speaker 1 ([01:23:42](#)):

For it.

Speaker 3 ([01:23:45](#)):

How long does it take to mine 30,000 tons?

Speaker 1 ([01:23:49](#)):

Well, you, you, you consider it by the yard, you're, you're taking care

Speaker 18 ([01:23:52](#)):

Of - Yeah. A, a ton in a yard are pretty close. Okay. , how long does it take? , Well, it just takes a long time to get the pit open, right? To get all the approvals - If you

Speaker 3 ([01:24:04](#)):

Were, if you were open and like - Strip

Speaker 18 ([01:24:06](#)):

All the dirt. , You mean like - And

Speaker 3 ([01:24:07](#)):

It was ready to roll. For

Speaker 18 ([01:24:08](#)):

Someone to show up? , You know, I sold last month down the street, we sold 75,000 tons in one month. That's what we're selling right now. If this pit was open, I could get rid of it real quick, but I don't know what it's gonna be like in two years. That's the hard part. I got

Speaker 3 ([01:24:26](#)):

You.

([01:24:29](#)):

I guess, I guess where I'm going with all this is I agree with Commissioner Holton. I can't, I can't get over the hurdle of number four in the way it's, it's asked. If it's injurious, because it's being. There's nothing real close. Like if you had a pit, like even the pit you just got approved is, I guess, technically not super close. Like you're dropping this thing in the middle. But at the same time, , I understand for the need for aggregate in this area and, and ju - I, I don't know, Mr. Chairman. I'm. The reason I was asking if there was, , some sort of continuance without a date certain or potentially even a condition where you have

to get. I mean, if you go into the pit, it has to be for X number of tons or yards. It's not like a trickle every day kind of thing.

(01:25:35):

Like you went in, got it, got out, and then maybe there was a break for a while. I don't.

Speaker 18 (01:25:42):

Yeah, I mean, that's, it's completely. I mean, we can put something like that. It's completely based on demand. But, -

Speaker 3 (01:25:50):

Again, that, that gets me back. I don't. I still don't know if that gets me over the hurdle of four, number four.

Speaker 18 (01:25:56):

Yeah. I mean, the hurdle of four, I would say this is the least densely populated area that you can mine gravel. I mean, three houses, there's three houses down off Wilson Lane. There's actually five right in front of it where we're down the street. , The Arrow Rock one doesn't have a neighbor that's just a personal residence. But I think what you're gonna see is this, this gravel has to come down the river corridor. Where else are you gonna get it? There's, there's nowhere else to get it. I'm more worried about when you get out to Parma and you get to the Snake River, then where is it gonna come? I'm actually from Anchorage, Alaska, and they truck it in from way far away and it costs, you know, 15 times as much as it does here. So, , but making it beautiful is the most important thing to me.

(01:26:37):

So it doesn't, you know, you don't, you don't lose that and you don't lo - have pits like she's talking about where it's all the way to the edge of the property and the light poles and nothing can ever be done with it. And it just looks horrible. I

Speaker 6 (01:26:47):

Think, Commissioner Brooks, I think, , I'm hearing what you're saying, and perhaps you're open for a time and then you take a break. I actually think the neighbors would hate that. If we started a gravel extraction and then we just paused and left an ugly pit with, with machines down there. I don't think that that would be conducive to, to a lifestyle, right? I actually think that would increase your concern for number four. I think the idea would be open the project, let it happen, complete it, fill up this beautiful lake. So I, I pa - I, you know, pause when you say that because I would, I don't think they would like just for us to take a hiatus or a holiday and leave an ugly open pit. I don't think that would be ideal. But, , Commissioner Van Beek, I am listening to what you're sort of requesting or hoping might happen, which is a coming together of the neighbors, , and us.

(01:27:40):

And I would love that too. I don't know if there's a, a, a way to ask that, but my feeling is that no matter what we say or what concessions we offer, the group behind me is gonna say no. So I hope that I'm wrong, but I think you're smiling like I feeling. I don't think that they're ever going to be like, "Okay, sounds good." So I would love that. I would love nothing more than for us to offer shortened hours, , fewer days, like a, an acceleration lane, a decel - like I, I think Brian honestly would do anything ITD said,

anything the highway dis- district said, , perhaps anything that you said. But I don't think that this group behind me is ever going to nod in agreement and say, "Yeah, let's do it." So I hear you. I just, I, I don't know, call me a pessimist on that one.

