Board of Canyon County Commissioners
Hearing Date: September 3, 2026
Canyon County Development Services Department

PLANNING DIVISION – APPEAL ADDENDUM

CASE NUMBER:	**CU2024-0023-APL**
APPELLANT:	**Brian Burnett**
REPRESENTATIVE:	**Professional Engineering Services, Mary Wall**
APPLICATION:	**The appellant requests that the Board of Canyon County Commissioners overturn the Planning and Zoning Commission's DENIAL and approve the request for a conditional use permit for long-term mineral extraction.**
LOCATION:	**25192 Lemp Lane, Parma** **Parcel: R38505**
ANALYST:	**Amber Lewter, Associate Planner**

SUMMARY:

On October 18, 2024, Brian Burnett submitted an application requesting a Conditional Use Permit for long-term mineral extraction on approximately 26 acres of the 50.2-acre parcel in the "A" (Agricultural) zone for a maximum of twenty (20) years.

The Planning and Zoning Commission heard case CU2024-0023 on March 19, 2026. Staff recommended approval subject to eighteen (18) conditions (**Exhibit 3A**).

On March 19, 2026, the Planning and Zoning Commission considered the staff report, written comments, agency comments, oral testimony, documentary evidence, and the entire record and denied case CU2024-0023 (**Exhibit 1**):

The appeal of the Planning and Zoning Commission's decision was filed on April 15, 2026, within the fifteen (15)-day appeal period. The Findings of Fact, Conclusions of Law, and Order of Decision (FCOs) were signed on April 2, 2026 (**Exhibit 6F**).

On August 12, 2026, the Board of County Commissioners heard the appeal case number CU2024-0023-APL. The Board continued the case to a date certain of September 3, 2026, to allow the Board to evaluate additional information received into the record during the hearing and to allow the appellant/applicant an opportunity to meet with surrounding neighbors in an effort to address and mitigate concerns.

Public testimony was kept open only to receive verbal testimony regarding the neighborhood meeting. The Board will not accept additional documentation (**Exhibit 6I**).

Staff created a visual based on the discussion heard on the record (**Exhibit 6G**). The exhibit was presented to the Board and added to the website on August 13, 2026.

On August 17, 2026, the appellant mailed an informal meeting letter to the neighbors present on the sign-in sheets during the August 12, 2026, hearing (**Exhibit 6H**).

The Board's review is based upon the record established before the Planning and Zoning Commission together with any additional evidence admitted during the appeal hearing. The Board shall determine whether the Commission's decision should be affirmed, modified, or reversed based upon the applicable approval criteria of the Canyon County Code.

BOARD ACTION:

In accordance with CCCO §07-07-23(2)A. Appeal By Affected Person: Any affected person who is aggrieved by the director's decision as to an application pursuant to this subsection, may file a written notice of appeal in accordance with section 07-05-07, "Appeal Of Director Administrative Decision", of this chapter

A. At a public hearing held in accordance with this article, the Board shall consider the decision of the Planning and Zoning Commission and any additional evidence that may be offered by the public, applicant, or Director.

B. The Board may affirm, reverse, or modify, in whole or in part, the Planning and Zoning Commission's decision.

BOARD DECISION OPTIONS:

Option 1:
Grant the appeal, overturn the Planning and Zoning Commission's denial, and direct staff to prepare findings approving the conditional use permit with mitigating conditions.

Option 2:
Deny the appeal, uphold the Planning and Zoning Commission's denial, and direct staff to prepare the Findings of Fact, Conclusions of Law, and Order consistent with the Board's decision.

Option 3:
Continue the public hearing and direct staff to obtain additional information on specified issues.

The Staff report packet dated March 19, 2026, and all supporting material are contained in Exhibit III. Any additional agency & public comments received for the subject public hearing or received as a late exhibit at the previous public hearing may be found in Exhibits IV & V.

EXHIBITS:

1. **Planning & Zoning Commission FCOs Dated: April 2, 2026**
2. **Planning & Zoning Commission Minutes Dated: June 18, 2026**
3. **CU2024-0023 Staff Report Packet Dated: March 19, 2026**
   - **A. Draft FCOs**
   - **B. Application Packet & Supporting Materials**
     1. Master Application
     2. Letter of Intent
     3. Land Use Worksheet
     4. Site Plan
     5. Reclamation Plan
     6. Email Correspondence
     7. Neighborhood Meeting
     8. Agency Acknowledgement
     9. Distance to UPRR from Hwy 20/26
     10. Meeting with NPHD, ITD, & Applicant
     11. Dust Control Plan
         - 11.1 Crusher Location and Dust Control
     12. Floodplain Development Permit Application
         - 12.1 Approved Floodplain Development Permit
     13. Applicant's Presentation Materials
   - **C. Supplemental Documents**
     1. Parcel Information Report
     2. Case Maps/Reports

2.1 Aerial
2.2 Notification Map
2.3 Small Air Photo 1 Mile
2.4 FEMA Small Air Photo
2.5 Small Vicinity Map
2.6 Zoning & Classification Map
2.7 Case Map
2.8 Subdivision Map & Report
2.9 Dairy, Feedlot, & Gravel Pit Map
2.10 Lot Classification Map
2.11 Soil & Prime Farmland Map & Report
2.12 Contour Map
2.13 TAZ Household & Jobs Maps
2.14 Slope Percent Map
2.15 Future Land Use Map

D. Site Visit Photos: June 4, 2025

E. Agency Comments Received by: March 9, 2026

1. Southwest District Health; Received: May 5, 2025
2. Idaho Department of Environmental Quality; Received: May 12, 2025
3. Idaho Transportation Department; Received: May 27, 2025
4. Canyon County Floodplain Administrator; Received: May 28, 2025
   4.1 Approved Floodplain Development Permit
5. Notus Parma Highway District No. 2; Received: June 5, 2025
   5.1 Revised Comment; Received: July 30, 2025
6. Union Pacific Railroad; Received: October 8, 2025
7. U.S. Army Corps of Engineers; Received: February 17, 2026
8. Canyon County Historic Preservation Commission; Received: March 4, 2026

F. Public Comments Received by: March 9, 2026

1. Growing Together – In Opposition; Received: March 9, 2026

4. **Public Comments Received by: July 25, 2026**
   A. Growing Together – In Opposition; Received: June 22, 2026
   B. Julia Miller – In Opposition; Received: July 24, 2026
   C. Ryan Upson – In Opposition; Received: July 24, 2026
   D. Joe Grubiak – In Opposition; Received: July 27, 2026
   E. Idaho Foundation for Parks and Lands – In Opposition; Received: July 27, 2026
   F. Robin Lonkey – In Opposition; Received: July 27, 2026
   G. Mike Provost – In Opposition; Received: July 27, 2026
   H. Joe Ross – In Opposition; Received: July 27, 2026
   I. Petition w/24 Signatures – In Opposition; Received: July 24, 2026
   J. Petition w/25 Signatures – In Opposition; Received: July 27, 2026
5. **Agency Comments Received by: July 25, 2026**
   A. Idaho Transportation Department; Received: July 16, 2026
6. **Additional Supplemental Documentation**
   A. Statement from Farmer
   B. Stop Distance from Railroad to Highway with Acceleration Lane
   C. Comprehensive Plan Soil Map
   D. Soil Analysis
   E. Appellant's Presentation Materials
   F. Appellant's Reason Statement

G. August 12, 2026 Discussion Visual
H. Informal Neighborhood Meeting Request
I. BOCC August 12, 2026 Transcript

7. **Board of County Commissioners Staff Report Dated August 4, 2026**

Exhibit 1:

EXHIBIT I

P&Z Signed FCOs Dated: April 2, 2026

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Board of County Commissioners

Case #: CU2024-0023-APL

Hearing Dated: September 3, 2026

In the matter of the application of:
Burnett/Riverbend– CU2024-0023

The Canyon County Planning and Zoning Commission considers the following:

Case No. CU2024-0023: The applicant, Brian Burnett, represented by Professional Engineering Services, requests a Conditional Use Permit to allow a long-term mineral extraction for up to 20 years for surface mining, which includes stockpiling, crushing, screening, and hauling the sand and gravel off the site using approximately 26 acres of the 50.2 acres in an "A" (Agricultural) zone. The subject property is located at 25192 Lemp Ln, Parma, also referenced as Parcel 38505, a portion of the SW quarter of Section 29, T5N, R4W, BM, Canyon County, Idaho.

Summary of the Record

1. The record is comprised of the following:

   A. The record includes all testimony, the staff report, exhibits, and documents in Case File CU2024-0023.
      1. All exhibits are located in the case staff report dated March 19, 2026.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-07 (Conditional Use Permits), Canyon County Code §07-02-03 (Definitions), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Canyon County Code §07-14 (Use Standards) and Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures).

   a. Notice of the public hearing was provided pursuant to CCCO §07-05-01, Idaho Code §67-6509 and 67-6512.

   b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.

   c. Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. *See* CCCO §07-07-01.

   d. Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development;(6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. *See* Idaho Code §67-6512, CCCO §07-07-17, and 07-07-19.

e. Use Standards – Mineral Extraction Long Term: (1) If a conditional use permit is required, the following standards shall apply: A. Setbacks: Front 30', Side 30', Rear 30' Corner 30'; 1. Front and corner setbacks shall be measured from the greatest of either the property line, right-of-way line, or road easement line of any local or private street. 2. When making a decision for a conditional use permit for the use, the decision making body shall consider the following: (A) The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses; (B) Duration of the proposed use; (C) Setbacks from surrounding uses; (D) Reclamation plan as approved by Idaho Department of Lands; (E) The locations of all proposed pits and any accessory uses; and (F) Recommendations from applicable government agencies. *See* CCCO §07-14-19.

2. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCCO §07-03-01, 07-07-01.

3. There are no mandates in the Local Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. Chambers v. Kootenai Cnty. Bd. of Comm'rs, 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).

4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §07-05-03.

5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.

6. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCCO 07-05-03(1)(I).

The application, CU2024-0023, was presented at a public hearing before the Canyon County Planning and Zoning Commission on March 19, 2026. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Canyon County Planning and Zoning Commission as follows:

Table 1. Conditional Use Permit Standards of Evaluation Analysis

Standards of Evaluation – CCCO §07-07-05: The presiding party shall consider each conditional use permit application by finding adequate evidence to answer the following questions in its FCOs:		
County Ordinance and Review		
Criteria Met?	**Code Section**	**Criteria**
Yes	**1**	**Is the proposed use permitted in the zone by conditional use permit?**
Analysis	*The proposed use, mineral extraction (long term), is permitted in the "A" (Agricultural) zone subject to conditional use permit approval pursuant to CCCO* §07-10-27. According to CCCO §07-02-03, mineral extraction is "*the various activities associated with the extraction of mineral resources, including, but not limited to, gravel, from the ground.*" *See project description analysis contained in Section 07-07-05(2) detailing the nature of the request.*	
Criteria Met? **Yes**	**2**	**What is the nature of the request?**
Analysis	The nature of the request consists of operating a sand and gravel pit over approximately 26 acres of the subject property. All mining shall be surface mining. Processing activities at the site will include stockpiling, crushing, screening, and hauling the sand and gravel off the site. Stockpile locations are shown on the proposed site plan (**Staff Report Exhibit B4**). Upon completion of the gravel pit, the resultant gravel pit will be allowed to fill with groundwater to create a 26-acre aesthetic pond. A batch plant is not requested at this time.	

	The site will be excavated in one phase (**Staff Report Exhibit B6**). A berm is proposed in the reclamation plan to be placed on the south side of the waste ditch (**Staff Report Exhibit B5**). The operations will be sloped towards the gravel pit area to prevent any surface water from leaving the site. The gravel pit and operation are designed to ensure the delineated floodway is not disturbed. According to the letter of intent and site plan, all mining activity will maintain the minimum 30' setback on all property lines (**Staff Report Exhibits B2 and B6**). The main haul road is Lemp Lane, which will serve as access to Highway 20/26 (**Staff Report Exhibit B5**). An on-site temporary haul road will be constructed at the start of the mining operations and will be gradually abandoned as the mining activity in the gravel pit moves west. It is anticipated that the mining operation will have six (6) employees, operating from 7 am to 7 pm, seven days per week, at peak operation. The proposed extraction period will not exceed 20 years. (**Staff Report Exhibit B2**). The reclamation plan approved by the Idaho Department of Lands proposes that the topsoil will be salvaged and stockpiled in the designated stockpile area. The main pit area will be used as a pond fed by groundwater. The fine sandy loam topsoil will be spread on the upper reclaimed slopes and other disturbed areas onsite, then seeded and fertilized. Sediment ponds will be filled with materials from the mining operation and capped with topsoil from the stockpile area (**Staff Report Exhibit B5**).	
Criteria Met? **No**	**3**	**Is the proposed use consistent with the comprehensive plan?**

Analysis	The proposed use is not consistent with the 2030 Canyon County Comprehensive plan.
	
	The 2030 Canyon County Comprehensive Plan designates the subject parcel as "Agriculture" on the future land use map with an intensive agriculture overlay (**Staff Report Exhibit C2.16**). The definition of Intensive Agriculture in the 2030 Comprehensive Plan states that "*This overlay is applied to protect working lands and operations. These areas may have higher quality soils, water availability, and relatively flat topography. Uses may include seed production, crops, orchards, vineyards, concentrated animal feeding operations, grazing, and other agriculturally-based uses. This designation aims to protect agriculture operations from incompatible uses and reduce the conflicts concerning noise, dust, smells, and safety.*" A long-term mineral extraction is not in line with the intent of the intensive agricultural overlay.
	
	Comment received from Growing Together in opposition stated that the County's agricultural zone is intended to protect viable farmland and farming operations and that a long-term mineral extraction is not allowed by right in the agricultural zone, meaning it may not be compatible with agricultural uses (**Staff Report Exhibit F1**).
	
	This area primarily consists of mineral extraction operations, agricultural uses, feed lots, and limited residential uses. (**Staff Report Exhibits C2.7 – C2.10**). Approximately 0.50 miles northeast of the subject property, there is a future industrial designation, and adjacent to it is a future commercial zoning designation. To the west of the subject property, less than 1-mile away, there is a future conservation/open space designation.
	
	The proposed use is not aligned with but not limited to the following goals and policies of the 2030 Comprehensive Plan:
	
	• <u>Property Rights Goals:</u>
	  ○ G1.01.00: *"Protect the integrity of individual property rights while safeguarding public health, safety, and welfare."*
	  ○ G1.02.00: "*Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition, and preserve it for future generations without becoming a public nuisance.*"
	• <u>Land Use Policies</u>:	

- P4.02.01: *"Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses."*
- *P4.01.02: "Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights."*

- Natural Resources and Hazards Goals and Policies:
  - P5.01.01: *"Protect and enhance waterways, groundwater, wetlands, wildlife habitat, air, soils, and other natural resources."*
  - G5.02.00: *"Recognize the importance of air quality and address air pollution in accordance with applicable regulations."*
  - G5.03.00: *"Support the conservation of productive mineral lands and discourage incompatible uses upon or adjacent to these lands."*
  - P5.03.01: *"Sand and gravel mining operations should be located to avoid adverse impacts on the river channel and promote compatibility with adjacent uses."*
  - G5.07.00: *"Protect the quality and quantity of aquifers and protect and enhance the capability of groundwater." recharge areas for the present and future water supply of the County."*

See all case analyses within this report for supporting evidence.

Criteria Met?		
No	4	**Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?**

Analysis

The proposed use will be injurious to other property in the immediate vicinity and will negatively change the essential character of the area because the proposed use would be removing land from productive agriculture, therefore changing the character of the area..

Adjacent Existing Conditions:

Direction	Existing Use	Primary Zone	Other Zone
N	Agricultural land, Union Pacific Railroad, and some residential homesites	AG	N/A
NE	Agricultural land, Union Pacific Railroad, and residential homesites	AG	CR-M1, CR-C2, and CR-RR
E	Agricultural land, Union Pacific Railroad, and some residential homesites	AG	N/A
SE	Existing gravel pit operations, agricultural land, and open land around the Boise River	AG	N/A
S	Existing feedlot operations, agricultural land, open land around the Boise River, and some residential homesites	AG	N/A
SW	Agricultural land, open land around the Boise River, and some residential homesites	AG	N/A
W	Agricultural land, open land around the Boise River, and some residential homesites	AG	N/A
NW	Existing feedlot operations, agricultural land, Union Pacific Railroad, and some residential homesites	AG	N/A

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

Surrounding Land Use Cases:
Within the past 5 years, the following conditional use permits have been approved within a 1-mile radius of the property:

- CU2020-0005 – Mineral Extraction – Idaho Materials & Construction
- CU2024-0009 – Mineral Extraction – Sunroc Corporation

The following conditional use permits have been approved within the last twelve (12) months in a 2-mile radius of the property:

- CU2024-0014 – Mineral Extraction – Nampa Paving
- CU2025-0009 – Mineral Extraction – Knife River Corporation

Character of the Area:
The subject property is zoned "A" (Agricultural) **(Staff Report Exhibit C1)**, with the surrounding zoning also "A" (Agricultural). There is limited zoning of "CR-M1" (Light Industrial- Conditional Rezone), "CR-C2" (Service Commercial – Conditional Rezone), and "CR-RR" (Rural Residential – Conditional Rezone) to the northeast of the subject property. The 2030 future land use designation of the area is "A" Agricultural with an intensive agricultural overlay **(Staff Report Exhibit C2.16)**. There are no subdivisions located nearby. Within 1,000 feet of the subject property, there are 15 parcels **(Staff Report Exhibit C2.2)**. The character of the area consists of livestock grazing, feed lots, mineral extraction operations, and some residences **(Staff Report Exhibits C2.7 – C2.10)**.

Within a 2-mile radius, there are several approved gravel pits to the southeast of the subject parcel and five (5) feedlots to the northeast and south of the subject parcel **(Staff Report Exhibit C2.9)**.

Comment received in opposition from Growing Together states that the proposed use for a future pond is not the same as preserving agricultural character and that a permanent lake replaces farm ground. Growing together commented that it is noted by the project team that houses may later be added around the lakes, which points toward a long-term change in character away from agriculture and toward rural residential **(Staff Report Exhibit F1)**.

