

Legal Transcript Analysis and Summary

General Overview

- **Case Summary:** This was a public hearing before the Canyon County Board of County Commissioners on August 12, 2026, regarding case number CU2024-0023-APL. The applicant, represented by Natalie Johnson and developer Brian Burnett, appealed the Planning and Zoning Commission's denial of a conditional use permit for a long-term gravel extraction operation on Lemp Lane in Parma. The hearing included presentations from the applicant and DSD staff, followed by testimony from numerous members of the public who largely opposed the project. Key topics discussed were the project's consistency with the county's comprehensive plan and intensive agriculture overlay, traffic safety at the Lemp Lane and Highway 20226 intersection, and potential impacts on the area's agricultural character, wildlife, and water resources. The hearing was continued to allow the applicant and neighbors to meet and discuss potential mitigations.
- **Speaker Background:**
 - **Natalie Johnson:** The applicant's representative who presented the project details, arguing for its approval based on regional need, site suitability, and proposed safety measures.
 - **Brian Burnett:** The developer and applicant, who provided context on the regional demand for gravel, defended the project's safety, and described his past reclamation projects. He also owns the subject property and significant adjacent land.
 - **Amber Luder:** A DSD staff planner who presented the staff report, outlining the reasons for the Planning and Zoning Commission's denial, which included inconsistency with the comprehensive plan and negative impacts on the area.
 - **Public Testifiers:** A group of local residents, landowners, and concerned citizens who testified in opposition to the project, citing concerns about traffic safety, noise, dust, loss of agricultural land, and environmental impacts.

Key Points

- The applicant proposed a 26-acre gravel extraction operation on a 50.2-acre property, with operations planned for 7:00 AM to 7:00 PM. The initial proposal was for seven days a week, but the applicant expressed openness to reducing it.
- The applicant stated the project would generate approximately 50 truck loads per day during peak production.

- The applicant argued the project was consistent with the comprehensive plan because the soil on the lower portion of the property was of poor agricultural quality. They provided soil sample results to support this.
- The applicant committed to making road improvements required by ITD, the Notus Parma Highway District, and Union Pacific Railroad, including voluntarily adding an acceleration lane onto Highway 2026.
- Upon completion, the site was to be reclaimed into a permanent pond, similar to a previous project the developer completed in Middleton.
- The DSD staff report confirmed the Planning and Zoning Commission denied the permit because it was inconsistent with the comprehensive plan's "intensive agriculture overlay," would negatively change the character of the area, and lacked sufficient evidence to show it would not interfere with traffic patterns.
- Public testifiers expressed significant concern over safety at the intersection of Lemp Lane, Highway 2026, and an uncontrolled railroad crossing, arguing that adding 50 gravel trucks per day was dangerous.
- Neighbors argued the land was productive farmland and that the project would destroy wildlife habitat, wetlands, and potentially impact local water rights and springs.
- Several testifiers asked the Board to uphold the Planning and Zoning Commission's denial to preserve the area's agricultural character and respect the local decision-making process.
- The developer, Brian Burnett, stated he owned the house on the property and 178 adjacent acres, arguing he was invested in ensuring the final project was high quality and that the location was one of the safest and least impactful places to extract needed gravel.
- The Board of Commissioners ultimately decided to continue the hearing for approximately three weeks to allow the applicant and the neighbors an opportunity to meet and discuss potential mitigations and compromises.

Notable Quotes

- (36:36) Joe Grubiak, a neighbor, contrasted the stakes for each party: "For the applicant, this is about having another gravel pit... For us and my neighbors, this is incredibly emotional, disruptive to our lives. This is about our homes and our quality of life."
- (52:26) Brian Burnett, the developer, explained the market pressure for the project: "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."

- (54:11) Brian Burnett expressed frustration with the previous denial: "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."
- (1:09:38) Chairman Holton articulated the core conflict for the board: "Will the proposed use be interest to other property in the immediate vicinity and/or negatively change the essential character of the area?... that's one of the criteria that I have to wrestle with."
- (1:50:16) Chairman Holton addressed the public and applicant about property rights: "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."