(01:28:34):

But I would love that. Right.

Speaker 2 (01:28:36):

And here's what I'll say. When these, even though this is a- allowed in an agricultural zone by a conditional use permit, the reality is, I mean, that question was asked, will this ever go back to ag? Oh, heck no, because there's been too much product that's been removed from that ground. And so you'd haul it out to do what? Haul it back in? We've had people offer to refill it with chunk. No, thank you. And so really, the only thing that would happen next that is a correct domino effect, this is the same proposition that Mr. Wood is going to make that, , we didn't have a lot on that. It was, , that property we're talking about had a long history. But the next step in that, that domino effect is going to be there. This is going to go and it was good.

(01:29:23):

It's very good ground. It's amazing ground. It's high productivity. It's not going to go back to ag. And so now it is slated for an area of impact where Caldwell has a well, there's a lift station, there's all kinds of retail, commercial, high density housing, schools, fire stations. It will be different. There are century farms that are, this is still where they don't do eminent domain and they don't, you have to voluntarily annex. And there's people that love it there enough that they're gonna wait it out when, when, not if, but when it go. Goes to residential, that property will be, the lots will probably be half million dollar lots, and it will be a residential area that has beautiful lakefront property. Mm-Hmm. That is completely different from the century farms that existed before there. And there, those are artesian wells, riparian corridors. It's, it is changing the face of agriculture for prime productive ag in Canyon County.

(01:30:29):

I'm just making a statement, not a judgment, so.

Speaker 1 (01:30:32):

Okay. So you, I know, I hear that you don't have any faith in this. Do you? But would you entertain going back and having, , a neighborhood meeting, perhaps inviting ITD so ITD can defend ITD and you're not defending them. But what I'm looking for is if there is a way to have buy-in, if you can sell the future, if you could, , find a business model. We've had gravel pits in before that said, "If you can give us the okay on this pit, we will get it all out of there as fast as we can," which is typically once they open the pit, for those smaller pits, it was less than two years, and they were willing to haul, haul it down the road to their secondary pit, just to empty this pit.

Speaker 18 (01:31:37):

Yeah. I mean,

Speaker 1 (01:31:38):

I- I'm talking about out of the box possibilities because I, I am just being transparent with you. I'm stuck on number four, and I don't know that everyone down this lane is hell no, don't go. I, I don't think

they're all closed box thinkers, but if you could sell it to them, then that helps we, that helps me with number four. But if you can't, you can't. But are you, are you, would you entertain that possibility?

Speaker 18 ([01:32:17](#)):

Well, , yes, but what I would say is I already have. You can see my old projects. You can see the land I r - I left around it. You can see I told you I would, I would change the hours of operation. I'm trying to get it out of there fast. I'm waiting for a project. I mean, the only other stipulation you can really put in there is, is to limit the timeframe, right? So if it's 20 years, you can say, "Okay, Brian, you only have 10, but you have to..." And, and the 10 time clicker starts when you open the pit, right? So I'm, the, the timeframe's condensed and I don't start it until I open it. And if I haul it down the road in my other pit and crush it, great. But yeah, I mean, I, I think that's the only way you can do it.

([01:32:56](#)):

And the only reason I say that, and I think Natalie says that, is not because we aren't gonna get along with people. It's just that we. So I, , I guess with all my developments, I am so entrenched in all the government agencies that when these people call the government agencies, I know everything that's said. I know the conversations. I know that ITD's already met with them on the phone 20 times and told them, "No, this is WIT and we've done our analysis and we're engineers in this and they refuse to listen to the agencies." And so I would say I, as not an expert or engineer, I'm not gonna convince a neighbor that thinks he knows the engineering of an intersection more than ITD. And he spoke with them and his wife spoke with him 10 times. And Kendra's told me this is what they're saying and this is what they think.

([01:33:35](#)):

And I can't help you, Brian, except for write a letter and say, "We're the professional agency you have to go through and here's what we think." So I've tried so many times and I've had all of the agencies that know what kind of developments I do on my side when people, you know, are calling to try to make them understand and make them more level-headed on this is, we are engineers and here's what will work and he is adding the acceleration lane. I don't think me repeating it is gonna work because they've already done that. These people are passionate. They've done enough research. They've got letters from wildlife conservationists, you know, and they've called that, they've called all the agencies and tried to do everything that they can. And those agencies have told them the truth, which is, here's what we are required to tell Mr.