The subject property is currently used for livestock grazing. According to CCCO §07-02-03, agriculture is "*Tilling of soil, pasturage, sod/turf farms, horticulture, aquaculture, viticulture, floriculture, raising crops directly from the soil, raising livestock, poultry, poultry products, dairy animals and dairy products, beekeeping or beekeeping products, fur animals, trees grown in row crop fashion, fruits of all kinds and their products, floral and ornamental and greenhouse products, including all uses and facilities customarily accessory and incidental thereto, including, but not limited to, the storage and warehousing of fertilizers or agricultural produce or raw products.*" The reclamation plan for the proposal is removing 26 acres from productive agriculture to create a pond. This request changes the fundamental character of the area.

Impacts:
The long-term mineral extraction would impact the surrounding area, due to an increase in dust, noise, lighting, and traffic related to the use.

DUST: The proposed use would increase the dust levels in the immediate vicinity.

NOISE: Although a batch plant will not be located on Parcel R38505, noise levels would increase in the immediate vicinity due to the mining activities and rock crushing that are proposed to take place on site **(Staff Report Exhibit B2)**.

TRAFFIC: A potential impact on traffic would occur due to the large heavy equipment. Notus Parma Highway District provided comments on June 5, 2025, and July 30, 2025, requesting a traffic impact study to be performed **(Staff Report Exhibits E5 and E5.1)**. On May 27, 2025, the Idaho Transportation Department (ITD) provided a comment requesting a structural analysis **(Staff Report Exhibit E3)**. Union

	Pacific Railroad (UPRR) provided comments from the Diagnostic Meeting on October 8, 2025. The comments provided several conditions of approval (**Staff Report Exhibit E6**). See criterion number 7 for a full analysis of the traffic impact.	
Criteria Met? **Yes**	**5**	**Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?**
Analysis	The project will have adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems to accommodate the proposed use based on the analysis contained herein. **Water:** According to the land use matrix, there is no well proposed (**Staff Report Exhibit B3**). The proposed use has no need for domestic water. **Sewer:** No septic tank or drain field is proposed, as portable toilets will be provided for employees on site (**Staff Report Exhibit B3**). Southwest District Health was notified of the request on May 5, 2025, and on February 12, 2026. Comments were received on April 25, 2025, stating that a nutrient pathogen study and a septic system are not required (**Staff Report Exhibit E1**). **Irrigation:** The property has gravity irrigation water available on site. It is not anticipated that the proposed use will impact the irrigation water (**Staff Report Exhibit B3**). No comments were received from Farmer Cooperative Ditch Co. **Drainage/Stormwater:** Stormwater shall be retained onsite per the applicant's letter of intent and land use worksheet (**Staff Report Exhibits B2 and B3**). The stormwater shall be retained onsite in the proposed gravel pit area, and sediment ponds will be excavated as needed during operations. The stormwater will be controlled on the site through site grading and berms (**Staff Report Exhibit B5**). Stockpile berms will be seeded for stabilization to act as the first control for runoff. **Utility Systems:** Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on May 5, 2025, and February 12, 2026. No agency comments were provided by those services at the time the staff report was written. It is anticipated that the applicant will be able to work with utility providers to gain any additional utilities needed. **Floodplain:** Parcel R38505 is located almost entirely within the "AE" Flood Zone (Floodplain with Base Flood Elevation (BFE)) due to the parcel's proximity to the Boise River (**Staff Report Exhibit C2.4**). Canyon County's Floodplain Administrator had the following comments (**Staff Report Exhibit E4**): Based on the materials submitted, the proposed gravel pit operation lies near a mapped flood hazard area. However, the site clearly demonstrates that all drainage will be contained on-site through the use of berms, internal sloping, and sediment control structures. As currently shown, no grading, fill, or development activity is proposed within a designated FEMA floodway. Canyon County's Floodplain Administrator provided conditions of approval. The applicant applied and was approved for the Floodplain Development Permit (**Staff Report Exhibit B12.1**).	

Criteria Met?		
Yes	6	**Does legal access to the subject property for the development exist or will it exist at the time of development?**
Analysis	The subject property does have legal access for the current agricultural use. Access approved by the local highway district will exist prior to the commencement of use. Notus Parma Highway District No. 2 provided comments on June 5, 2025. The comment stated that an existing right-of-way at the subject parcel and along the centerline of Lemp Lane appears to be a 50-ft wide prescriptive easement (25-ft each side of roadway centerline). Conditions of approval were provided (**Staff Report Exhibit E5).** Lemp Lane takes access off of Hwy 20/26. There is a Union Pacific Railroad (UPRR) crossing approximately 52.5 feet off of Hwy 20/26 on Lemp Lane (**Staff Report Exhibit B9**). While configurations vary, the following are common specifications for a gravel pit semi: The typical length for a full tractor-trailer combination is 70-80 feet, and the weight carried is up to 80,000 pounds. Staff had concerns with the capability of the gravel pit trucks taking access onto and off of Lemp Lane due to the distance of the railroad tracks to Hwy 20/26. UPRR conducted an on-site diagnostic meeting on October 8, 2025. Conditions of approval were provided to mitigate the access concern, for example, the applicant shall have an auxiliary/acceleration lane for vehicles turning right onto Hwy 20/26 (**Staff Report Exhibit E6**).	
Criteria Met?		
No	**7**	**Will there be undue interference with existing or future traffic patterns?**
Analysis	There may be undue interference with the existing and/or future traffic patterns. The impact to the traffic is unknown without a traffic impact study. The subject parcel is located on Lemp Lane, approximately 0.3 miles off Hwy 20/26. Lemp Lane is under the jurisdiction of the Notus Parma Highway District No. 2 (NPHD) and is classified as a Local Roadway. The comment received on June 5, 2025, advised that a Traffic Impact Study (TIS) is required prior to hearing, to determine the impacts of the existing and future traffic patterns. Notus Parma Highway District No. 2 sent a revised comment on July 30, 2025, stating that a "Traffic Impact Study is required to provide subsurface borings that will include data to determine the existing structural capacity of Lemp Lane and make recommendations for the required improvements to Lemp Lane, as required. This work will not be required prior to scheduling the P&Z hearing, so the applicant can avoid incurring costs related to the structural capacity analysis until after the project is approved." See **Staff Report Exhibit E5.1** for Notus Parma Highway District No. 2's comment letter. According to the Idaho Transportation Department's (ITD's) comment received on May 27, 2025 (**Staff Report Exhibit E3**), the subject parcel does not abut the state highway system; therefore, the proposed use would not be required to conduct a Traffic Impact Study through the Idaho Transportation Department. Idaho Transportation Department recommends repaving the approach to Hwy 20/26 and conducting a structural analysis of the intended intersection. The proposed use may impact the UPRR with the heavy loads and large trucks. UPRR conducted an on-site diagnostic meeting on October 8, 2025. Several conditions of approval and recommendations were made to mitigate the impact to the UPRR (**Staff Report Exhibit E6**). Without the results from the studies requested, such as the 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.	
Criteria Met?		
Yes	**8**	**Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?**
Analysis	Essential services will be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, and irrigation facilities. The services will not be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use.	

	School Facilities: The parcel is served by the Parma School District. Agency comments were sent out on May 5, 2025, and February 12, 2026. No comments were received by the school district. The use is not anticipated to impact the school district. **Police and Fire Protection:** The subject property is under the jurisdiction of the Canyon County Sheriff's Office. The Canyon County Sheriff's Office is required to provide services to the property. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding. Agency notice was sent out on May 5, 2025, and February 12, 2026, and no comments were received by the Sheriff's Office. Parma Fire District serves the property. Agency notice was sent out on May 5, 2025, and February 12, 2026, and no comments were received by the Parma Fire District. The use is not anticipated to cause a negative impact or require additional public funding. **Emergency Medical Services:** Emergency Medical Services are provided to the property. Canyon County Paramedics/EMT and Canyon County's Emergency Management Coordinator were notified of the application on May 5, 2025, and February 12, 2026. No comments were received by the materials deadline. The use is not anticipated to cause a negative impact or require additional public funding. **Irrigation Facilities:** The subject property is under the Farmer Cooperative Ditch Company's jurisdiction. See CCCO 07-07-05(5) for information on irrigation.

Table 2. Use Standards – Mineral Extraction – Long Term: CCCO §07-14-19

Per CCCO §07-14-03(1): The provisions of this article apply to all properties where a use is listed as an allowed use, a conditional use, or a director's decision in section 07-10-27 of this chapter (land use matrix).

CCCO §07-14-19(1) A.2 When making a decision for a conditional use permit for the use, the decision making body shall consider the following:

County Ordinance and Review		
Criteria Met?	**Code Section**	**Criteria**
Yes	**A**	**The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses.**
Analysis	The surrounding property uses consist of agricultural operations, mineral extractions, feedlots, and residential uses (**Staff Report Exhibits C2.7 – C2.10**). The subject property is zoned "A" (Agricultural) (**Staff Report Exhibit C1**), with the surrounding zoning also "A" (Agricultural). Within 1,000 feet of the subject property, there are 15 parcels (**Staff Report Exhibit C2.2**). Within a 2-mile radius, there are several approved gravel pits to the southeast of the subject parcel and five (5) feedlots to the northeast and south of the subject parcel (**Staff Report Exhibit C2.9**). Within a 2-mile radius, there are four (4) approved conditional use permits for mineral extractions within the past five (5) years. The proposed and existing uses are not anticipated to directly or indirectly interfere with or negatively impact one another.	
Criteria Met? **Yes**	**B**	**Duration of the proposed use.**
Analysis	According to the Reclamation Plan (**Staff Report Exhibit B5**), the applicant is proposing to be in operation for a maximum of twenty (20) years.	
Criteria Met? **Yes**	**C**	**Setbacks from surrounding uses.**
Analysis	A minimum of a 30' setback is proposed along the property boundaries (**Staff Report Exhibit B2**	

Criteria Met? Yes	D	Reclamation plan as approved by Idaho Department of Lands.
Analysis	A reclamation plan was approved by the Idaho Department of Lands on July 11, 2024, subject to conditions (**Plan No. S603013, Staff Report Exhibit B5**). The mining operations will begin along the eastern portion of the parcel and progress westward. A staging area for fuel and sediment ponds will be placed along the western portion of the property. Stockpiles will be located along the southwest corner of the parcel. Topsoil and overburden will be placed as a berm along the northern portion of the property. Excavation will result in a maximum depth of 30 feet during operation. Reclamation will be conducted once mining operations have ceased. Mine walls will be regraded to a maximum slope of 2:1 on all sides of the mine, and an approximately 26-acre pond will be constructed within the center of the pit. All temporary haul roads will be re-sloped and seeded. Overburden and topsoil stockpiles will be redistributed through the site with a uniform depth. Disturbed areas will be reseeded by broadcasting at a rate of 15.1 lbs. per acre using an approved seed mixture between the months of September and October, once mining operations have ceased, and reseeded the following year between the months of March and May (**Staff Report Exhibit B5**).	
Criteria Met? Yes	**E**	**The locations of all proposed pits and any accessory uses.**
Analysis	See Reclamation Plan (**Staff Report Exhibit A7**) for discussion of the location for the proposed mineral extraction. Accessory uses include, but are not limited to, handling construction aggregate and overburden soil onsite, parking for the equipment and vehicles, and servicing the vehicles. Fuel will be kept on-site in a mobile fuel storage container, which will be located in the staging area (**Staff Report Exhibit B5**). Heavy equipment to be used for the operations includes hydraulic excavators, dozers, front-end loaders, and crushing and screening equipment.	
Criteria Met? Yes	**F**	**Recommendations from applicable government agencies.**
Analysis	Southwest District Health provided comments on May 5, 2025; no recommendations or conditions were provided (**Staff Report Exhibit E1**). Idaho Department of Environmental Quality (DEQ) provided comments on May 12, 2025; general recommendations were provided (**Staff Report Exhibit E2**). Idaho Transportation Department (ITD) provided comments on May 27, 2025; proposed conditions were provided (**Staff Report Exhibit E3**). Canyon County's Floodplain Administrator provided comments on May 28, 2025; proposed conditions were provided (**Staff Report Exhibit E4**). The Floodplain Development Permit was approved after the comments received from Canyon County's Floodplain Administrator (**Staff Report Exhibit B12.1**). Notus Parma Highway District No. 2 provided comments on June 5, 2025, and July 30, 2025; proposed conditions were provided (**Staff Report Exhibits E5 and E5.1**). Union Pacific Railroad (UPRR) provided comments on October 8, 2025; proposed conditions were provided (**Staff Report Exhibit E6**). Canyon County's Historic Preservation Commission provided comments on March 4, 2025; proposed conditions were provided (**Staff Report Exhibit E7**). See **Staff Report Exhibit E** for all agency recommendations and comments.	

Order
Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **denies** Case # CU2024-0023, a conditional use permit for a mineral extraction (long term).

Under Idaho Code Section 67-6519, the following actions may be taken to obtain approval:

1. The Commission does not find that any actions can be taken at this time to mitigate the impact on the productive agricultural operations in the area and to be in line with the 2030 Comprehensive Plans' intensive agricultural overlay on the subject property.

DATED this 2 day of April, 2026.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 2nd day of April, in the year 2026, before me Caitlin Ross, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

CAITLIN ROSS
COMMISSION #20251885
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 05/07/2031

Notary: Caitlin Ross

My Commission Expires: 5/7/2031

Exhibit 2:

EXHIBIT II

P&Z Minutes Dated: June 18, 2026

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Board of County Commissioners

Case #: CU2024-0023-APL

Hearing Dated: September 3, 2026

CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, March 19, 2026
6:30 P.M.

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

Commissioners Present :	Robert Sturgill, Chairman Brian Sheets, Vice Chairman Harold Nevill, Commission Secretary Geoff Mathews, Commissioner Holley Werhanowicz, Commissioner Anita Johnston, Commissioner
Staff Members Present:	Dan Lister, Planning Supervisor Karla Nelson, Principal Planner Dane Adams, Associate Planner Amber Lewter, Associate Planner Caitlin Ross, Hearing Specialist

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

Commissioner Nevill read the testimony guidelines and proceeded to the first business item on the agenda.

Item 1: Consent Agenda – Action Items

A. **January 15, 2026 MINUTES**
B. **February 5, 2026 MINUTES**
C. **Case No. CR2025-0012 – Middleton 187, LLC:** Approve FCOs
D. **Case No. CR2024-0012 – Cheney:** Approve FCOs
E. **Case No. CU2025-0008 – Mytroga:** Approve FCOs

Motion: Commissioner Sheets moved to approve the Consent Agenda, seconded by Commissioner Nevill. Voice vote, motion carried.

Item 2A:

Case No. ZV2025-0003 – Rohrbacher Family Trust: The applicant, Rohrbacher Family Trust, represented by Harold Rohrbacher, is requesting a variance of the side setback requirements of 10 feet to 3 feet to accommodate an agricultural structure built on the southern property line. The subject property is approximately 101.92 acres in an "A" (Agricultural) zone. The subject property is located at the Northwest intersection of Shelton Rd and Rohrbacher Ln, also referenced as Parcel R38845.

Chairman Sturgill affirmed the applicant to testify.

Harold Rohrbacher – (Applicant) IN FAVOR – 28253 Shelton Rd, Parma, ID 83660

Mr. Rohrbacher gave a brief explanation on the request for a variance on a building that was constructed and is used as part of their farming operations. Equipment and hay is stored in it and it is adjacent to other buildings. It was built in the current location due to the size of the building and topography of the property.

Commissioner Nevill asked if the two proposed conditions of approval were acceptable. After reviewing the conditions, Mr. Rohrbacher stated they'll do whatever needs to be done.

Chairman Sturgill asked how the building got constructed without a building permit. Mr. Rohrbacher stated he just cleared off a spot and put the building up. He clarified that that spot is flat and he is not using up farm ground.

Associate Planner Dane Adams reviewed the Staff Report for the record.

Commissioner Sheets asked if there were any easements that would affect the placement of this building within three feet. Planner Adams stated he did not find any easements in the analysis.

Commissioner Nevill asked about the extra requirement the applicant will need to do for this application. Planner Adams clarified that the variance request decision will be made by the Planning and Zoning Commission, and the applicant will then need to obtain an agricultural exempt permit.

Commissioner Werhanowicz asked if the house was split from the acreage before or after the additional building was built. Planner Adams confirmed the building was built after the land division.

Chairman Sturgill asked what triggered the Code Enforcement action. Planning Supervisor Dan Lister explained the lack of a permit after the garage expansion and it didn't meet setbacks.

Commissioner Johnston asked if the smaller adjacent lot was owned by a different owner or same owner with a different lot. Planning Supervisor Lister stated the smaller lot is owned by the applicant and the subject parcel is the applicant's family owned farm.

MOTION: Commissioner Nevill moved to close public testimony on Case No. ZV2025-0003, seconded by Commissioner Mathews. Voice vote, motion carried.

Deliberation:
None.

MOTION: Commissioner Nevill moved to **approve** Case No. ZV2025-0003, and adopt the Findings of Fact, Conclusions of Law and order. Seconded by Commissioner Sheets.

Discussion on the Motion:
None.

Roll call vote: 6 in favor, 0 opposed, motion passes.

Item 2B:
Case No. PH2016-61-MOD – Gibbons: The applicant, Tradition Capital Partners, LLC and Austin Acres, LLC, represented by Jay Gibbons, is requesting a Development Agreement Modification to amend condition No. 5.b for Property 1 and No. 3.b for Property 2 in Development Agreement No. 17-001 (Instrument No. 2017-000927) comprising approximately +/- 355 acres in the "CR-RR" (Conditional Rezone -Rural Residential) zone. The subject property is located at 17506 and 0 Goodson Rd, Caldwell, also referenced as Stadium Subdivision, including the entirety of Stadium Subdivision No. 2, Phase 1, and Parcels R37887100, R37887101, R37887103, and R37887102.

Chairman Sturgill affirmed the applicant to testify.