Detailed Insights

1. Main Arguments

- The applicant argued the project was a necessary use of land with poor agricultural soil to meet a critical regional demand for aggregate, and that all safety and operational concerns could be mitigated through agency-approved improvements and responsible site management (6:37, 52:26).
 - Opponents argued the project was an industrial intrusion into a protected agricultural zone that would create unacceptable safety risks on local roads, destroy productive farmland and wildlife habitat, and permanently degrade their quality of life (28:46, 36:22, 39:44).

2. Supporting Evidence

- Applicant:
 - Soil sample results intended to show the land was not highly productive for agriculture (11:07).
 - A letter from a farmer who farmed the land supporting the finding of poor soil quality on the lower shelf (12:00).
 - Plans for an acceleration lane approved by ITD (12:33).
 - A letter from ITD stating a traffic impact study was not required (13:35).
 - Before-and-after photos of a previous reclamation project (Riverbend Ranch) to demonstrate the quality of their finished work (15:02).
 - Opposition:

- Exhibits showing the location of other nearby gravel pits already in operation (29:35, 37:33).
 - Exhibits detailing the dangerous geometry of the Lemp Lane/Highway 2026/railroad intersection (37:33).
 - Testimony about a recent fatal accident on Highway 2026 near the proposed site (33:29).
 - Testimony regarding water rights and the presence of year-round, spring-fed water that supports wetlands and wildlife (43:12).
 - A letter from Idaho Parks and Lands outlining concerns, which a testifier supported (44:21).

Context and Background

1. **Contextual Information** – The hearing was an appeal of a denial by the Canyon County Planning and Zoning Commission. The subject property was zoned Agriculture but was also within an "intensive agriculture overlay," a designation intended to protect productive working lands from incompatible uses. The applicant's primary challenge was to prove the project was not injurious to the area or inconsistent with the comprehensive plan, despite the P&Z's findings to the contrary.
2. **Related Events** – The applicant referenced the "Arrowhead Springs" project, another gravel pit proposal located about a mile and a half away, which was approved by the P&Z Commission on the same night this project was denied (7:25). Testifiers also mentioned the applicant's 382-acre pit near Notus, which was annexed into the city, a move they claimed was to "circumvent the Canyon County approval process" (29:35).
3. **Potential Impact** – Approval of the permit could have been seen as setting a precedent for allowing industrial mineral extraction within the county's intensive agriculture overlay zones, potentially weakening protections for farmland. It would have also introduced significant heavy truck traffic to a rural area with a highway intersection that residents considered dangerous. The Board's decision to continue the hearing indicated a desire to find a compromise that could mitigate these impacts while still acknowledging the applicant's property rights and the regional need for gravel.

Argumentative Behavior

The developer, Brian Burnett, exhibited several argumentative behaviors during his testimony and rebuttal.

- **Challenging or disputing statements or questions posed by officers:** He directly challenged the reasoning of the Planning and Zoning Commission's denial, stating they disregarded the expert opinion of ITD in favor of a neighbor's opinion on traffic safety (54:11).

- **Expressing hostility or defiance, often through raised voice, sarcasm, or aggression:** While not overtly hostile, he expressed clear frustration with the opposition and the regulatory process. He characterized the opposition as a "not in my backyard" issue ([1:34:58](#)) and stated he was not going to convince a neighbor who "thinks he knows the engineering of an intersection more than ITD" ([1:33:35](#)).
- **Refusing to cooperate, answer clearly, or acknowledge facts:** He did not refuse to cooperate. He answered questions directly and offered concessions on hours of operation and setbacks.
- **Repeatedly questioning the legitimacy or motives of investigators:** He questioned the P&Z Commission's motives by suggesting their denial was based on the opposition of just "three neighbors" at the end of the lane, rather than on the project's merits ([52:26](#)).
- **Engaging in debates or attempts to redirect the conversation away from the central subject:** He consistently redirected the focus from specific local impacts (noise, dust, traffic on Lemp Lane) to broader, more favorable topics, such as the critical need for aggregate in the Treasure Valley, his history of creating beautiful reclaimed properties, and the long-term conservation benefits of his projects ([52:26](#), [1:06:09](#)).