([01:34:17](#)):

Burnett to do and here's what he's done and he'll do anything, but we don't even wanna spend our time and resources more on it because this is the requirement. So I don't think that that is something. I mean, I, I get it. I like to get along with everybody. That's what kind of guy I am. But I don't think that you get to a certain point and if you've been in front of all the professionals. And I didn't bring all the neighbors that are for me. I didn't think I needed to because I followed all the regulations. I followed all the rules. , I could do that. I could have stacked the crowd tenfold. I just didn't do that because I think this is a good project. I think I have good intentions. I'm a good neighbor. I own the house next to it. And by the way, I own 178 acres next to it that I have to do something else with.

([01:34:58](#)):

And I am vested in making sure that this project looks spectacular and it happens quick because I own everything around it. So to me, I, I have to say, look at the past things that I've done and judge me on that, not judge me on the, you know, not in my backyard, because that's really all this is, is not in my

backyard. And obviously I, I deal with that everywhere, but it has to come back down to, , you know, rational landowner rights at some point. And, , if, if I, you know, I don't know what else this lower ground would be used for besides pasture grazing and having, you know, water, water roll through pasture gravel. So, , it's, it probably has to even be built up even to be built on around and, and have residential around it. So I think I've done what I can.

(01:35:47):

, I do agree with you though. If you're stuck on number four, your only option is to, you know, deny us or approve us. But I do think you should take into consideration, you can limit the hours, you can limit the timeframe and say, "Hey, I don't want to give you 20 years. You said you could do it in five, but you don't know when it's gonna get started. I'll give you 10 and you don't get to start the clock until you get it all approved through the government agencies." And, you know, I think that's a better way to do it. And in my mind, I've made every concession that I can.

Speaker 2 (01:36:17):

Chairman?

Speaker 5 (01:36:20):

, Chairman, , commissioners, , not advocating for the applicant, but I wanna introduce as a concept, the possibility of a limited timeframe, but that requiring that the applicant check in and we notice a hearing because if we end up one year into the operation of the pit and conditions aren't being followed and a, a bunch of other things and the neighbors come in to tell us that, there would be an option for the, the board to just revoke it right there. Have a, like a check-in timeframe, if you will. , If you'd entertain that. I just want to introduce that as a concept. , I don't know if you've done that on other CUPs. That's all I wanted to say.

Speaker 2 (01:37:03):

Chairman. Thank you. I appreciate that, Josh. And I also appreciate, , you seem like a passionate guy. Here's what I still think is worth. Yes, you're correct. There's a lot of passionate people in here. There are some substantive changes in my humble opinion that to make friends is better than to have enemies. And so I would want the temperature to see. And if it were me and I were trying to market a project, I would be on site on something I was really proud of that is, I don't know if they've been out there to look at it. Legally, we cannot do that. That's against the law for a commissioner. , I'm just saying I would look at, because of the negotiation points that you've brought up, there are people who are not willing to negotiate. I sit through a lot of these. And, , I will say it again.

(01:38:05):

I did not realize that it was you behind the development that made the concession to put in two lights. , Highway District four was here with ITD and ITD is saying we're out of money. We can't do it. Good luck.

Speaker 1 (01:38:21):

So let's, let's stay on this permit -

Speaker 2 (01:38:23):

Sure.

Speaker 1 ([01:38:23](#)):

Question. I'm, I'm having trouble connecting that. , Unless you can finish your point. I'm -

Speaker 2 ([01:38:34](#)):

Well, Termin, all I'm saying is that if there's a traffic mitigation, because you're stuck on number four, I'm stuck on four and seven. And so we have someone. I didn't vote for that project because I felt like that there was enough traffic, but here's an applicant sitting that is agreeing to do something to help the community overcome. So that's active mitigation on something. And I'm not lobbying for. I am still a person that's a facilitative, believes in the facilitative mediation process where buy-in is better than not having buy-in. If you can't get it, you can't get it. But you do have some things on public record that you're willing to do for the concerns that have been expressed in this hearing, which is traffic, safety, young drivers, , a change in the character of the other area. You can't talk to them during this hearing and neither can I because they've already testified.