Todd Lakey (Representative) IN FAVOR – 12905 Venezia Ct, Nampa, ID 83651

Mr. Lakey is requesting an amendment to a former development agreement involving land formerly owned by JAPS LLC and Glenn Olson, now consolidated under Tradition Capital Partners owned by Spencer Kofoed. The original agreement concentrated most development on the higher dry ground of the former JAPS property, allowing 178 lots there and 3 lots on the Olson property. Mr. Lakey explained that the amendment proposes transferring 11 lots from the northern JAPS parcel to the central Olson parcel while reducing the overall number of lots and increasing the average lot size. Based on engineering analysis, the practical lot count would decrease from 168 to 150 total lots, resulting in 18 fewer lots overall. Mr. Lakey argued that the amendment maintains the original intent of preserving agricultural pivot land while focusing residential development on dry ground. Mr. Lakey stated that the proposal would not negatively affect agricultural operations and is supported by the current farmer working the land. The setbacks for the new parcels would be similar to the existing ones. Mr. Lakey requests approval of this amendment.

Commissioner Sheets asked when the project was first presented to the County. Mr. Lakey confirmed early 2000s. Commissioner Sheets asked how many different development agreement modifications have been requested and granted. Mr. Lakey believes there were 2 and both were granted. Commissioner Sheets asked if the original intent was to develop both properties in different approaches. Mr. Lakey explained the initial intent of putting the lots on dry ground while building for Mr. Olsen's family around his property; however, since his passing, the family no longer wishes to continue with that plan.

Commissioner Nevill asked how this request is a better development agreement than the existing one. Mr. Lakey reiterated reducing the number of lots, which reduces the impact to traffic. The lot sizes are larger, and the intent remains of keeping lots on the dry, non-farmable ground. Commissioner Nevill asked if the ag ground is or has been under production. Mr. Lakey stated Mr. Wagner still farms it and the intent is to keep the two pivot properties there. Commissioner Nevill specified that the new proposed plan would cause each of the pivots to be completely surrounded, whereas the prior plan still allowed access to the fields, and asked how the new plan helps save agricultural production. Mr. Lakey talked about the setbacks and houses being placed on different sides of the ag piece, and mentioned the letter from Mr. Wagner that this would not negatively impact his farming operations.

Commissioner Mathews asked how this amendment is necessary. Mr. Lakey stated that the determination of what's necessary is between the landowner and the County Commissioners. It's necessary to amend the agreement if the new proposal is found to be more beneficial and brings the property more in line with current goals and policies or current circumstances.

Principal Planner Karla Nelson reviewed the Staff Report for the record.

Chairman Sturgill confirmed the original rezone with the development agreement was heard before the Board of County Commissioners, and asked if modifications are only heard by Planning and Zoning. Planner Nelson specified modifications go as a recommendation to the Board of County Commissioners.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Tony Myers – IN FAVOR – 17506 Goodson Rd, Caldwell, ID 83607

Mr. Myers lives on the subject parcel and is hoping to purchase the property and nearby lots so their children can live close in the future.

Chairman Sturgill asked which property Mr. Myers was renting, and asked if his objective is for this application to go through so he can build a home on one of the new lots. Mr. Myers wants to buy the house from Mr. Kofoed and purchase a couple of lots for their children.

Commissioner Nevill inquired on the existing available lots if this amendment did not go through. Mr. Myers is hoping to have the homes closer.

Spencer Kofoed – IN FAVOR – 8454 Brookhaven Pl, Middleton, ID 83644

Mr. Kofoed stated that when he originally purchased the property, it was zoned rural residential and he felt that meant there was some flexibility to add more lots on the dry ground. He offered Mr. Myers the property and he has done a great job of fixing it up. Mr. Koefoed stated the prior owners would have farmed the property in the past, but it is nonfarmable. His goal is to create affordable lots for small families with small gardens, pastures, and animals, and there will be plenty of access for ag vehicles to continue the current farming operations. Access would also be adjusted to serve the lots off of Goodson Rd.

Commissioner Sheets asked what kind of water rights are on the dry areas. Mr. Kofoed stated the two pivots have full water rights, and there are water rights in phase three due to the nature of how the water gets there through Black Canyon Irrigation District, which is still being looked into. Commissioner Sheets asked when he would start developing the agricultural pivots. Mr. Kofoed answered he does not plan on doing that, and is hoping Mr. Wagner's family will continue to farm it.

Chairman Sturgill asked what development has already begun on property one. Mr. Kofoed stated there are about 15 homes in there now, and applications for phases 2 and 3 have been submitted. There is still a question of how many lots could be put in there, but a full analysis has not been completed.

Alan Mills – IN FAVOR – PO Box 206, Middleton, ID 83644

Mr. Mills described the history of a portion of the subject property that had been under violation for years until Mr. Kofoed purchased the property and cleaned it up. Mr. Mills mentioned a petition that was signed by a number of farmers stating this property has the exact type of ground that should be allowed to be developed. There are no water rights as Black Canyon is maxed out, and the current farmer is in favor because it reduces the number of homes. The variation presented is a far superior option than the existing one, and anyone that lives there can subsidize the ground and make production on it.

Commissioner Sheets asked if Mr. Mills was involved with this project with the prior DAs. Mr. Mills confirmed that he has been involved since the seventies. Commissioner Sheets asked how this proposed DA amendment is better than the prior ones. Mr. Mills stated the original DA was based on the previous owner keeping the property and moving his kids on site. This amendment reduces the number of houses by 18 and utilizes the ground which takes pressure off of potentially better ground.

R. Mark Otters – IN NEUTRAL – 17949 Goodson Rd, Caldwell, ID 83607

Mr. Otters lives directly across from phase 3 of this project. The subject property is above water, so there are no water rights. He agreed that the property looks much better than it used to. Mr. Otters' concern is that he was under the impression that there would be underground utilities installed, but after talking to Idaho Power, they commented that they did not want to put underground utilities in. There are a lot of power poles being installed along Goodson when the original agreement was underground utilities.

Todd Lakey (Representative) REBUTTAL – 12905 Venezia Ct, Nampa, ID 83651

Mr. Lakey stated it is mutually beneficial for the county to reduce the number of lots for this project. He mentioned that Idaho Power controls the utilities on the road, but there will be underground utilities within the project. Mr. Lakey reminded the Commission about the letter from the farmer saying this will not impact his agricultural operations. This change is beneficial and does not substantially deviate from the overall plan.

Commissioner Sheets asked for clarification on how many lots are platted now. Mr. Lakey answered 136 final platted. There was further discussion on the overall number of lots.

Planner Nelson provided a more detailed history on the original plat that was approved in 2007, along with each modification request since then.

Chairman Sturgill asked if there is a plat drawing depicting the 165 lots, to which Planner Nelson explained the drawn out concept is in the staff report, but they have not received it as a preliminary plat.

Commissioner Johnston asked for clarification on what is already approved versus what is being presented as the modification, and Planner Nelson explained the preliminary plat would allow for 138 instead of 178 on property one and 14 instead of 3 on property 2. The original 178 number would've left no land for roads.

MOTION: Commissioner Sheets moved to close public testimony on Case No. PH2016-61-MOD, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:
Commissioner Nevill mentioned the letter from the Middleton School District describing the condition of Middleton schools, which should be taken into consideration as this modification seems to be increasing the total number of lots.

Commissioner Mathews believes the thought behind this modification is there were not as many homes as they wanted to build, so they'll add to property 2.

Commissioner Sheets does not see the necessity for this modification. Familial needs and desires are irrelevant as the property could easily change hands, and the number of lots are essentially just being transferred.

MOTION: Commissioner Sheets moved to **recommend denial** for Case No. PH2016-61-MOD to the Board of County Commissioners, adopting the recommended FCOs that the application does not meet criteria. Seconded by Commissioner Nevill.

Discussion on the Motion:
None.

Roll call vote: 6 in favor, 0 opposed, motion passes.

Item 2C:

Case No. CU2024-0023 – Burnett-Riverbend: The applicant, Brian Burnett, represented by Professional Engineering Services, requests a Conditional Use Permit to allow a long-term mineral extraction for up to 20 years for surface mining, which includes stockpiling, crushing, screening, and hauling the sand and gravel off the site using approximately 26 acres of the 50.2 acres in an "A" (Agricultural) zone. The subject property is located at 25192 Lemp Ln, Parma, also referenced as Parcel 38505.

Chairman Sturgill affirmed the applicant to testify.

Natalie Jonsson – (Representative) IN FAVOR – 2205 W Mace Rd, Eagle, ID 83616

Ms. Jonsson described the location and demographics of the subject property. She then went into the project outline, explaining this will be a sand and gravel extraction area and the plan is to mine out 26 of the 50 acres. While the CUP allows for operations for up to 20 years, they hope their duration will be shorter, but it also depends on the demand within the Treasure Valley. There will only be about 6 employees on site at a time, and operating hours are from 7:00 a.m. to 7:00 p.m. Monday through Saturday. Ms. Jonsson noted that the

aggregate along the riverbed is rated for state highway and infrastructure projects because of its hardness, which makes it more durable and is in high demand. Upon completion of the project, the site will be reclaimed in accordance with the approved reclamation plan from Idaho Department of Lands. Ms. Jonsson showed the site on the screen, explaining the setback, the stockpile, the staging area, and the sediment pond for stormwater management and water quality. There is a natural bench separating the adjacent land. Acceleration lanes off of Lemp Lane will be installed, which will be beneficial to preventing backup of semi-trucks onto Hwy 20/26. Ms. Jonsson explained this project aligns with Canyon County's Comprehensive Plan and supports regional growth, providing aggregate for infrastructure, housing, future development and creates local employment. The land is not suitable for real crops as it does not hold water well. This plan is consistent and compatible with a rural character and it falls within the permitted use in the area. The main concerns that have been brought up during a neighborhood meeting regarding maintenance and irrigation supply and waste ditches in the area have been addressed. Ms. Jonsson stated that there are no requests for use of public utilities. She presented before and after photographs of a prior mining site and what it looks like after the reclamation plan was completed.

Commissioner Nevill confirmed that all 18 conditions of approval were agreed with. Commissioner Nevill asked if the reclamation plan could have returned the prior mining site back to agriculture. The question is pending public testimony. Commissioner Nevill referenced an exhibit that states this is an unnecessary loss of productive agricultural land, and asked if there was any rebuttal. Ms. Jonsson stated that while she appreciates the pasture use as ag land, finding that the demand for aggregate to continue to build infrastructure is equally as important right now.

Commissioner Johnston asked for clarification on the hours of operation. Ms. Jonsson stated the applicant was surprised to see the proposed 7 days a week, and emphasized the goal is the Monday through Saturday hours she previously mentioned.

Associate Planner Amber Lewter reviewed the Staff Report for the record.

Commissioner Sheets referenced exhibits E5 and E5.1 and asked about the change in requirements for a TIS. Planning Supervisor Lister described the process in receiving agency responses through an initial/courtesy notice and sending those comments and giving ownership to the applicant to reach out to the agency if necessary. Commissioner Sheets asked how the Commission is supposed to make the finding for criteria 7 without the TIS. Planning Supervisor Lister explained ITD's procedures in that they trust the hearing body can either condition the CUP accordingly to mitigate the concern prior to commencement or continue the case to request more information.

Commissioner Nevill asked about the distance from the subject property to Hwy 20/26. Without a traffic impact study, the proposed acceleration lane needs to be considered further. Planner Lewter clarified that ITD and the railroad company determined there was enough space for an acceleration lane, as depicted in exhibit E6. She stated she was approximately 1,330 feet from where she was standing to Hwy 20/26. Commissioner Nevill asked for clarification on the hours of operation. Planner Lewter specified that her condition includes occasional 24-hour operations if the need arises, but mostly adheres to the Monday through Saturday hours. She confirmed the 24-hour condition can be removed. Commissioner Nevill asked about the definition of an intensive agriculture overlay zone. Planner Lewter reviewed the definition from the 2030 Comprehensive Plan. Commissioner Nevill asked how the reclamation plan is compatible with that definition. Planner Lewter explained that with mitigating conditions, staff found the use to be compatible with the surrounding area with gravel pits and feedlots nearby.

Planning Supervisor Lister explained that the definition of agriculture also includes recreation open space, which is a protection of character as well. A pond can be used recreationally or for water for farm ground, and ponds in that location are to restore the biology and provide a habitat by the river.

Chairman Sturgill confirmed that ITD's recommendations of repaving the approach and structural analysis of the intended intersection are covered under condition 10. Chairman Sturgill asked where the recommendations from Union Pacific Railroad in exhibit E6 are depicted in the conditions. Planner Lewter stated that condition 16 addresses those recommendations. Chairman Sturgill asked for clarification on requirements versus recommendations. Planner Lewter agreed that the condition could be modified to reflect required and recommended conditions.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Kimberly Britton – IN FAVOR – 25192 Lemp Ln, Parma, ID 83660

Ms. Britton lives in the house to the north of the proposed gravel pit. She currently runs cattle on that property, and although she realizes the gravel pit will be an inconvenience for a period of time, the restoration plan will be beautiful and she hopes to buy the house with the land at the end of the project.

Commissioner Mathews asked where the cattle will be ran after the pit is filled with water. Ms. Britton stated she runs her cattle on the opposite side of the road and she has property in the Owyhee's that she'll run cattle through the summer.

Brian Burnett – IN FAVOR – 1125 W Two Rivers Lane, Eagle, ID 83616

Mr. Burnett, the applicant, realizes the mission is to protect ag ground; however, it takes too much water to keep the ag production going. The soil is class four and mineral extraction is preferred under the class four code. Mr. Burnett stated that there was an onsite visit with the agencies regarding a traffic impact study, and they approved the acceleration lane, improvements to the tracks in front of the crossing, and repaving Lemp Ln. The traffic impact study will be on Lemp Ln, not on Hwy 20/26. If it is determined Lemp Ln won't hold semis, the road will be replaced to county specs. Mr. Burnett owns several parcels surrounding the subject parcel. The top shelf of the property is really nice farm ground that will remain farm ground. There are many projects that need this type of aggregate, and this location is in proximity to projects that are close.

MOTION: Commissioner Nevill moved, seconded by Commissioner Werhanowicz, to give Mr. Burnett two (2) minutes of additional testimony. Voice vote, motion carried.

Mr. Burnett continued by stating they are flexible on the hours of operation. It is a direct outcome of how fast the gravel moves. A previous project in Middleton was completed in less than 2 years due to being approved to move the gravel more consistently with more hours. His overall goal is to improve the area and make it look beautiful, creating habitat and making money along the way.

Commissioner Sheets asked who will be mining this project. Mr. Burnett stated it will be mined by Superior Excavation and Construction. Commissioner Sheets asked how many trucks are coming and going and what type of trucks they are. Mr. Burnett answered that he estimated 50 semi-trucks, but is based on demand. Commissioner Sheets asked what kind of equipment will be doing the extraction. Mr. Burnett stated one 450 excavator, several pumps pumping water into the settling pond and trucks going around being loaded with gravel. Commissioner Sheets asked about crushing. Mr. Burnett emphasized crushing will only be done if needed, and will only operate Monday through Friday until 5:00 p.m. Commissioner Sheets confirmed there will be 6 employees.

Chairman Sturgill confirmed Mr. Burnett commits to building an acceleration lane turning right onto Hwy 20/26. Chairman Sturgill asked about the improvements on Lemp Lane. Mr. Burnett stated upgrading will be done beforehand.

Commissioner Johnston asked if the mining company verifies that loads are covered when they leave the site. Mr. Burnett said yes, and before they leave the site there is a scale and a camera to verify loads as there may be other companies that need gravel as well. All information about the drivers and loads is recorded. Commissioner Johnston asked about the distance from the railroad tracks to the highway and whether there was enough room for trucks to stop after the tracks. Mr. Burnett clarified that the stop sign had been removed, but the highway district would require the trucks to stop prior to the tracks, then use the acceleration lane to get into traffic.

Doug Pill – IN FAVOR – 4520 W Brennen St, Boise, ID 83702
Mr. Pill wanted to speak about Mr. Burnett as a developer. He takes pride in being a good neighbor to his community and is highly impactful to the community.

Mary Wall – IN FAVOR – 5636 N Portsmouth Ave, Boise, ID 83714
Ms. Wall clarified that the traffic impact study is not about the traffic moving in and out, but rather about the structure of the road and the repairs necessary. She also clarified that when Mr. Burnett mentioned there would be 50 trucks per day, he meant 50 trips per day.

Commissioner Nevill asked why the traffic impact study was not for Hwy 20/26. Ms. Wall stated that was a determination by ITD because at 50 trips per day, they felt an analysis was not required and there was more concern on whether the lane could carry the trucks that were moving through there.

Chairman Sturgill asked what Ms. Wall's impression of the challenges getting onto the highway were. Ms. Wall stated the traffic did not seem horrible and most trucks would be turning towards Caldwell/Boise.

Joe Grubiak – IN OPPOSITION – 24811 Lemp Ln, Parma, ID 83660
Mr. Grubiak is opposing this application because it is in the wrong location for two reason. The first reason is concerning the intersection of Lemp Ln and Hwy 20/26. There has not been affirmation that there is proper clearance for gravel trucks to safely navigate, especially with the proximity of the train tracks. The second reason is traffic and train accident data along Hwy 20/26 confirms major safety problems. Mr. Grubiak described an exhibit he created reflecting the proximity of the train tracks to Hwy 20/26 from Caldwell to Parma. He believes the location of all the current permitted gravel pits that are east or south of Notus is related to where the railroad tracks are along the highway. Mr. Grubiak gave an example of a gravel truck and train accident that happened in 2020 that closed Deb Lane in Parma, and emphasized that it is too dangerous with limited clearance to navigate heavy truck traffic.

MOTION: Commissioner Nevill moved, seconded by Commissioner Mathews, to give Mr. Grubiak three (3) minutes of additional testimony. Voice vote, motion carried.

Mr. Grubiak continued by explaining that exhibit B he created shows the distance between the stop sign on Lemp Ln and the highway is 25 feet. Exhibit C is the applicant's existing gravel pit that is east of Notus, which shows that stop sign is 62 feet, which is a 37 foot difference. This gives adequate turning space for turning into an acceleration lane, which Lemp Ln lacks. There are also concerns of trucks turning left onto Lemp Ln, causing backup issues. Mr. Grubiak concluded by stating there have been 220 accidents between I-84 and Parma on Hwy 20/26 including 14 fatalities.

Commissioner Nevill asked what the traffic volume issue is on Hwy 20/26. Mr. Grubiak stated it is an unbelievable amount of traffic and is hard to get out onto the highway. He commented that most of it is due to gravel pits and the amount of truck traffic is exponentially higher now because the growth of Boise too.

Chairman Sturgill expressed a concern with trucks turning onto the highway and spooking other drivers, potentially causing more issues. Mr. Grubiak agreed and suggested doing more research on the physical geometry of intersections to consider how much of a turning radius is required.

Holly Grubiak – IN OPPOSITION – 24811 Lemp Lane, Parma, ID 83660

Ms. Grubiak stated there has not been enough studies conducted or correct information provided to be considered for the traffic impact study. This and the next application could add 100 truck trips per day, which meets ITD's requirements for a traffic impact study. Ms. Grubiak also explained that Canyon County does not appear to maintain a complete inventory of active and approved gravel pits, making it difficult to evaluate and make an informed decision on the impacts of mineral extractions in the area. Mr. Burnett also operates a crushing facility near Notus that should be considered when evaluating overall impacts. Ms. Grubiak stated that this property is located within the intensive agriculture overlay, and has historically been productive farm and grazing land. This proposal would conflict with the agricultural preservation goals and is incompatible with surrounding rural and residential character.

MOTION: Commissioner Nevill moved, seconded by Commissioner Werhanowicz, to give Ms. Grubiak two (2) minutes of additional testimony. Voice vote, motion carried.

Ms. Grubiak continued by explaining this proposal would create significant impacts from fugitive dust, noise, and heavy truck traffic on a road that is not designed for that type of use. Most surrounding property owners have lived in the neighborhood for 10-25 or more years and chose to live in a rural agricultural community. Approval of this project would substantially reduce the quality of live, create safety concerns, destroy wildlife habitat and agricultural property, and devalue surrounding property. Ms. Grubiak stated that this property is adjacent to a national wildlife refuge and wetland conservation easement, and the Idaho Foundation of Parks and Lands submitted a letter in opposition that was not included in the staff report. Their concerns regarding potential impacts to water quality, wetland hydrology, habitat integrity, biodiversity, groundwater recharge and increased sediment runoff were not fully considered. Ms. Grubiak concluded by stating that this is not a suitable location for this proposal and she hopes that it is denied.

Commissioner Nevill asked what the number of active gravel pits is. Ms. Grubiak answered 26, but her daughter will be testifying as well.

Commissioner Sheets asked about the letter that was submitted. Ms. Grubiak stated it was from Kendra Kenyon, the Executive Director at Idaho Foundation for Parks and Lands. Commissioner Sheets confirmed the letter is referencing a conservation easement adjacent to the subject property. The letter was dated March 18, 2026.

Chairman Sturgill asked what could be done to address the expressed concerns. Ms. Grubiak stated the crushing operation is unnecessary. Truck traffic and railroad safety are also concerns. Dust mitigation and noise may help address some of the issues.

Ryan Upson – IN OPPOSITION – 24684 Lemp Ln, Parma, ID 83660

Mr. Upson is a neighbor to the proposed gravel pit and asks for the application to be denied based on safety and testimony from Mr. and Ms. Grubiak. The wetlands next to the gravel pit is a wildlife habitat and is held in a deed of conservation easement that assures the property will be in its natural condition and prevent any use of the property that will impair the ability to carry out the purpose. Mr. Upson agrees with all of the key concerns from the letter read in prior testimony. He believes a gravel pit will affect the water table and surrounding properties. Mr. Upson stated that Canyon County has been on probation with FEMA for not following requirements around the Boise River in recent years, and asked if the Army Corp of Engineers or FEMA weighed in on this project. Mr. Upson asked that a traffic study is completed at Hwy 20/26.

Dusty English – IN OPPOSITION – 997 E Chateau Dr, Meridian, ID 83646

Ms. English stated 4 of the 5 homes around the subject property have children and this will take away from their childhood. Ms. English finished the letter from the Idaho Foundation for Parks and Lands, which express concerns regarding habitat disruption and a biodiversity risk, legal and easement compliance risks, community resilience and equity considerations, and economic considerations and opportunity costs.

Chairman Sturgill asked if the reclamation plan, although it would take time and disruption, would provide the improved habitat that have been expressed as concerns. Ms. English stated she would fall back on the letter from the Idaho Foundation of Parks and Lands recommending it would be detrimental or at least needs further investigation. Chairman Sturgill asked if the Idaho Foundation of Parks and Lands has seen the proposal for the reclamation at the conclusion of this project. Ms. English said they have not.

Brian Burnett – (Applicant) REBUTTAL – 1125 W Two Rivers Lane, Eagle, ID 83616

Mr. Burnett stated that the Idaho Foundation of Parks and Lands is a non-government agency, so they would not normally be noticed. He stated they would be a proponent of this proposal knowing about the pond at the end of the conservation. Mr. Burnett understands the concerns in preserving wetlands, but also understands that the impacts of intersections and roads in Idaho for development. He has found a way to turn these pits into something beautiful where wildlife can live. Mr. Burnett is willing to work with that agency again on this project so they can help maintain the habitat. Referring to the Grubiak's testimonies on gravel pits from Caldwell to Notus, Mr. Burnett stated that there is more of an overburden on top of the gravel closer to the Snake River. The engineers that inspected the property said there is an adequate turning radius. Mr. Burnett is aware of the safety issues, but those are addressed upfront. The crushers would go down into a hole that is dug out to mitigate noise concerns, and there will be water trucks for dust mitigation. Mr. Burnett wanted to point out that there is a law that allows mining out 2-acre sections on each parcel without approval or a CUP, but he wants to do it the right way and create an opportunity for a pond in the end.

Commissioner Mathews asked about the distance from the tracks to the highway, as well as the stop sign. Mr. Burnett said it depends on which side of the tracks this applies to. He admits it is a very short distance, but emphasizes the requirements for the stop sign before the tracks on Lemp Ln, no left turns, and a very extended acceleration lane that can hold 2-3 semis before getting into traffic. Commissioner Mathews asked for clarification on where the stop sign will be located. Mr. Burnett answered it will before the tracks on Lemp Ln before getting to the highway.

Commissioner Sheets asked how deep the pit will be. Mr. Burnett answered 20-30 feet, depending on where the clay layer is at. Commissioner Sheets asked where the water table is at. Mr. Burnett stated the water table usually runs about 3 feet below. Commissioner Sheets confirmed there will be 26 acres and this will be a wet mine. He asked where the water will be pumped into while being mined. Mr. Burnett described the process of settling and screening the sediment before going back into the ditches.

Commissioner Nevill asked about putting in an "only right turns allowed" sign. Mr. Burnett said he will do whatever is required from ITD. He also specified that most of these trucks will be turning right as there would be minimal reasons why they would need to turn left towards Parma.

Commissioner Werhanowicz asked if condition 16 could be modified to reflect requirements and recommendations. Mr. Burnett does not have a problem with that amendment.

Commissioner Johnston asked about traffic turning onto Lemp Ln from Hwy 20/26. Mr. Burnett stated that wasn't a requirement, and there isn't much traffic heading east so there shouldn't be too much backup. Commissioner Johnston inquired on noise mitigation for the crusher. Mr. Burnett said the crusher is operated Monday through Friday 7:00 a.m. to 5:00 p.m. with 2 hours after for maintenance only.

Planner Lewter suggested modifications to condition 2b regarding business hours and crushing hours, condition 10 regarding ITD requirements and adding condition 10a regarding structural analysis and mitigating actions, and condition 16 regarding Union Pacific Railroad requirements and recommendations. Planner Lewter referenced exhibit E6 regarding the diagnostic meeting, stating it was determined a deceleration lane would not be necessary and there was enough space. She also referenced exhibit B9 that showed a distance from the railroad to the highway, and emphasized ITD was not concerned with a traffic impact study, even being aware of the other proposed project up the road.

Planning Supervisor Lister reminded the Commission that they have the ability to add whatever conditions they feel are appropriate and will limit the impacts and mitigate any concerns, such as requiring a TIS now or adding it as a condition for the agency to consider and trusting the agency to review it based on the code that is required. The agency has jurisdiction on whether a condition meets codes and requirements or not. There was further discussion on agency requirements and what the P&Z Commission is able to require.

Commissioner Mathews asked if this property is working land and operations according to the intense agriculture definition. Planner Lewter commented it is in grazing currently.

MOTION: Commissioner Nevill moved to close public testimony on Case No. CU2024-0023, seconded by Commissioner Sheets. Voice vote, motion carried.

Deliberation:
Commissioner Mathews does not believe this application can be properly conditioned because of the intensive agriculture definition and what it's intended to protect.

Commissioner Nevill believes they cannot sufficiently answer the question to criteria 7 regarding traffic, and things the answer is no. He agrees with the concern regarding intensive agriculture as well.

Commissioner Sheets agrees with not having enough information to make a finding for criteria 7 and suggested a continuance of the application to get that information.

Commissioner Mathews proposed denying the application based on the intensive agriculture overlay. Chairman Sturgill asked if there is any information that could be provided to mitigate that concern. Commissioner Mathews answered no.

Commissioner Sheets reiterated that he does not feel like there is enough information to understand if there's undue interference with traffic, which is why he asks for a continuance rather than outright denial.

Commissioner Johnston agrees that a continuance would be helpful to obtain missing information. She also stated that there are soils that are incompatible with watering, and would like to have more information on whether this property is more adapted to having the gravel pit.

Chairman Sturgill is not convinced that the entrance onto Hwy 20/26 can be properly conditioned and constructed based on the proximity of the railroad tracks.

MOTION: Commissioner Nevill moved to **deny** Case No. CU2024-0023, finding that the application does not meet the criteria for approval under article 07-06-05, specifically in regard to criteria 3, 4, and 7. Seconded by Commissioner Mathews.

Commissioner Nevill does not believe there is a way to gain approval based on the intensive agricultural overlay.

Commissioner Sheets is still in favor of a continuance.

Discussion on the Motion:
None.

Roll call vote: 4 in favor, 2 opposed, motion passed.

Item 2D:

Case No. CU2024-0024 – Burnett-Arrowhead Springs Ranch: The applicant, Arrowhead Springs Ranch, LLC, requests a conditional use permit to allow long-term mineral extraction on approximately 18 acres of the 120.8 acres for surface mining that would include stockpiling, crushing, screening, sorting, and blending in the "A" (Agricultural) zone. The subject property is located at 21793 Highway 20/26, Parma, also referenced as Parcels R38535 and R38550.

Chairman Sturgill affirmed the applicant to testify.

Natalie Jonsson – (Representative) IN FAVOR – 2205 W Mace Rd, Eagle, ID 83616

Ms. Jonsson shared that there is a different landowner for this application, who is not present but she will be speaking on his behalf. Ms. Jonsson described the site location and commented that the project outline is the same as the prior application. The site plan is different but with the same idea, boundaries, 30-foot easement, staging area and pit to put the crusher in. Ms. Jonsson emphasized that there is nothing growing on this property, which differs from the prior application that had pasture growing on it. There are also no neighbors to consider for this property. Ms. Jonsson empathized with not having enough information, but they are at the mercy of their rules and regulations and will do what they have been guided to do. There will also be no public utilities needed.

Commissioner Werhanowicz asked if there was a difference with the traffic concerns enumerated previously as it is the same road. Ms. Johnsson stated she wasn't sure she could speak to whether there is any real difference. There are going to be the same conditions and approvals from the same government agencies.

Commissioner Nevill pointed out that the agenda reads 18 acres and the presentation shows 14 acres, and asked which one is accurate. Ms. Jonsson stated it is 18 disturbed acres, but the lake will end up being 14. Commissioner Nevill confirmed there are no concerns with the 17 proposed conditions of approval.

Commissioner Sheets asked for clarification on the hours of operation. Ms. Jonsson stated it would be 7:00 a.m. to 7:00 p.m., 6 days a week. Commissioner Sheets asked who will be mining this project. Ms. Jonsson stated Superior Excavation and Construction. Commissioner Sheets asked how many truck trips there will be. Ms. Jonsson stated 50 trips. Commissioner Sheets asked what kind of equipment will be on site. Ms. Jonsson answered semis trucking to and from, a crusher on site in the pit, excavators digging the pit and 2 additional loaders moving gravel around the site. Commissioner Sheets asked how deep the pit will be. Ms. Jonsson stated 25-30 feet. Commissioner Sheets asked what the water table is at. Ms. Jonsson answered 3 feet. Commissioner Sheets confirmed this will be a wet pit and asked where the dewatering water will go. Ms. Jonsson stated there will be a dewatering pond. The water will go into a sediment pond and percolates. Commissioner Sheets asked how many employees there will be. Ms. Jonsson answered 6. Commissioner Sheets asked about the access from and onto Hwy 20/26. Ms. Jonsson stated it is the driveway to the personal residence.

Associate Planner Amber Lewter reviewed the Staff Report for the record.

Commissioner Nevill asked if there will be any digging proposed for the portion parcel R38535 that is in the intensive agriculture zone. Planner Lewter does not believe there is any proposed digging g to the parcel to the west. She clarified that one parcel was intensive agriculture and one was not and it appears the proposal is in the parcel that is not in the intensive agricultural overlay. Commissioner Nevill commented on the concerns about traffic from Notus. Planner Lewter mentioned the correspondence with ITD and their conclusion that a TIS was not warranted.

Commissioner Werhanowicz commented on the exhibits that show site plans for both parcels, and asked if both properties will be dug on. Planner Lewter clarified that the original proposal was a much larger scope and the applicant had since reduced the scope to get out of the FEMA area. The new revised plan is exhibit B4.1 and only encompasses the parcel to the east. Commissioner Werhanowicz reflected on the agencies not being in favor, such as Flood District 11 and the City of Notus, and asked if Planner Lewter was still in favor. Planner Lewter clarified that Flood District 11 was not in favor of the original site plan, but has conditions they've provided in relation to the updated site plan.

Chairman Sturgill asked about proposed condition 4b regarding the 10-foot berm, and asked whether it should be read as immediate construction that mitigates the noise when the residence is built, or delaying construction until the residence is built. Planner Lewter stated the intent for a berm is to protect residences, but since there are currently no residences, the berm should be put in place to protect the residence from noise if one were to be built.

Commissioner Sheets asked about the relation of Purple Sage Road. Planner Lewter said she did receive an email from ITD apologizing that they used the West Purple Sage Road in the comment, but it is not involved in this project.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Brian Burnett – IN FAVOR – 1125 W Two Rivers Lane, Eagle, ID 83616

Mr. Burnett stated the landowner came to him presenting a non-viable ground and wants a recreational amenity for habitat. Watering this property would become a major issue. Mr. Burnett reiterated that he will still follow the same process in doing what the experts are telling him what to do, and is stumped on how to approach development in Canyon County when there is no trust in the experts. He confirmed that the work will only be done on the eastern parcel. Mr. Burnett is open to feedback to know how to meet requirements.

Commissioner Sheets asked about the drain going through the middle of the proposed area. Mr. Burnett stated it is just low land that has the water table exposed because the aggregate has been taken off the top. Commissioner Sheets asked for further clarification on how it affects the drainage patterns in the area during extraction. Mr. Burnett clarified that it is not running water, just surface water because it is low. If it is determined to be flowing water, that concern would have to be mitigated or find an alternative. Mr. Burnett confirmed the operations will not impact someone else's drain off their property.

Commissioner Nevill asked if the Commission asked for a right turn acceleration lane to be built, would that be doable. Mr. Burnett answered they would not have a problem with that, but would still have to rely on the final say from ITD.

Mary Wall – IN FAVOR – 5636 N Portsmouth Ave, Boise, ID 83714

Ms. Wall commented on the entry onto Hwy 20/26, stating it has been measured and determined there is enough room between the railroad and the highway for a truck to potentially wait for a train. The current driveway is going to be expanded to allow for 2-way traffic with only 50 trips per day in addition to the owner.

Chairman Sturgill asked about the length in feet from the railroad to the highway. Ms. Wall answered 85 feet.

Planner Lewter clarified that she did receive the revised letter from ITD removing Purple Sage Road, which is exhibit E3.1. She also mentioned exhibit E6 has the requirement for a right acceleration lane, which is reflected in condition 15. Condition 15 can also be modified to reflect requirements and recommendations.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CU2024-0024, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:
Commissioner Nevill believes that this project can be conditioned enough. He recommends modifying condition 2a regarding business hours of operation, condition 15 to reflect requirements and recommendations from the Union Pacific Railroad. He also suggested adding condition 18 to construct a center turn lane if ITD requirements allow that construction.

MOTION: Commissioner Nevill moved to **approve** Case No. CU2024-0024, amending conditions 2a and 15, and adding condition 18. Seconded by Commissioner Mathews.

Discussion on the Motion:
Commissioner Werhanowicz commented on Notus being upset about the trucks and gravel pits, and this will add to the chaos.

Roll call vote: 4 in favor, 2 opposed, motion passed.

3. DIRECTOR, PLANNER, COMMISSION COMMENTS:
Planning Supervisor Dan Lister emphasized the desire to go electronic and wanted input on how to make that feasible. Not only has there been mailing issues, but this will reduce the costs of mailing. There was discussion on the purchasing and usage of iPads and whether or not they would be user friendly.

4. ADJOURNMENT:

MOTION: Commissioner Sheets moved to adjourn, seconded by Commissioner Werhanowicz. Voice vote, motion carried. Hearing adjourned at 11:37 P.M.

An audio recording is on file in the Development Services Departments' office.