([01:39:36](#)):

So there's a little bit to I, I like to evaluate the variables. I just take it all in. I just ask the questions. That's my job. Mm-Hmm.

Speaker 1 ([01:39:49](#)):

So would we be interested in considering a continuance in 60 to 90 days? Give them the opportunity to see if there's any mitigation that they can do with the neighborhood and finish this hearing. Are you interested in that or not?

Speaker 3 ([01:40:08](#)):

I'm not gonna get in the way of that motion, Mr. Chairman. , I guess since the applicant brought it up, I am interested in what surrounding property he owns since he made the comment.

Speaker 1 ([01:40:24](#)):

Do you want him to expand upon that? ,

Speaker 3 ([01:40:28](#)):

Sure. If we have a map - Can we go back

Speaker 1 ([01:40:30](#)):

To the map?

Speaker 3 ([01:40:31](#)):

Site

Speaker 1 ([01:40:32](#)):

Map.

Speaker 3 ([01:40:32](#)):

He's willing to.

Speaker 18 ([01:40:35](#)):

, Yeah.

Speaker 1 ([01:40:39](#)):

Just blow that up.

Speaker 9 ([01:40:41](#)):

This is the subject

Speaker 18 ([01:40:44](#)):

Property. Okay. So everything north of it to, on that parcel number? Everything north right there. , And then all the way to the left, that upper bench that's all being farmed by the gentleman who put in the thing. You stop right there where that other intersection is right above your mouse. Oh yeah, I can go up and point it out. Easier. So it's 208 acres. So where's the?

Speaker 7 ([01:41:08](#)):

Subject property. Yeah. So,

Speaker 18 ([01:41:10](#)):

-

Speaker 1 ([01:41:13](#)):

That's the site right there.

Speaker 18 ([01:41:15](#)):

All the way here. You know, around here. So pretty much, you know, this guy's got 200. We have about 208 here. And roaches have about 200. So everything on both sides of Limp Lane, entire Limp Lane, except for when you hit the bottom and the three houses are there. Okay. Three neighbors. So everything else. And we're farming all this because it's really good farm ground. Yeah. And so that's the letter that you, from our farmer that says he's been out there for 10 years. He's tried to farm this and it wasn't good enough, so he farmed the upper shelf and has it in very productive crops. So it's 208 acres in total. Lived

Speaker 16 ([01:41:49](#)):

There for 10 years.

Speaker 3 ([01:41:51](#)):

Well, don't, please don't start that.

Speaker 1 ([01:41:54](#)):

Don't, don't.

Speaker 3 ([01:41:56](#)):

. Amber, where are the houses?

Speaker 7 ([01:42:14](#)):

Through the chair. Here's some plane. , This is the house on the subject property. Past the subject property, there's a house here, house here. And further down L- Limp Lane, there is a house here.

Speaker 2 ([01:42:31](#)):

And Amber, to point to where we're at with the project site in relation to those three. It's right there.

Speaker 7 ([01:42:38](#)):

This is the subject

Speaker 2 ([01:42:39](#)):

Property. Okay. Okay. Thank you. Of course.

Speaker 3 ([01:42:45](#)):

So the applicant owns and is, is trying to mine property that is to the north of all the residences?

Speaker 2 ([01:42:55](#)):

Mm-Hmm.

Speaker 3 ([01:42:56](#)):

Besides the one that he owns or whatever that is, I can't tell from.

Speaker 7 ([01:43:01](#)):

North of the other properties on Limp Lane, that is correct.

Speaker 3 ([01:43:05](#)):

Okay.

Speaker 7 ([01:43:06](#)):

Besides the one on the property he owns.

Speaker 3 ([01:43:09](#)):

Correct statement.

Speaker 1 ([01:43:17](#)):

Does that information change from your point of view?

Speaker 7 ([01:43:24](#)):

Through the chair, if I may. Yes. , just with testimony and concerns, I'm not advocating for anything. , I do have two additional conditions that you may consider to mitigate your concern for four. , A 2E that mineral extractions shall cease, , a certain specific timeframe with the, of your choosing five, three, two years once operations begin to lock that down. And a 2F, , if Joshua Johnson, the applicant shall return to a public hearing for a check-in on the conditions of approval of the project. , You could have a specific timeframe. If you choose five years, we could do a check-in within two and a half years. , Just fit for though.