Approved this 18th day of June, 2026

Robert Sturgill, Chairman

ATTEST
Caitlin Ross
Caitlin Ross, Hearing Specialist

Exhibit 3:

EXHIBIT III

Staff Report Packet Dated: March 19, 2026

-

Board of County Commissioners

Case #: CU2024-0023-APL

Hearing Dated: September 3, 2026

Planning and Zoning Commission
Hearing Date: March 19, 2026
Canyon County Development Services Department

PLANNING DIVISION STAFF REPORT

CASE NUMBER: **CU2024-0023**

APPLICANT/REPRESENTATIVE: **Mary Wall – Professional Engineering Services**
PROPERTY OWNER: **Brian Burnett – Drake Investments, LLC**

APPLICATION: **Conditional Use Permit – Long-Term Mineral Extraction**

LOCATION: **25192 Lemp Lane, Parma**
Parcel R38505

PLANNER: **Amber Lewter, Associate Planner**

STAFF RECOMMENDATION: **Approval**

REQUEST:
The applicant Brian Burnett, represented by Professional Engineering Services, requests a conditional use permit to allow a long-term mineral extraction for surface mining that would include stockpiling, crushing, screening, and hauling the sand and gravel off the site on Parcel R38505 for up to 20 years, using approximately 26 acres of the 50.2 acres in an "A" (Agricultural) zone. No concrete or asphalt batch plant is proposed. The hours of operation proposed are 7 am - 7 pm, 7 days a week.

PARCEL INFORMATION REPORT: *See Exhibit C.1 for information*

APPLICABLE CODE:
The following laws and ordinances apply to this decision: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use/Land Division Hearing Procedures), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-07-05 (Conditional Use Permits), CCCO §07-14-19 (Mineral Extraction Long Term), CCCO §07-02-03 (Definitions), CCCO §07-10-27 (Land Use Regulations (Matrix)), CCCO §07-14 (Use Standards), and Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures).

BACKGROUND:
Parcel R38505 is an original parcel, according to PI2021-0180.

HEARING CRITERIA:

Table 1. Conditional Use Permit Standards of Evaluation Analysis

Standards of Evaluation – CCCO §07-07-05: The presiding party shall consider each conditional use permit application by finding adequate evidence to answer the following questions in its FCOs:		
County Ordinance and Review		
Criteria Met?	**Code Section**	**Criteria**
Yes	**1**	**Is the proposed use permitted in the zone by conditional use permit?**
Analysis	The proposed use, mineral extraction (long term), is permitted in the "A" (Agricultural) zone subject to conditional use permit approval pursuant to CCCO §07-10-27. According to CCCO §07-02-03, mineral extraction is "*the various activities associated with the extraction of mineral resources, including, but not limited to, gravel, from the ground.*" See project description analysis contained in Section 07-07-05(2) detailing the nature of the request.	

Criteria Met?		
Yes	2	**What is the nature of the request?**
Analysis	The nature of the request consists of operating a sand and gravel pit over approximately 26 acres of the subject property. All mining shall be surface mining. Processing activities at the site will include stockpiling, crushing, screening, and hauling the sand and gravel off the site. Stockpile locations are shown on the proposed site plan (**Exhibit B4**). Upon completion of the gravel pit, the resultant gravel pit will be allowed to fill with groundwater to create a 26-acre aesthetic pond. A batch plant is not requested at this time. The site will be excavated in one phase (**Exhibit B6**). A berm is proposed in the reclamation plan to be placed on the south side of the waste ditch (**Exhibit B5**). The operations will be sloped towards the gravel pit area to prevent any surface water from leaving the site. The gravel pit and operation are designed to ensure the delineated floodway is not disturbed. According to the letter of intent and site plan, all mining activity will maintain the minimum 30' setback on all property lines (**Exhibits B2 and B6**). The main haul road is Lemp Lane, which will serve as access to Highway 20/26 (**Exhibit B5**). An on-site temporary haul road will be constructed at the start of the mining operations and will be gradually abandoned as the mining activity in the gravel pit moves west. It is anticipated that the mining operation will have six (6) employees, operating from 7 am to 7 pm, seven days per week, at peak operation. The proposed extraction period will not exceed 20 years. (**Exhibit B2**). The reclamation plan approved by the Idaho Department of Lands proposes that the topsoil will be salvaged and stockpiled in the designated stockpile area. The main pit area will be used as a pond fed by groundwater. The fine sandy loam topsoil will be spread on the upper reclaimed slopes and other disturbed areas onsite, then seeded and fertilized. Sediment ponds will be filled with materials from the mining operation and capped with topsoil from the stockpile area (**Exhibit B5**).	
Criteria Met?		
Yes	**3**	**Is the proposed use consistent with the comprehensive plan?**

Analysis	As conditioned, the proposed use is consistent with the 2030 Canyon County Comprehensive plan.
	
	The 2030 Canyon County Comprehensive Plan designates the subject parcel as "Agriculture" on the future land use map with an intensive agriculture overlay (**Exhibit C2.16**). This area primarily consists of mineral extraction operations, agricultural uses, feed lots, and limited residential uses. (**Exhibits C2.7 – C2.10**). Approximately 0.50 miles northeast of the subject property, there is a future industrial designation, and adjacent to it is a future commercial zoning designation. To the west of the subject property, less than 1-mile away, there is a future conservation/open space designation.
	
	As conditioned, the proposed use is aligned with but not limited to the following goals and policies of the 2030 Comprehensive Plan:
	
	• Property Rights Goals:
	  o G1.01.00: *"Protect the integrity of individual property rights while safeguarding public health, safety, and welfare."*
	  o G1.02.00: "*Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition, and preserve it for future generations without becoming a public nuisance.*"
	• Population Goal:
	  o G2.02.00: "Promote housing, business, and service types needed to meet the demand of the future and existing population."	

- Economic Development Goals and Policies:
  - G3.04.00: "*Increase agricultural-based and supportive businesses.*"
  - P3.04.01: "*Build Canyon County as the premier location for agricultural-based businesses of all sizes.*"
  - G3.05.00: *"Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability."*
- Land Use Policies:
  - P4.02.01: *"Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses."*
  - *P4.01.02: "Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights."*
- Natural Resources and Hazards Goals and Policies:
  - P5.01.01: "*Protect and enhance waterways, groundwater, wetlands, wildlife habitat, air, soils, and other natural resources.*"
  - P5.01.02: "*Incorporate existing natural features as amenities in development design.*"
  - G5.02.00: *"Recognize the importance of air quality and address air pollution in accordance with applicable regulations."*
  - G5.03.00: *"Support the conservation of productive mineral lands and discourage incompatible uses upon or adjacent to these lands."*
  - P5.03.01: *"Sand and gravel mining operations should be located to avoid adverse impacts on the river channel and promote compatibility with adjacent uses."*
  - G5.07.00: *"Protect the quality and quantity of aquifers and protect and enhance the capability of groundwater." recharge areas for the present and future water supply of the County."*
- Agriculture Policy:
  - P12.01.02: "*Encourage non-agricultural related development to the cities, areas of city impact."*

See all case analyses within this report for supporting evidence.

Criteria Met?		
Yes	**4**	**Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?**

Analysis

The proposed use will not be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area, as the conditions of approval 1-18 will mitigate potential negative effects to the character of the area.

Adjacent Existing Conditions:

Direction	Existing Use	Primary Zone	Other Zone
N	**Agricultural land, Union Pacific Railroad, and some residential homesites**	**AG**	**N/A**
NE	**Agricultural land, Union Pacific Railroad, and residential homesites**	**AG**	**CR-M1, CR-C2, and CR-RR**
E	**Agricultural land, Union Pacific Railroad, and some residential homesites**	**AG**	**N/A**

SE	**Existing gravel pit operations, agricultural land, and open land around the Boise River**	**AG**	**N/A**
S	**Existing feedlot operations, agricultural land, open land around the Boise River, and some residential homesites**	**AG**	**N/A**
SW	**Agricultural land, open land around the Boise River, and some residential homesites**	**AG**	**N/A**
W	**Agricultural land, open land around the Boise River, and some residential homesites**	**AG**	**N/A**
NW	**Existing feedlot operations, agricultural land, Union Pacific Railroad, and some residential homesites**	**AG**	**N/A**

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

Surrounding Land Use Cases:
Within the past 5 years, the following conditional use permits have been approved within a 1-mile radius of the property:

- CU2020-0005 – Mineral Extraction – Idaho Materials & Construction
- CU2024-0009 – Mineral Extraction – Sunroc Corporation

The following conditional use permits have been approved within the last twelve (12) months in a 2-mile radius of the property:

- CU2024-0014 – Mineral Extraction – Nampa Paving
- CU2025-0009 – Mineral Extraction – Knife River Corporation

Character of the Area:
The subject property is zoned "A" (Agricultural) (**Exhibit C1**), with the surrounding zoning also "A" (Agricultural). There is limited zoning of "CR-M1" (Light Industrial- Conditional Rezone), "CR-C2" (Service Commercial – Conditional Rezone), and "CR-RR" (Rural Residential – Conditional Rezone) to the northeast of the subject property. The 2030 future land use designation of the area is "A" Agricultural with an intensive agricultural overlay (**Exhibit C2.16**). There are no subdivisions located nearby. Within 1,000 feet of the subject property, there are 15 parcels (**Exhibit C2.2**). The character of the area consists of livestock grazing, feed lots, mineral extraction operations, and some residences (**Exhibits C2.7 – C2.10**).

Within a 2-mile radius, there are several approved gravel pits to the southeast of the subject parcel and five (5) feedlots to the northeast and south of the subject parcel (**Exhibit C2.9**).

Potential Impacts:
The long-term mineral extraction use may impact the surrounding area, due to an increase in dust, noise, lighting, and traffic related to the use. Staff have proposed conditions to aid in mitigating these potential effects.

DUST: The proposed use may increase the dust levels in the immediate vicinity. As conditioned, the applicant must comply with the dust control plan and water the crusher as outlined in **Exhibits E11 and E11.1**. *See the condition of approval numbers 13a and 13b.*

	NOISE: Although a batch plant will not be located on Parcel R38505, noise levels may increase in the immediate vicinity due to the mining activities and rock crushing that are proposed to take place on site (**Exhibit B2**). A berm will act as a noise barrier to decrease noise pollution to the nearest resident. As conditioned, noise emissions shall follow the regulations and standards of OSHA and MSHA, and back-up alarms shall be restricted to non-beeping alarms in compliance with OSHA/MSHA requirements. The hours of operation are conditioned to Monday through Saturday, 7:00 a.m. through 7:00 p.m., with the operation closed on Sundays and traditional legal holidays (unless an emergency occurs). *See conditions of approval numbers 1c, 2b, and 4b.* LIGHTING: As conditioned, when lighting is required after operation hours for maintenance purposes, low-impact mobile lighting will be used. All exterior lighting shall be downward-facing and directed away from adjacent residential properties. *See conditions of approval numbers 7 and 7a.* TRAFFIC: A potential impact on traffic could occur due to the large heavy equipment. Notus Parma Highway District provided comments on June 5, 2025, and July 30, 2025, requesting a traffic impact study to be performed (**Exhibits E5 and E5.1**). *See condition of approval number 9*. On May 27, 2025, the Idaho Transportation Department (ITD) provided a comment requesting a structural analysis (**Exhibit E3**). *See condition of approval number 10*. Union Pacific Railroad (UPRR) provided comments from the Diagnostic Meeting on October 8, 2025. The comments provided several conditions of approval (**Exhibit E6**). *See condition of approval number 16*. See criterion number 7 for a full analysis of the traffic impact.	
Criteria Met? **Yes**	**5**	**Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?**
Analysis	The project will have adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems to accommodate the proposed use based on the analysis contained herein. **Water:** According to the land use matrix, there is no well proposed (**Exhibit B3**). The proposed use has no need for domestic water. **Sewer:** No septic tank or drain field is proposed, as portable toilets will be provided for employees on site (**Exhibit B3**). Southwest District Health was notified of the request on May 5, 2025, and on February 12, 2026. Comments were received on April 25, 2025, stating that a nutrient pathogen study and a septic system are not required (**Exhibit E1**). *See condition of approval number 12 to follow Southwest District Health's requirements for porta-potties onsite.* **Irrigation:** The property has gravity irrigation water available on site. It is not anticipated that the proposed use will impact the irrigation water (**Exhibit B3**). No comments were received from Farmer Cooperative Ditch Co. As conditioned, development shall not impede, disrupt, or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way unless an approval, agreement, and/or permit from the irrigation district and other responsible agencies are obtained. *See condition of approval number 6.* **Drainage/Stormwater:** Stormwater shall be retained onsite per the applicant's letter of intent and land use worksheet (**Exhibits B2 and B3**). The stormwater shall be retained onsite in the proposed gravel pit area, and sediment ponds will be excavated as needed during operations. The stormwater will be controlled on the site through site grading and berms (**Exhibit B5**). Stockpile berms will be seeded for stabilization to act as the first control for runoff. *See conditions of approval numbers 4 and 14.*	

	Utility Systems: Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on May 5, 2025, and February 12, 2026. No agency comments were provided by those services at the time the staff report was written. It is anticipated that the applicant will be able to work with utility providers to gain any additional utilities needed. **Floodplain:** Parcel R38505 is located almost entirely within the "AE" Flood Zone (Floodplain with Base Flood Elevation (BFE)) due to the parcel's proximity to the Boise River (**Exhibit C2.4**). Canyon County's Floodplain Administrator had the following comments (**Exhibit E4**): Based on the materials submitted, the proposed gravel pit operation lies near a mapped flood hazard area. However, the site clearly demonstrates that all drainage will be contained on-site through the use of berms, internal sloping, and sediment control structures. As currently shown, no grading, fill, or development activity is proposed within a designated FEMA floodway. Canyon County's Floodplain Administrator provided conditions of approval. The applicant applied and was approved for the Floodplain Development Permit (**Exhibit B12.1**). *See condition of approval number 17.*	
Criteria Met? **Yes**	**6**	**Does legal access to the subject property for the development exist or will it exist at the time of development?**
Analysis	The subject property does have legal access for the current agricultural use. Access approved by the local highway district will exist prior to the commencement of use. Notus Parma Highway District No. 2 provided comments on June 5, 2025. The comment stated that an existing right-of-way at the subject parcel and along the centerline of Lemp Lane appears to be a 50-ft wide prescriptive easement (25-ft each side of roadway centerline). Conditions of approval were provided (**Exhibit E5).** *See condition of approval number 9.* Lemp Lane takes access off of Hwy 20/26. There is a Union Pacific Railroad (UPRR) crossing approximately 52.5 feet off of Hwy 20/26 on Lemp Lane (**Exhibit B9**). While configurations vary, the following are common specifications for a gravel pit semi: The typical length for a full tractor-trailer combination is 70-80 feet, and the weight carried is up to 80,000 pounds. Staff had concerns with the capability of the gravel pit trucks taking access onto and off of Lemp Lane due to the distance of the railroad tracks to Hwy 20/26. UPRR conducted an on-site diagnostic meeting on October 8, 2025. Conditions of approval were provided to mitigate the access concern, for example, the applicant shall have an auxiliary/acceleration lane for vehicles turning right onto Hwy 20/26 (**Exhibit E6**). *See condition of approval number 16.*	
Criteria Met? **Yes**	**7**	**Will there be undue interference with existing or future traffic patterns?**
Analysis	There may be undue interference with the existing and/or future traffic patterns; however, the proposed conditions of approval will mitigate concerns that may arise. The subject parcel is located on Lemp Lane, approximately 0.3 miles off Hwy 20/26. Lemp Lane is under the jurisdiction of the Notus Parma Highway District No. 2 (NPHD) and is classified as a Local Roadway. The comment received on June 5, 2025, advised that a Traffic Impact Study (TIS) is required prior to hearing, to determine the impacts of the existing and future traffic patterns. Notus Parma Highway District No. 2 sent a revised comment on July 30, 2025, stating that a "Traffic Impact Study is required to provide subsurface borings that will include data to determine the existing structural capacity of Lemp Lane and make recommendations for the required improvements to Lemp Lane, as required. This work will not be required prior to scheduling the P&Z hearing, so the applicant can avoid incurring costs related to the	

	structural capacity analysis until after the project is approved." See **Exhibit E5.1** for Notus Parma Highway District No. 2's comment letter and the *condition of approval number 9.* According to the Idaho Transportation Department's (ITD's) comment received on May 27, 2025 (**Exhibit E3**), the subject parcel does not abut the state highway system; therefore, the proposed use would not be required to conduct a Traffic Impact Study through the Idaho Transportation Department. Idaho Transportation Department recommends repaving the approach to Hwy 20/26 and conducting a structural analysis of the intended intersection. *See the condition of approval number 10.* The proposed use may impact the UPRR with the heavy loads and large trucks. UPRR conducted an on-site diagnostic meeting on October 8, 2025. Several conditions of approval and recommendations were made to mitigate the impact to the UPRR (**Exhibit E6**). *See the condition of approval number 16.*	
Criteria Met? **Yes**	**8**	**Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?**
Analysis	Essential services will be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, and irrigation facilities. The services will not be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use. **School Facilities:** The parcel is served by the Parma School District. Agency comments were sent out on May 5, 2025, and February 12, 2026. No comments were received by the school district. The use is not anticipated to impact the school district. **Police and Fire Protection:** The subject property is under the jurisdiction of the Canyon County Sheriff's Office. The Canyon County Sheriff's Office is required to provide services to the property. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding. Agency notice was sent out on May 5, 2025, and February 12, 2026, and no comments were received by the Sheriff's Office. Parma Fire District serves the property**.** Agency notice was sent out on May 5, 2025, and February 12, 2026, and no comments were received by the Parma Fire District. The use is not anticipated to cause a negative impact or require additional public funding. *See the condition of approval number 8.* **Emergency Medical Services:** Emergency Medical Services are provided to the property. Canyon County Paramedics/EMT and Canyon County's Emergency Management Coordinator were notified of the application on May 5, 2025, and February 12, 2026. No comments were received by the materials deadline. The use is not anticipated to cause a negative impact or require additional public funding. **Irrigation Facilities:** The subject property is under the Farmer Cooperative Ditch Company's jurisdiction. See CCCO 07-07-05(5) for information on irrigation.	

Table 2. Use Standards – Mineral Extraction – Long Term: CCCO §07-14-19

Per CCCO §07-14-03(1): The provisions of this article apply to all properties where a use is listed as an allowed use, a conditional use, or a director's decision in section 07-10-27 of this chapter (land use matrix). CCCO §07-14-19(1) A.2 When making a decision for a conditional use permit for the use, the decision making body shall consider the following:		
County Ordinance and Review		
Criteria Met?	**Code Section**	**Criteria**
Yes	**A**	**The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses.**
Analysis	The surrounding property uses consist of agricultural operations, mineral extractions, feedlots, and residential uses (**Exhibits C2.7 – C2.10**). The subject property is zoned "A" (Agricultural) (**Exhibit C1**), with the surrounding zoning also "A" (Agricultural). Within 1,000 feet of the subject property, there are 15 parcels (**Exhibit C2.2**). Within a 2-mile radius, there are several approved gravel pits to the southeast of the subject parcel and five (5) feedlots to the northeast and south of the subject parcel (**Exhibit C2.9**). Within a 2-mile radius, there are four (4) approved conditional use permits for mineral extractions within the past five (5) years. As conditioned, the proposed and existing uses are not anticipated to directly or indirectly interfere with or negatively impact one another.	
Criteria Met? **Yes**	**B**	**Duration of the proposed use.**
Analysis	According to the Reclamation Plan (**Exhibit B5**), the applicant is proposing to be in operation for a maximum of twenty (20) years.	
Criteria Met? **Yes**	**C**	**Setbacks from surrounding uses.**
Analysis	A minimum of a 30' setback is proposed along the property boundaries (**Exhibit B2**). *See the condition of approval number 2c.*	
Criteria Met? **Yes**	**D**	**Reclamation plan as approved by Idaho Department of Lands.**
Analysis	A reclamation plan was approved by the Idaho Department of Lands on July 11, 2024, subject to conditions (**Plan No. S603013, Exhibit B5**). *See condition of approval number 5.* The mining operations will begin along the eastern portion of the parcel and progress westward. A staging area for fuel and sediment ponds will be placed along the western portion of the property. Stockpiles will be located along the southwest corner of the parcel. Topsoil and overburden will be placed as a berm along the northern portion of the property. Excavation will result in a maximum depth of 30 feet during operation. Reclamation will be conducted once mining operations have ceased. Mine walls will be regraded to a maximum slope of 2:1 on all sides of the mine, and an approximately 26-acre pond will be constructed within the center of the pit. All temporary haul roads will be re-sloped and seeded. Overburden and topsoil stockpiles will be redistributed through the site with a uniform depth. Disturbed areas will be reseeded by broadcasting at a rate of 15.1 lbs. per acre using an approved seed mixture between the months of September and October, once mining operations have ceased, and reseeded the following year between the months of March and May (**Exhibit B5**).	

Criteria Met? Yes	E	The locations of all proposed pits and any accessory uses.
Analysis	See Reclamation Plan (**Exhibit A7**) for discussion of the location for the proposed mineral extraction. Accessory uses include, but are not limited to, handling construction aggregate and overburden soil onsite, parking for the equipment and vehicles, and servicing the vehicles. Fuel will be kept on-site in a mobile fuel storage container, which will be located in the staging area (**Exhibit B5**). Heavy equipment to be used for the operations includes hydraulic excavators, dozers, front-end loaders, and crushing and screening equipment. *See the condition of approval number 2d.*	
Criteria Met? Yes	**F**	**Recommendations from applicable government agencies.**
Analysis	Southwest District Health provided comments on May 5, 2025; no recommendations or conditions were provided (**Exhibit E1**). Idaho Department of Environmental Quality (DEQ) provided comments on May 12, 2025; general recommendations were provided (**Exhibit E2**). *See the condition of approval number 1b.* Idaho Transportation Department (ITD) provided comments on May 27, 2025; proposed conditions were provided (**Exhibit E3**). *See the conditions of approval number 10.* Canyon County's Floodplain Administrator provided comments on May 28, 2025; proposed conditions were provided (**Exhibit E4**). The Floodplain Development Permit was approved after the comments received from Canyon County's Floodplain Administrator (**Exhibit B12.1**). *See the conditions of approval number 17.* Notus Parma Highway District No. 2 provided comments on June 5, 2025, and July 30, 2025; proposed conditions were provided (**Exhibits E5 and E5.1**). *See the condition of approval number 9.* Union Pacific Railroad (UPRR) provided comments on October 8, 2025; proposed conditions were provided (**Exhibit E6**). *See the condition of approval number 16.* Canyon County's Historic Preservation Commission provided comments on March 4, 2025; proposed conditions were provided (**Exhibit E7**). *See the conditions of approval number 18.* See **Exhibit E** for all agency recommendations and comments. *See conditions of approval for conditions based on agencies' recommendations.*	

NOTIFICATION AND COMMENTS:

Notice of the public hearing was provided as per CCCO §07-05-01. Agencies were notified on May 5, 2025, and February 12, 2026. Property owners within 1,000 feet of the subject property boundaries were notified on February 12, 2026. A newspaper notice was published on February 17, 2026. The subject property was posted with a notice by February 23, 2026.

Pursuant to CCCO §01-17-07B - Materials Deadline, the submission of late documents or other materials does not allow all parties time to address the materials or allow sufficient time for public review. After the materials deadline, any input may be verbally provided at the public hearing to become part of the record.

AGENCY COMMENTS

All agency comments received by the aforementioned materials deadline are located in Exhibit E.

PUBLIC COMMENTS

Staff received one (1) total written public comment by the materials deadline of March 9, 2026. The comment received was in opposition. All public comments received by the aforementioned materials deadline are located in Exhibit F.

RECOMMENDATION AND DECISION OPTIONS:

In consideration of the application and supporting materials, staff concludes that the proposed Conditional Use Permit is **compliant** with CCCO §07-07-05. A full analysis is detailed within the staff report.

Should the Commission wish to approve the subject application, staff recommends the following conditions be attached:

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
    a. On-site parking shall comply with CCCO Sections 07-13-01 and 03.
    b. The storage of diesel fuel, petroleum products, and any other hazardous materials, dust control, and stormwater pollution prevention shall comply with all standards and requirements of the Idaho Department of Environmental Quality and other applicable agencies (IDOT, OSHA, DEQ, EPA, and MSHA).
    c. Noise emissions shall follow the regulations and standards of OSHA and MSHA. Specifically, Back-up alarms shall be restricted to non-beeping alarms in compliance with OSHA/MNSHA requirements.
    d. Water (including surface, groundwater, and stormwater) shall be discharged in accordance with state, federal, and local standards and/or regulations.
    e. The operator shall dispose of waste in a manner that does not contribute to potential environmental and water contamination in and around the subject property.
2. The operator shall be in substantial conformance with the proposed letter of intent and site plans (**Exhibits B2 and B5**). Any expansion or extension of the operation shall require a conditional use permit modification. A conditional use permit is required to establish a batch plant.
    a. The mineral extraction operation shall not operate past 20 years from the time of approval. See **Exhibit B5.**
    b. Normal day-to-day business hours for the gravel pit shall be Monday through Saturday, 7:00 a.m. through 7:00 p.m. The operation will be closed on Sundays and on traditional legal holidays. If the applicant obtains a contract that requires night-time operations, it may operate for the limit of that contract, twenty-four hours a day, seven (7) days a week. The applicant shall make a reasonable effort to utilize stockpiled materials rather than mining at night. If the applicant obtains such a contract, it shall notify the property owners within a ¾-mile radius and Canyon County a minimum of 10 days prior to the commencement of the contract as to the duration of the hours of operation required by that contract. Normal operating hours shall resume immediately upon termination of the contract.
    c. The setbacks from the subject property boundaries shall be a minimum of thirty (30) feet from adjacent property boundaries in accordance with CCCO §07-14-19(1)A (**Exhibit B2**).
    d. The rock crusher shall be contained within the staging area outlined in **Exhibit B4**.
3. Stockpiling shall not exceed 30 feet in height.
4. A minimum height of 3-foot topsoil berm shall be constructed as part of the removal of overburden. The height shall be sufficient to prevent any drainage from the gravel pit from entering the irrigation drains. The 3-foot berm shall run along the northern boundary, on the south side of the waste ditch (**Exhibits B4 and B5**).
    a. The weeds shall not become a public nuisance and shall stay in conformance with CCCO §02-13-09.

b. A 10-foot high topsoil berm shall be constructed along the southwest quarter of the staging area outlined in **Exhibit B4** to mitigate noise from the crusher.

5. The operation shall comply with the reclamation plan approved by the Idaho State Department of Lands (**S603013**; **Exhibit B5**– approved July 11, 2024). The operator shall complete the reclamation plan as approved by the Idaho State Department of Lands.
6. The applicant shall not impede, disrupt, or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way unless approval, agreement, and/or permit from the irrigation district and other responsible agencies are obtained.
   a. Any alteration of irrigation and drainage structures located on the properties requires written approval from the local irrigation district and drainage district. The alterations shall not impede or affect water delivery to adjacent properties/water users.
   b. If any discharge is to take place into the drain ditches located on site, the applicant must get written approval from Farmers Cooperative Ditch Company and/or Drainage District No. 4.
7. All exterior lighting shall be downward-facing and directed away from adjacent residential properties.
   a. When lighting is required after operation hours for maintenance purposes, low-impact mobile lighting shall be used.
8. The applicant shall comply with all fire district requirements per State adopted IFC and as evidenced by review and approval documentation from Parma Fire District prior to commencement of use.
9. The applicant shall comply with applicable Notus Parma Highway District requirements prior to gravel pit operations, including but not limited to a traffic impact study, a pavement analysis, and an approach (**Exhibits E5 and E5.1**).
   a. If a new access is requested by the applicant, an approved approach permit shall be obtained prior to commencement of the use for the new access, as evidenced by the applicant providing Development Services with an approved highway district document indicating the completion of improvements.
   b. The traffic impact study results and mitigating actions shall be completed prior to gravel pit operations.
10. The applicant shall comply with applicable Idaho Transportation Department requirements prior to gravel pit operations. (**Exhibit E3**).
11. Truck loads shall be covered before leaving the pit.
12. The number of portable restrooms and maintenance shall be as recommended by Southwest District Health.
13. Dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations, including but not limited to nuisance regulations (Canyon County Code of Ordinances Chapter 2 Article 1: Public Nuisances) and shall be consistent with Idaho Department of Environmental Quality (DEQ) requirements.
    a. The applicant shall comply with the dust control plan outlined in **Exhibit B11**.
    b. The applicant shall water the crusher outlined in **Exhibit B11.1**.
14. Stormwater drainage shall be retained onsite (**Exhibit B5**).
15. Vehicle fueling and minor maintenance may take place on site, as an accessory use to the proposed use.

16. The applicant shall comply with Union Pacific Railroad requirements prior to gravel pit operations. (**Exhibit E6**).
17. The applicant shall comply with the requirements to operate in a Floodplain as outlined in the comment from Canyon County's Floodplain Administrator, U.S. Army Corps of Engineers, and the Floodplain Permit (**Staff Report Exhibits E4, E7, and B12.1**).
18. The applicant shall conduct a professional survey of the area meeting Parks, Cultural & Natural Resources Department, and the County's Historic Preservation Commission (**Exhibit E8**).
    a. Should any possible historical or archaeological materials be found during excavation of the area, the applicant shall notify and work with the Parks, Cultural & Natural Resources Department, and the County's Historic Preservation Commission (**Exhibit E8**).

DECISION OPTIONS

- **Approval of the Application**: "I move to approve CU2024-0023, Burnett – Riverbend, finding the application **does** meet the criteria for approval under Article 07-07-05 and 07-14-19 of Canyon County Zoning Ordinance, **with the conditions listed in the staff report, finding that**: [*Cite reasons for approval & Insert any additional conditions of approval*].
- **Denial of the Application**: "I move to deny CU2024-0023, Burnett – Riverbend finding the application **does not** meet the criteria for approval under Article 07-07-05 and 07-14-19 of Canyon County Zoning Ordinance, **finding that** [*cite findings for denial based on the express standards outlined in the criteria & the actions, if any, the applicant could take to obtain approval (ref.ID.67-6519(5)*].
- **Table the Application:** "I move to continue CU2024-0023, Burnett – Riverbend to a [*date certain or uncertain*]

EXHIBITS:

A. **Draft FCOs**
B. **Application Packet & Supporting Materials**
    1. Master Application
    2. Letter of Intent
    3. Land Use Worksheet
    4. Site Plan
    5. Reclamation Plan
    6. Email Correspondence
    7. Neighborhood Meeting
    8. Agency Acknowledgment
    9. Distance to UPRR from Hwy 20/26
    10. Meeting with NPHD, ITD, & Applicant
    11. Dust Control Plan
        11.1. Crusher Location and Dust Control
    12. Floodplain Development Permit Application
        12.1. Approved Floodplain Development Permit
    13. Applicant's Presentation Materials

C. Supplemental Documents
    1. Parcel Information Report
    2. Case Maps/Reports
        2.1. Aerial
        2.2. Notification Map
        2.3. Small Air Photo 1 Mile
        2.4. FEMA Small Air Photo

2.5. Small Vicinity Map
2.6. Zoning & Classification Map
2.7. Case Map
2.8. Subdivision Map & Report
2.9. Dairy, Feedlot, & Gravel Pit Map
2.10. Lot Classification Map
2.11. Soil Map, Prime Farmlands Map & Report
2.12. Contour Map
2.13. TAZ Household & Jobs Maps
2.14. Slope Percent Map
2.15. Future Land Use Map

D. Site Visit Photos: June 4, 2025

E. Agency Comments Received by: March 9, 2026

1. Southwest District Health; Received: May 5, 2025
2. Idaho Department of Environmental Quality; Received: May 12, 2025
3. Idaho Transportation Department; Received: May 27, 2025
4. Canyon County Floodplain Administrator; Received: May 28, 2025
   4.1. Approved Floodplain Development Permit
5. Notus Parma Highway District No. 2; Received: June 5, 2025
   5.1. Revised Comment; Received: July 30, 2025
6. Union Pacific Railroad; Received: October 8, 2025
7. U.S. Army Corps of Engineers; Received: February 17, 2026
8. Canyon County Historic Preservation Commission; Received: March 4, 2026

F. Public Comments Received by: March 9, 2026

1. Growing Together – In Opposition; Received: March 9, 2026

Exhibit 3A:

EXHIBIT A

Draft FCOs

Planning & Zoning Commission

Case #: CU2024-0023

Hearing Date: March 19, 2026

In the matter of the application of:
Burnett/Riverbend– CU2024-0023

The Canyon County Planning and Zoning Commission considers the following:

Case No. CU2024-0023: The applicant, Brian Burnett, represented by Professional Engineering Services, requests a Conditional Use Permit to allow a long-term mineral extraction for up to 20 years for surface mining, which includes stockpiling, crushing, screening, and hauling the sand and gravel off the site using approximately 26 acres of the 50.2 acres in an "A" (Agricultural) zone. The subject property is located at 25192 Lemp Ln, Parma, also referenced as Parcel 38505, a portion of the SW quarter of Section 29, T5N, R4W, BM, Canyon County, Idaho.

Summary of the Record

1. The record is comprised of the following:

   A. The record includes all testimony, the staff report, exhibits, and documents in Case File CU2024-0023.
      1. All exhibits are located in the case staff report dated March 19, 2026.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-07 (Conditional Use Permits), Canyon County Code §07-02-03 (Definitions), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Canyon County Code §07-14 (Use Standards) and Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures).

   a. Notice of the public hearing was provided pursuant to CCCO §07-05-01, Idaho Code §67-6509 and 67-6512.

   b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.

   c. Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. *See* CCCO §07-07-01.

   d. Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development;(6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. *See* Idaho Code §67-6512, CCCO §07-07-17, and 07-07-19.

e. Use Standards – Mineral Extraction Long Term: (1) If a conditional use permit is required, the following standards shall apply: A. Setbacks: Front 30', Side 30', Rear 30' Corner 30'; 1. Front and corner setbacks shall be measured from the greatest of either the property line, right-of-way line, or road easement line of any local or private street. 2. When making a decision for a conditional use permit for the use, the decision making body shall consider the following: (A) The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses; (B) Duration of the proposed use; (C) Setbacks from surrounding uses; (D) Reclamation plan as approved by Idaho Department of Lands; (E) The locations of all proposed pits and any accessory uses; and (F) Recommendations from applicable government agencies. *See* CCCO §07-14-19.

2. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCCO §07-03-01, 07-07-01.

3. There are no mandates in the Local Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. Chambers v. Kootenai Cnty. Bd. of Comm'rs, 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).

4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §07-05-03.

5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.

6. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCCO 07-05-03(1)(I).

The application, CU2024-0023, was presented at a public hearing before the Canyon County Planning and Zoning Commission on March 19, 2026. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Canyon County Planning and Zoning Commission as follows:

Table 1. Conditional Use Permit Standards of Evaluation Analysis

Standards of Evaluation – CCCO §07-07-05: The presiding party shall consider each conditional use permit application by finding adequate evidence to answer the following questions in its FCOs:		
County Ordinance and Review		
Criteria Met?	**Code Section**	**Criteria**
Yes	**1**	**Is the proposed use permitted in the zone by conditional use permit?**
Analysis	*The proposed use, mineral extraction (long term), is permitted in the "A" (Agricultural) zone subject to conditional use permit approval pursuant to CCCO* §07-10-27. According to CCCO §07-02-03, mineral extraction is "*the various activities associated with the extraction of mineral resources, including, but not limited to, gravel, from the ground."* *See project description analysis contained in Section 07-07-05(2) detailing the nature of the request.*	
Criteria Met? **Yes**	**2**	**What is the nature of the request?**
Analysis	The nature of the request consists of operating a sand and gravel pit over approximately 26 acres of the subject property. All mining shall be surface mining. Processing activities at the site will include stockpiling, crushing, screening, and hauling the sand and gravel off the site. Stockpile locations are shown on the proposed site plan (**Staff Report Exhibit B4**). Upon completion of the gravel pit, the resultant gravel pit will be allowed to fill with groundwater to create a 26-acre aesthetic pond. A batch plant is not requested at this time.	