Speaker 2 ([01:44:15](#)):

Okay.

Speaker 3 ([01:44:20](#)):

Mr. Chairman, I am in support of your continuance at this time.

Speaker 1 ([01:44:23](#)):

All right. Will you be available in 60 to 90 days for your representative?

Speaker 18 ([01:44:32](#)):

, What I, what I, I mean, yes, I will be. What I get frustrated with, because I've been through this process so many times, is, , the continuation of the same information, the same state agencies, the same letters, , the same exact things because I feel like I've crossed almost every T more on this project than anyone that I've ever mi - , you know, extracted from. , So I'm a little worried about that. And then if it gets extended again, I know that you guys get altered in and out, and then we're dealing with another person who needs to get educated possibly. That's happened to me a lot in the state agencies with the Army Corps of Engineers and just government employees. And then you start over and you go back because someone else needs to get educated. So I feel like we've been at this a really long time.

([01:45:23](#)):

If there was something you can tell me, , that ITD's gonna change its mind, that the Army Corps is gonna change its mind, that anything besides a neighbor's opposition is gonna change your mind, I guess I would rather hear that now and, and try to deal with that than, , keep postponing, , the same information.

Speaker 3 ([01:45:46](#)):

Mr. Chairman, , if it's not obvious that my mind is not made up, , it should be. And the information that I just ferreted out with the questions that I just asked -

Speaker 2 ([01:45:58](#)):

Uh-Huh.

Speaker 3 ([01:45:59](#)):

Was not information that was presented at any point from what I've read or from what you or your representative gave willingly in testimony. So I'm willing to support the chairman's continuance. What you do with that or what you don't do with that is completely up to you. I would like it for my own

personal deliberation before we actually come back out here and deliberate as a board with public testimony closed. Okay.

Speaker 2 ([01:46:36](#)):

And Chairman, there may not be a need to Mr. Burnett's point to go out like in 90 days. I, I mean -

Speaker 3 ([01:46:43](#)):

We could, we, we could be much shorter in my opinion, Mr.

Speaker 1 ([01:46:46](#)):

Chairman. I'm, I'm amenable to that. 30 days? I don't really care.

Speaker 3 ([01:46:54](#)):

That would be max for me. 30

Speaker 1 ([01:46:56](#)):

Days. All right. Do we have a date certain?

Speaker 2 ([01:47:09](#)):

And Jen and the, like, what date? Right. And, right. And what date do you have available? It's contingent on that.

Speaker 3 ([01:47:26](#)):

Make it for two weeks. I don't care.

Speaker 2 ([01:47:30](#)):

I mean, like, right.

Speaker 6 ([01:47:41](#)):

Can I ask a question?

Speaker 2 ([01:47:44](#)):

It's up to the chairman. Okay. Yes?

Speaker 6 ([01:47:53](#)):

, I think we, , we'd be excited to continue to move forward on this. If we're m - trying to move quickly in the last two weeks or 30 days, what, what is our option if the neighbors just choose not to meet with us? And we have, we're not able to come to that kind of. , They could very well just be like, "Nope. Nope, not meeting." So that we show up empty-handed to the next meeting. So I'm just, I would like to know what we should show up with if the neighbors just stand their ground and say, "Nope, we're not even gonna meet with you." Help me to understand how I can show up and say, "I did everything that I could to satisfy the commissioner's request to, to come and be neighborly. I'm just curious what to do if I met with a s - just a brick wall."

Speaker 18 ([01:48:51](#)):

And would you like me to get advocates for the project to come to the next hearing? And how many?

Speaker 1 ([01:49:01](#)):

So

Speaker 3 ([01:49:01](#)):

Mr.

Speaker 1 ([01:49:02](#)):

I'd be dead if I got caught in an answer to that question.

Speaker 3 ([01:49:06](#)):

<Laugh> , Mr. Chairman, I guess this is the, this is the downside to this kind of proposal as we just found out with the hearing that we had earlier today. , Where the public intentionally did not meet with the applicant or felt it was not the, , it was not appropriate for the applicant to receive their information. , I really, I really don't care what we call this continuance. I, , I stated again, I want the continuance to reevaluate what, , what I just was told in light of the overarching application and what's been put on the record today.