	The site will be excavated in one phase (**Staff Report Exhibit B6**). A berm is proposed in the reclamation plan to be placed on the south side of the waste ditch (**Staff Report Exhibit B5**). The operations will be sloped towards the gravel pit area to prevent any surface water from leaving the site. The gravel pit and operation are designed to ensure the delineated floodway is not disturbed. According to the letter of intent and site plan, all mining activity will maintain the minimum 30' setback on all property lines (**Staff Report Exhibits B2 and B6**). The main haul road is Lemp Lane, which will serve as access to Highway 20/26 (**Staff Report Exhibit B5**). An on-site temporary haul road will be constructed at the start of the mining operations and will be gradually abandoned as the mining activity in the gravel pit moves west. It is anticipated that the mining operation will have six (6) employees, operating from 7 am to 7 pm, seven days per week, at peak operation. The proposed extraction period will not exceed 20 years. (**Staff Report Exhibit B2**). The reclamation plan approved by the Idaho Department of Lands proposes that the topsoil will be salvaged and stockpiled in the designated stockpile area. The main pit area will be used as a pond fed by groundwater. The fine sandy loam topsoil will be spread on the upper reclaimed slopes and other disturbed areas onsite, then seeded and fertilized. Sediment ponds will be filled with materials from the mining operation and capped with topsoil from the stockpile area (**Staff Report Exhibit B5**).	
Criteria Met? **Yes**	**3**	**Is the proposed use consistent with the comprehensive plan?**

Analysis	As conditioned, the proposed use is consistent with the 2030 Canyon County Comprehensive plan.
	
	The 2030 Canyon County Comprehensive Plan designates the subject parcel as "Agriculture" on the future land use map with an intensive agriculture overlay (**Staff Report Exhibit C2.16**). This area primarily consists of mineral extraction operations, agricultural uses, feed lots, and limited residential uses. (**Staff Report Exhibits C2.7 – C2.10**). Approximately 0.50 miles northeast of the subject property, there is a future industrial designation, and adjacent to it is a future commercial zoning designation. To the west of the subject property, less than 1-mile away, there is a future conservation/open space designation.
	
	As conditioned, the proposed use is aligned with but not limited to the following goals and policies of the 2030 Comprehensive Plan:
	
	• <u>Property Rights Goals:</u>
	  o G1.01.00: *"Protect the integrity of individual property rights while safeguarding public health, safety, and welfare."*
	  o G1.02.00: "*Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition, and preserve it for future generations without becoming a public nuisance.*"
	• <u>Population Goal</u>:
	  o G2.02.00: "Promote housing, business, and service types needed to meet the demand of the future and existing population."
	• <u>Economic Development Goals and Policies</u>:
	  o G3.04.00: "*Increase agricultural-based and supportive businesses."*
	  o P3.04.01: "*Build Canyon County as the premier location for agricultural-based businesses of all sizes."*
	  o G3.05.00: *"Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability."*
	• <u>Land Use Policies</u>:
	  o P4.02.01: *"Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses."*	

- *P4.01.02: "Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights."*

- Natural Resources and Hazards Goals and Policies:
  - P5.01.01: "*Protect and enhance waterways, groundwater, wetlands, wildlife habitat, air, soils, and other natural resources."*
  - P5.01.02: "*Incorporate existing natural features as amenities in development design."*
  - G5.02.00: *"Recognize the importance of air quality and address air pollution in accordance with applicable regulations."*
  - G5.03.00: *"Support the conservation of productive mineral lands and discourage incompatible uses upon or adjacent to these lands."*
  - P5.03.01: *"Sand and gravel mining operations should be located to avoid adverse impacts on the river channel and promote compatibility with adjacent uses."*
  - G5.07.00: *"Protect the quality and quantity of aquifers and protect and enhance the capability of groundwater." recharge areas for the present and future water supply of the County."*

- Agriculture Policy:
  - P12.01.02: "*Encourage non-agricultural related development to the cities, areas of city impact."*

See all case analyses within this report for supporting evidence.

Criteria Met?		
Yes	**4**	**Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?**

Analysis

The proposed use will not be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area, as the conditions of approval 1-18 will mitigate potential negative effects to the character of the area.

Adjacent Existing Conditions:

Direction	Existing Use	Primary Zone	Other Zone
N	**Agricultural land, Union Pacific Railroad, and some residential homesites**	**AG**	**N/A**
NE	**Agricultural land, Union Pacific Railroad, and residential homesites**	**AG**	**CR-M1, CR-C2, and CR-RR**
E	**Agricultural land, Union Pacific Railroad, and some residential homesites**	**AG**	**N/A**
SE	**Existing gravel pit operations, agricultural land, and open land around the Boise River**	**AG**	**N/A**
S	**Existing feedlot operations, agricultural land, open land around the Boise River, and some residential homesites**	**AG**	**N/A**
SW	**Agricultural land, open land around the Boise River, and some residential homesites**	**AG**	**N/A**
W	**Agricultural land, open land around the Boise River, and some residential homesites**	**AG**	**N/A**

NW	**Existing feedlot operations, agricultural land, Union Pacific Railroad, and some residential homesites**	**AG**	**N/A**

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

Surrounding Land Use Cases:
Within the past 5 years, the following conditional use permits have been approved within a 1-mile radius of the property:

- CU2020-0005 – Mineral Extraction – Idaho Materials & Construction
- CU2024-0009 – Mineral Extraction – Sunroc Corporation

The following conditional use permits have been approved within the last twelve (12) months in a 2-mile radius of the property:

- CU2024-0014 – Mineral Extraction – Nampa Paving
- CU2025-0009 – Mineral Extraction – Knife River Corporation

Character of the Area:
The subject property is zoned "A" (Agricultural) (**Staff Report Exhibit C1**), with the surrounding zoning also "A" (Agricultural). There is limited zoning of "CR-M1" (Light Industrial- Conditional Rezone), "CR-C2" (Service Commercial – Conditional Rezone), and "CR-RR" (Rural Residential – Conditional Rezone) to the northeast of the subject property. The 2030 future land use designation of the area is "A" Agricultural with an intensive agricultural overlay (**Staff Report Exhibit C2.16**). There are no subdivisions located nearby. Within 1,000 feet of the subject property, there are 15 parcels (**Staff Report Exhibit C2.2**). The character of the area consists of livestock grazing, feed lots, mineral extraction operations, and some residences (**Staff Report Exhibits C2.7 – C2.10**).

Within a 2-mile radius, there are several approved gravel pits to the southeast of the subject parcel and five (5) feedlots to the northeast and south of the subject parcel (**Staff Report Exhibit C2.9**).

Potential Impacts:
The long-term mineral extraction use may impact the surrounding area, due to an increase in dust, noise, lighting, and traffic related to the use. Staff have proposed conditions to aid in mitigating these potential effects.

DUST: The proposed use may increase the dust levels in the immediate vicinity. As conditioned, the applicant must comply with the dust control plan and water the crusher as outlined in **Staff Report Exhibits E11 and E11.1**. *See the condition of approval numbers 13a and 13b.*

NOISE: Although a batch plant will not be located on Parcel R38505, noise levels may increase in the immediate vicinity due to the mining activities and rock crushing that are proposed to take place on site (**Staff Report Exhibit B2**). A berm will act as a noise barrier to decrease noise pollution to the nearest resident. As conditioned, noise emissions shall follow the regulations and standards of OSHA and MSHA, and back-up alarms shall be restricted to non-beeping alarms in compliance with OSHA/MSHA requirements. The hours of operation are conditioned to Monday through Saturday, 7:00 a.m. through 7:00 p.m., with the operation closed on Sundays and traditional legal holidays (unless an emergency occurs). *See conditions of approval numbers 1c, 2b, and 4b.*

LIGHTING: As conditioned, when lighting is required after operation hours for maintenance purposes, low-impact mobile lighting will be used. All exterior lighting shall be downward-facing and directed away from adjacent residential properties. *See conditions of approval numbers 7 and 7a.*

TRAFFIC: A potential impact on traffic could occur due to the large heavy equipment. Notus Parma Highway District provided comments on June 5, 2025, and July 30, 2025, requesting a traffic impact study to be performed (**Staff Report Exhibits E5 and E5.1**). *See condition of approval number 9*. On May 27, 2025, the Idaho Transportation Department (ITD) provided a comment requesting a structural analysis

	(**Staff Report Exhibit E3**). *See condition of approval number 10*. Union Pacific Railroad (UPRR) provided comments from the Diagnostic Meeting on October 8, 2025. The comments provided several conditions of approval (**Staff Report Exhibit E6**). *See condition of approval number 16*. See criterion number 7 for a full analysis of the traffic impact.	
Criteria Met? **Yes**	**5**	**Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?**
Analysis	The project will have adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems to accommodate the proposed use based on the analysis contained herein. **Water:** According to the land use matrix, there is no well proposed (**Staff Report Exhibit B3**). The proposed use has no need for domestic water. **Sewer:** No septic tank or drain field is proposed, as portable toilets will be provided for employees on site (**Staff Report Exhibit B3**). Southwest District Health was notified of the request on May 5, 2025, and on February 12, 2026. Comments were received on April 25, 2025, stating that a nutrient pathogen study and a septic system are not required (**Staff Report Exhibit E1**). *See condition of approval number 12 to follow Southwest District Health's requirements for porta-potties onsite.* **Irrigation:** The property has gravity irrigation water available on site. It is not anticipated that the proposed use will impact the irrigation water (**Staff Report Exhibit B3**). No comments were received from Farmer Cooperative Ditch Co. As conditioned, development shall not impede, disrupt, or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way unless an approval, agreement, and/or permit from the irrigation district and other responsible agencies are obtained. *See condition of approval number 6.* **Drainage/Stormwater:** Stormwater shall be retained onsite per the applicant's letter of intent and land use worksheet (**Staff Report Exhibits B2 and B3**). The stormwater shall be retained onsite in the proposed gravel pit area, and sediment ponds will be excavated as needed during operations. The stormwater will be controlled on the site through site grading and berms (**Staff Report Exhibit B5**). Stockpile berms will be seeded for stabilization to act as the first control for runoff. *See conditions of approval numbers 4 and 14.* **Utility Systems:** Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on May 5, 2025, and February 12, 2026. No agency comments were provided by those services at the time the staff report was written. It is anticipated that the applicant will be able to work with utility providers to gain any additional utilities needed. **Floodplain:** Parcel R38505 is located almost entirely within the "AE" Flood Zone (Floodplain with Base Flood Elevation (BFE)) due to the parcel's proximity to the Boise River (**Staff Report Exhibit C2.4**). Canyon County's Floodplain Administrator had the following comments (**Staff Report Exhibit E4**): Based on the materials submitted, the proposed gravel pit operation lies near a mapped flood hazard area. However, the site clearly demonstrates that all drainage will be contained on-site through the use of berms, internal sloping, and sediment control structures. As currently shown, no grading, fill, or development activity is proposed within a designated FEMA floodway. Canyon County's Floodplain Administrator provided conditions of approval. The applicant applied and was approved for the Floodplain Development Permit (**Staff Report Exhibit B12.1**). *See condition of approval number 17.*	

Criteria Met?		
Yes	6	**Does legal access to the subject property for the development exist or will it exist at the time of development?**
Analysis	The subject property does have legal access for the current agricultural use. Access approved by the local highway district will exist prior to the commencement of use. Notus Parma Highway District No. 2 provided comments on June 5, 2025. The comment stated that an existing right-of-way at the subject parcel and along the centerline of Lemp Lane appears to be a 50-ft wide prescriptive easement (25-ft each side of roadway centerline). Conditions of approval were provided (**Staff Report Exhibit E5**). *See condition of approval number 9.* Lemp Lane takes access off of Hwy 20/26. There is a Union Pacific Railroad (UPRR) crossing approximately 52.5 feet off of Hwy 20/26 on Lemp Lane (**Staff Report Exhibit B9**). While configurations vary, the following are common specifications for a gravel pit semi: The typical length for a full tractor-trailer combination is 70-80 feet, and the weight carried is up to 80,000 pounds. Staff had concerns with the capability of the gravel pit trucks taking access onto and off of Lemp Lane due to the distance of the railroad tracks to Hwy 20/26. UPRR conducted an on-site diagnostic meeting on October 8, 2025. Conditions of approval were provided to mitigate the access concern, for example, the applicant shall have an auxiliary/acceleration lane for vehicles turning right onto Hwy 20/26 (**Staff Report Exhibit E6**). *See condition of approval number 16.*	
Criteria Met?		
Yes	**7**	**Will there be undue interference with existing or future traffic patterns?**
Analysis	There may be undue interference with the existing and/or future traffic patterns; however, the proposed conditions of approval will mitigate concerns that may arise. The subject parcel is located on Lemp Lane, approximately 0.3 miles off Hwy 20/26. Lemp Lane is under the jurisdiction of the Notus Parma Highway District No. 2 (NPHD) and is classified as a Local Roadway. The comment received on June 5, 2025, advised that a Traffic Impact Study (TIS) is required prior to hearing, to determine the impacts of the existing and future traffic patterns. Notus Parma Highway District No. 2 sent a revised comment on July 30, 2025, stating that a "Traffic Impact Study is required to provide subsurface borings that will include data to determine the existing structural capacity of Lemp Lane and make recommendations for the required improvements to Lemp Lane, as required. This work will not be required prior to scheduling the P&Z hearing, so the applicant can avoid incurring costs related to the structural capacity analysis until after the project is approved." See **Staff Report Exhibit E5.1** for Notus Parma Highway District No. 2's comment letter and the *condition of approval number 9.* According to the Idaho Transportation Department's (ITD's) comment received on May 27, 2025 (**Staff Report Exhibit E3**), the subject parcel does not abut the state highway system; therefore, the proposed use would not be required to conduct a Traffic Impact Study through the Idaho Transportation Department. Idaho Transportation Department recommends repaving the approach to Hwy 20/26 and conducting a structural analysis of the intended intersection. *See the condition of approval number 10.* The proposed use may impact the UPRR with the heavy loads and large trucks. UPRR conducted an on-site diagnostic meeting on October 8, 2025. Several conditions of approval and recommendations were made to mitigate the impact to the UPRR (**Staff Report Exhibit E6**). *See the condition of approval number 16.*	
Criteria Met?		
Yes	**8**	**Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?**
Analysis	Essential services will be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, and irrigation facilities. The services will not be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use. **School Facilities:**	

	The parcel is served by the Parma School District. Agency comments were sent out on May 5, 2025, and February 12, 2026. No comments were received by the school district. The use is not anticipated to impact the school district. **Police and Fire Protection:** The subject property is under the jurisdiction of the Canyon County Sheriff's Office. The Canyon County Sheriff's Office is required to provide services to the property. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding. Agency notice was sent out on May 5, 2025, and February 12, 2026, and no comments were received by the Sheriff's Office. Parma Fire District serves the property**.** Agency notice was sent out on May 5, 2025, and February 12, 2026, and no comments were received by the Parma Fire District. The use is not anticipated to cause a negative impact or require additional public funding. *See the condition of approval number 8.* **Emergency Medical Services:** Emergency Medical Services are provided to the property. Canyon County Paramedics/EMT and Canyon County's Emergency Management Coordinator were notified of the application on May 5, 2025, and February 12, 2026. No comments were received by the materials deadline. The use is not anticipated to cause a negative impact or require additional public funding. **Irrigation Facilities:** The subject property is under the Farmer Cooperative Ditch Company's jurisdiction. See CCCO 07-07-05(5) for information on irrigation.

Table 2. Use Standards – Mineral Extraction – Long Term: CCCO §07-14-19

Per CCCO §07-14-03(1): The provisions of this article apply to all properties where a use is listed as an allowed use, a conditional use, or a director's decision in section 07-10-27 of this chapter (land use matrix).