Speaker 1 ([01:49:55](#)):

So the only way that I see that we can do that procedurally is that we have to leave public testimony still open for the continuance. I don't see a way that we -

Speaker 2 ([01:50:05](#)):

I, I agree, Chairman.

Speaker 1 ([01:50:07](#)):

'Cause You're, we're basically wanting to know new, new information or new discovery. And -

Speaker 3 ([01:50:14](#)):

We're wanting new information?

Speaker 1 ([01:50:16](#)):

No, I, I, well - Wanting feet, I don't. Okay. In essence, I was wanting a ditch effort with the people. The people that are on this lane, this guy's your neighbor. You're driving past him, going and coming. This guy has property rights. So do my grandkids. Just, just, this is not a game. This is not a debate. I'm just trying to tell you that we all have property rights. And I'm legally bound to consider his property right right up to your property right. And the PNZ can read this two different ways if you want to. So I'm asking if you would consider to consider being neighborly. And you are totally entitled to say no.

([01:51:21](#)):

And I'll take that no under consideration in my decision. But you're also totally entitled to attempt to be a neighbor and see what the future might hold differently than the way it is today because they do have property rights and so do you. And this is quite the balancing act that we end up with. This is part of the job of being a commissioner that is not pleasant. So I'm asking that you communicate with each other. And if you wanna be staunch and say no, say no. But if, if you could listen to each other and let the traffic experts be the traffic experts and let the irrigation people be the irrigation people experts and listen. That's what I have to do. I have to listen and I have to weigh. So I'm attempting to, , basically give a timeout for two weeks to talk.

(01:52:32):

And then we'll be right back here. And this is done. This is, , this has ended well for us before. This has absolutely been a total waste of time before because the nos have been nosed and they don't wanna hear anything. And that's your option. But I'll have to do my option too. So I'm just asking consider being a good neighbor as best as you can and see if there's any common ground or if there's not any common ground. And we'll all come back here in two weeks and we'll, we'll end the decisions. So we will, we will have it left open for, for testimony at that point. And that's all I'm gonna say about that. So date certain is 27th. Is that. We have 1:30. All right. So we, I will make a motion that we, , pause this and continue this back on 1:30 -

Speaker 2 (01:53:45):

27Th.

Speaker 1 (01:53:46):

On August 27th here in the same room. That, , we will not be a- accepting any additional, , documents during this two week pause period. Everything will end up, need to be verbal when it comes back.

Speaker 6 (01:54:05):

Excuse

Speaker 1 (01:54:06):

Us. So I don't wanna hear any wildlife studies. I don't wanna hear any, "This is the water aquifer underneath our dirt." I don't want any studies like that. I want, I want personal testimony only on the 27th. Is that clear? Is that okay? Do you support that?

Speaker 3 (01:54:25):

I second.

Speaker 1 (01:54:26):

Okay. Is there any discussion?

Speaker 2 (01:54:30):

I, I guess I'm just trying to figure out if this, if the applicant needs clarification on what it is that's being proposed. He has his -

Speaker 18 ([01:54:38](#)):

, my, my understanding is I'm trying to meet with the neighbors if they will allow, because you all know I'm willing, , in the next two weeks and come back to a hearing and explain what happened <laugh> and give testimony. , I will be out of town. Can we make it three weeks?

Speaker 1 ([01:54:56](#)):

When do you leave? ,

Speaker 2 ([01:54:59](#)):

Chairman, I, it's the 20th. I need some prep time around that, but I can make concessions for that.

Speaker 1 ([01:55:07](#)):

Would, would the 3rd of September work for you? Or is that still

Speaker 18 ([01:55:13](#)):

Out? Yes, that would work.

Speaker 1 ([01:55:14](#)):

Okay. Third of. I will amend my motion to the 3rd of September at 1:30. Is, is the room open? Thank you.

Speaker 2 ([01:55:21](#)):

Thank you.

Speaker 1 ([01:55:22](#)):

Does that work?

Speaker 3 ([01:55:24](#)):

I still second.

Speaker 1 ([01:55:26](#)):

Okay. All right. All right. Motion's been made and seconded. All those in favor say aye.

Speaker 2 ([01:55:33](#)):

Aye.

Speaker 1 ([01:55:33](#)):

Aye. Aye. Motion carries. So let's, let's recess this till, , September 3rd, 1:30. Thank you.