CCCO §07-14-19(1) A.2 When making a decision for a conditional use permit for the use, the decision making body shall consider the following:

County Ordinance and Review		
Criteria Met?	**Code Section**	**Criteria**
Yes	**A**	**The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses.**
Analysis	The surrounding property uses consist of agricultural operations, mineral extractions, feedlots, and residential uses (**Staff Report Exhibits C2.7 – C2.10**). The subject property is zoned "A" (Agricultural) (**Staff Report Exhibit C1**), with the surrounding zoning also "A" (Agricultural). Within 1,000 feet of the subject property, there are 15 parcels (**Staff Report Exhibit C2.2**). Within a 2-mile radius, there are several approved gravel pits to the southeast of the subject parcel and five (5) feedlots to the northeast and south of the subject parcel (**Staff Report Exhibit C2.9**). Within a 2-mile radius, there are four (4) approved conditional use permits for mineral extractions within the past five (5) years. As conditioned, the proposed and existing uses are not anticipated to directly or indirectly interfere with or negatively impact one another.	
Criteria Met? **Yes**	**B**	**Duration of the proposed use.**
Analysis	According to the Reclamation Plan (**Staff Report Exhibit B5**), the applicant is proposing to be in operation for a maximum of twenty (20) years.	
Criteria Met? **Yes**	**C**	**Setbacks from surrounding uses.**
Analysis	A minimum of a 30' setback is proposed along the property boundaries (**Staff Report Exhibit B2**). *See the condition of approval number 2c.*	

Criteria Met?		
Yes	**D**	**Reclamation plan as approved by Idaho Department of Lands.**
Analysis	A reclamation plan was approved by the Idaho Department of Lands on July 11, 2024, subject to conditions (**Plan No. S603013, Staff Report Exhibit B5**). *See condition of approval number 5.* The mining operations will begin along the eastern portion of the parcel and progress westward. A staging area for fuel and sediment ponds will be placed along the western portion of the property. Stockpiles will be located along the southwest corner of the parcel. Topsoil and overburden will be placed as a berm along the northern portion of the property. Excavation will result in a maximum depth of 30 feet during operation. Reclamation will be conducted once mining operations have ceased. Mine walls will be regraded to a maximum slope of 2:1 on all sides of the mine, and an approximately 26-acre pond will be constructed within the center of the pit. All temporary haul roads will be re-sloped and seeded. Overburden and topsoil stockpiles will be redistributed through the site with a uniform depth. Disturbed areas will be reseeded by broadcasting at a rate of 15.1 lbs. per acre using an approved seed mixture between the months of September and October, once mining operations have ceased, and reseeded the following year between the months of March and May (**Staff Report Exhibit B5**).	
Criteria Met?		
Yes	**E**	**The locations of all proposed pits and any accessory uses.**
Analysis	See Reclamation Plan (**Staff Report Exhibit A7**) for discussion of the location for the proposed mineral extraction. Accessory uses include, but are not limited to, handling construction aggregate and overburden soil onsite, parking for the equipment and vehicles, and servicing the vehicles. Fuel will be kept on-site in a mobile fuel storage container, which will be located in the staging area (**Staff Report Exhibit B5**). Heavy equipment to be used for the operations includes hydraulic excavators, dozers, front-end loaders, and crushing and screening equipment.	
Criteria Met?		
Yes	**F**	**Recommendations from applicable government agencies.**
Analysis	Southwest District Health provided comments on May 5, 2025; no recommendations or conditions were provided (**Staff Report Exhibit E1**). Idaho Department of Environmental Quality (DEQ) provided comments on May 12, 2025; general recommendations were provided (**Staff Report Exhibit E2**). *See the condition of approval number 1b.* Idaho Transportation Department (ITD) provided comments on May 27, 2025; proposed conditions were provided (**Staff Report Exhibit E3**). *See the conditions of approval number 10.* Canyon County's Floodplain Administrator provided comments on May 28, 2025; proposed conditions were provided (**Staff Report Exhibit E4**). The Floodplain Development Permit was approved after the comments received from Canyon County's Floodplain Administrator (**Staff Report Exhibit B12.1**). *See the conditions of approval number 17.* Notus Parma Highway District No. 2 provided comments on June 5, 2025, and July 30, 2025; proposed conditions were provided (**Staff Report Exhibits E5 and E5.1**). *See the condition of approval number 9.* Union Pacific Railroad (UPRR) provided comments on October 8, 2025; proposed conditions were provided (**Staff Report Exhibit E6**). *See the condition of approval number 16.* Canyon County's Historic Preservation Commission provided comments on March 4, 2025; proposed conditions were provided (**Staff Report Exhibit E7**). *See the conditions of approval number 18.* See **Staff Report Exhibit E** for all agency recommendations and comments. *See conditions of approval for conditions based on agencies' recommendations.*	

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case # CU2024-0023, a conditional use permit for a mineral extraction (long term) subject to the following conditions as enumerated:

Conditions of Approval

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
    a. On-site parking shall comply with CCCO Sections 07-13-01 and 03.
    b. The storage of diesel fuel, petroleum products, and any other hazardous materials, dust control, and stormwater pollution prevention shall comply with all standards and requirements of the Idaho Department of Environmental Quality and other applicable agencies (IDOT, OSHA, DEQ, EPA, and MSHA).
    c. Noise emissions shall follow the regulations and standards of OSHA and MSHA. Specifically, Back-up alarms shall be restricted to non-beeping alarms in compliance with OSHA/MNSHA requirements.
    d. Water (including surface, groundwater, and stormwater) shall be discharged in accordance with state, federal, and local standards and/or regulations.
    e. The operator shall dispose of waste in a manner that does not contribute to potential environmental and water contamination in and around the subject property.
2. The operator shall be in substantial conformance with the proposed letter of intent and site plans (**Staff Report Exhibits B2 and B5**). Any expansion or extension of the operation shall require a conditional use permit modification. A conditional use permit is required to establish a batch plant.
    a. The mineral extraction operation shall not operate past 20 years from the time of approval. See **Staff Report Exhibit B5.**
    b. Normal day-to-day business hours for the gravel pit shall be Monday through Saturday, 7:00 a.m. through 7:00 p.m. The operation will be closed on Sundays and on traditional legal holidays. If the applicant obtains a contract that requires night-time operations, it may operate for the limit of that contract, twenty-four hours a day, seven (7) days a week. The applicant shall make a reasonable effort to utilize stockpiled materials rather than mining at night. If the applicant obtains such a contract, it shall notify the property owners within a ¾-mile radius and Canyon County a minimum of 10 days prior to the commencement of the contract as to the duration of the hours of operation required by that contract. Normal operating hours shall resume immediately upon termination of the contract.
    c. The setbacks from the subject property boundaries shall be a minimum of thirty (30) feet from adjacent property boundaries in accordance with CCCO §07-14-19(1)A (**Staff Report Exhibit B2**).
    d. The rock crusher shall be contained within the staging area outlined in **Staff Report Exhibit B4**.
3. Stockpiling shall not exceed 30 feet in height.
4. A minimum height of 3-foot topsoil berm shall be constructed as part of the removal of overburden. The height shall be sufficient to prevent any drainage from the gravel pit from entering the irrigation drains. The 3-foot berm shall run along the northern boundary, on the south side of the waste ditch (**Staff Report Exhibits B4 and B5**).
    a. The weeds shall not become a public nuisance and shall stay in conformance with CCCO §02-13-09.
    b. A 10-foot high topsoil berm shall be constructed along the southwest quarter of the staging area outlined in **Staff Report Exhibit B4** to mitigate noise from the crusher.
5. The operation shall comply with the reclamation plan approved by the Idaho State Department of Lands (**S603013**; **Staff Report Exhibit B5**– approved July 11, 2024). The operator shall complete the reclamation plan as approved by the Idaho State Department of Lands.

6. The applicant shall not impede, disrupt, or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way unless approval, agreement, and/or permit from the irrigation district and other responsible agencies are obtained.
    a. Any alteration of irrigation and drainage structures located on the properties requires written approval from the local irrigation district and drainage district. The alterations shall not impede or affect water delivery to adjacent properties/water users.
    b. If any discharge is to take place into the drain ditches located on site, the applicant must get written approval from Farmers Cooperative Ditch Company and/or Drainage District No. 4.
7. All exterior lighting shall be downward-facing and directed away from adjacent residential properties.
    a. When lighting is required after operation hours for maintenance purposes, low-impact mobile lighting shall be used.
8. The applicant shall comply with all fire district requirements per State adopted IFC and as evidenced by review and approval documentation from Parma Fire District prior to commencement of use.
9. The applicant shall comply with applicable Notus Parma Highway District requirements prior to gravel pit operations, including but not limited to a traffic impact study, a pavement analysis, and an approach (**Staff Report Exhibits E5 and E5.1**).
    a. If a new access is requested by the applicant, an approved approach permit shall be obtained prior to commencement of the use for the new access, as evidenced by the applicant providing Development Services with an approved highway district document indicating the completion of improvements.
    b. The traffic impact study results and mitigating actions shall be completed prior to gravel pit operations.
10. The applicant shall comply with applicable Idaho Transportation Department requirements prior to gravel pit operations. (**Staff Report Exhibit E3**).
11. Truck loads shall be covered before leaving the pit.
12. The number of portable restrooms and maintenance shall be as recommended by Southwest District Health.
13. Dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations, including but not limited to nuisance regulations (Canyon County Code of Ordinances Chapter 2 Article 1: Public Nuisances) and shall be consistent with Idaho Department of Environmental Quality (DEQ) requirements.
    a. The applicant shall comply with the dust control plan outlined in **Staff Report Exhibit B11**.
    b. The applicant shall water the crusher outlined in **Staff Report Exhibit B11.1**.
14. Stormwater drainage shall be retained onsite (**Staff Report Exhibit B5**).
15. Vehicle fueling and minor maintenance may take place on site, as an accessory use to the proposed use.
16. The applicant shall comply with Union Pacific Railroad requirements prior to gravel pit operations. (**Staff Report Exhibit E6**).
17. The applicant shall comply with the requirements to operate in a Floodplain as outlined in the comment from Canyon County's Floodplain Administrator, U.S. Army Corps of Engineers, and the Floodplain Permit (**Staff Report Exhibits E4, E7, and B12.1**).
18. The applicant shall conduct a professional survey of the area meeting Parks, Cultural & Natural Resources Department, and the County's Historic Preservation Commission (**Staff Report Exhibit E8**).
    a. Should any possible historical or archaeological materials be found during excavation of the area, the applicant shall notify and work with the Parks, Cultural & Natural Resources Department, and the County's Historic Preservation Commission (**Staff Report Exhibit E8**).

DATED this _____ day of _____, 2026.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

_____
Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this _____day of _____, in the year 2026, before me_____, a notary public, personally appeared _____, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

Notary: _____

My Commission Expires: _____

Exhibit 3B:

EXHIBIT B

Application Packet & Supporting Materials

Planning & Zoning Commission

Case #: CU2024-0023

Hearing Date: March 19, 2026

Exhibit 3B1:

MASTER APPLICATION

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #310, Caldwell, ID 83605
zoninginfo@canyoncounty.id.gov Phone: 208-454-7458 Fax: 208-454-6633

PROPERTY OWNER	OWNER NAME: Brian Burnett, Drake Investments, LLC
	MAILING ADDRESS: 1125 W. Two Rivers Drive, Eagle, ID 83616
	PHONE: (208) 994-1607 EMAIL: invest1977@yahoo.com

I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.

Signature: _____ *Date:* 8/20/24

(AGENT) ARCHITECT ENGINEER BUILDER	CONTACT NAME: Mary Wall
	COMPANY NAME: Professional Engineering Services
	MAILING ADDRESS: 5636 N. Portsmouth Avenue, Boise, ID 83714
	PHONE: (406) 600-6218 EMAIL: mary@pe-services.biz

SITE INFO	STREET ADDRESS: 25192 Lemp Lane, Parma, ID
	PARCEL #: R3850500000 LOT SIZE/AREA: 50.2 acres
	LOT: BLOCK: SUBDIVISION:
	QUARTER: SE 1/4 of Section 30 SW 1/4 of Section 29 SECTION: TOWNSHIP: 5N RANGE: 4W
	ZONING DISTRICT: AG FLOODZONE (YES/NO): Yes (AE)

HEARING LEVEL APPS	X CONDITIONAL USE	____COMP PLAN AMENDMENT	____CONDITIONAL REZONE
	____ZONING AMENDMENT (REZONE)	____DEV. AGREEMENT MODIFICATION	____VARIANCE > 33%
	____MINOR REPLAT	____VACATION	____APPEAL
	____SHORT PLAT SUBDIVISION	____PRELIMINARY PLAT SUBDIVISION	____FINAL PLAT SUBDIVISION

DIRECTORS DECISION APPS	____ADMINISTRATIVE LAND DIVISION	____EASEMENT REDUCTION	____SIGN PERMIT
	____PROPERTY BOUNDARY ADJUSTMENT	____HOME BUSINESS	____VARIANCE 33% >
	____PRIVATE ROAD NAME	____TEMPORARY USE	____DAY CARE
	X OTHER **Flood Plain Development Permit**		

CASE NUMBER: CU2024-0023 DATE RECEIVED: 10/18/24

RECEIVED BY: M Baca APPLICATION FEE: 950.00 CK MO CC CASH

Revised 3/9/22

CONDITIONAL USE PERMIT
PUBLIC HEARING - APPLICATION

PROPERTY OWNER	OWNER NAME: Brian Burnett, Drake Investments, LLC	
	MAILING ADDRESS: 1125 W Two Rivers Drive, Eagle, ID 83616	
	PHONE: (208) 994-1607	EMAIL: invest1977@yahoo.com

I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If the owner(s) is a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.

Signature: _____ *Date:* 8/20/24

APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER	APPLICANT NAME: Mary Wall	
	COMPANY NAME: Professional Engineering Services	
	MAILING ADDRESS: 5636 N Portsmouth Ave, Boise, ID 83714	
	PHONE: (406) 600-6218	EMAIL: mary@pe-services.biz

SITE INFO	STREET ADDRESS: 25192 Lemp Lane, Parma, ID	
	PARCEL NUMBER: R3850500000	
	PARCEL SIZE: 50.2 acres	
	REQUESTED USE: gravel pit	
	FLOOD ZONE (YES/NO) yes	ZONING DISTRICT: AG

FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER	CU2024-0023	DATE RECEIVED:	10/18/24
RECEIVED BY:	MBarrow	APPLICATION FEE: 950.00	CK MO (CC) CASH

PROFESSIONAL
ENGINEERING
SERVICES

September 30, 2024

Carl Anderson, Planning Supervisor
Canyon County Development Services
111 N. 11th Avenue, Room 311
Caldwell, ID 83605

Re: Conditional Use Permit Application for Riverbend-Parma Gravel Pit Operations
Parcel #R3850500000, 25192 Lemp Lane, Parma, ID
Letter of Intent

Dear Mr. Anderson,

We are pleased to submit the above referenced applications for the proposed Riverbend-Parma Gravel Pit (hereinafter the "Project") on behalf of our client, Drake Investments, LLC. Included with this Letter of Intent you will find the required applications and required documents for the Conditional Use Permit to allow approval for the proposed sand and gravel mining operations on the subject property.

The project site is a 51-acre parcel located at 25192 Lemp Lane, Parma, Idaho. The project will consist of surface mining of the sands and gravel out of approximately 26 acres of the lower portion of the property. The 15-acres of property on the bench will not be impacted by the mining operation. Upon conclusion of the mining activities the gravel pit will become a pond and all areas outside of the pond will be revegetated in accordance with the approved Reclamation Plan issued by the Idaho Department of Lands on July 11, 2024. A water right has been obtained for the resulting pond and a copy of that water right approval is included with this application package.

The following section addresses the information required in the Conditional Use Permit Letter of Intent Checklist:

1) *State the nature of the request. Include a description of business operations, such as number of employees, hours of operation, delivery and shipping.*

   a) The request is for approval of a sand and gravel extraction operation (gravel pit) over approximately 26 acres of the subject property. All mining shall be surface mining. Upon completion of the removal of the sand and gravel the resultant gravel pit will be allowed to fill with groundwater to create a 26-acre aesthetic pond.
   It is anticipated that the mining operation will have six (6) employees, operating from 7am to 7pm seven days per week at peak operation. Operations will include the heavy equipment required to mine and stockpile the sand and gravel, crushing and screening equipment to process the sand and gravel, in addition to the trucks that haul the mined materials from the site. During periods of peak operation an average of 50 trucks per day will haul the sand and gravel from the site. The proposed extraction period will not exceed 20 years.

2) *Consistency with the Comprehensive Plan.*

a) The proposed use is consistent with multiple goals and policies of the Canyon County "Growing Together Comprehensive Plan 2030" including but not limited to:

i) Property Rights Policy P1.01.01 – "No person shall be deprived of private property without due process of law". Mineral extraction is allowed by conditional use in the "A" Agricultural zoning.

ii) Population Goal G2.02.00 – "Promote housing, business, and service types needed to meet the demand of future and existing population". The proposed gravel pit will provide needed materials to support maintenance of existing infrastructure as well as provide material for future construction and growth throughout Canyon County. The gravel pit will also provide up to six (6) new jobs.

iii) Economic Development Policy P3.01.01 – "Direct business development to locations that can provide the necessary services and infrastructure". The only infrastructure required for the proposed gravel pit is the roadways required to haul extracted materials. The required roads already exist. The gravel pit creates economic development for the County without requiring additional infrastructure.

iv) Economic Development Policy P3.01.02 – "Support suitable sites for economic growth and expansion compatible with the surrounding area." Mineral extraction is allowed by conditional use in the "A" Agricultural zoning.

v) Land Use and Community Design Policy P4.01.01 "Maintain a balance between residential growth and agriculture that protects the rural character." Mineral extraction is allowed by conditional use in the "A" Agricultural zoning. The proposed gravel pit will eventually become a large pond which will add to, and protect, the rural character of the area.

vi) Land Use and Community Design Policy P4.05.02 "Consider development on poor soils (Class 4 or higher) that will not interfere with viable agricultural operations in the area." Per the Irrigated Soil Capability map (P. 41 of the Comprehensive Plan) the proposed gravel pit is located in an area of Class IV and Class V soils which are not highly suitable for agriculture so proposed mineral extraction, which is allowed by conditional use in the Ag zoning, would be an appropriate use of this land.

vii) Land Use and Community Design Policy P4.07.02 "Discourage incompatible development near existing agricultural businesses that would cause the operator undue hardship through complaints, traffic, or other complications." Mineral extraction is allowed by conditional use in the "A" Agricultural zoning and is an appropriate use within the agricultural uses in the area.

viii) Natural Resources and Hazards Policy P5.03.01 "Sand and gravel mining operations should be located to avoid adverse impacts to the river channel and promote compatibility with adjacent uses." The proposed gravel pit is located within the AE flood zone but is located a minimum of 2,400 feet from the Boise River and will not adversely affect the river.

ix) Natural Resources and Community Design Policy P5.04.01 "Consider the suitability of soil composition in all land-use decisions." Per the Irrigated Soil Capability map (P. 41 of the Comprehensive Plan) the proposed gravel pit is located in an area of Class IV and Class V soils which are not highly suitable for agriculture. Class IV soils have very severe limitations that restrict choice of plants and require very careful management. The shallow sand and gravel limit the agriculture use of this area but provide for relatively easy extraction of the sand and gravel.

x) Agriculture Policy P12.04.01 "Encourage new development adjacent to agricultural areas to be designed to minimize conflicts with adjacent agricultural uses." Development of the proposed gravel pit has been laid out so that it will not disrupt or destroy any irrigation canals, ditches, laterals, drains, and associated irrigation works or rights-of-way. Mineral extraction is allowed by conditional use in the "A" Agricultural zoning and does not create conflict with adjacent agricultural uses.

3) *Address potential impacts to property in the immediate vicinity and character of the area.*

a) There are four residences on Lemp Lane, not including the residence on the subject property, that will be impacted by the gravel pit. The primary impact will be the additional traffic created by the trucks hauling the sand and gravel to its place of use. At peak operation there will be an average of one truck every 14 minutes, this will not cause traffic delays for the residents or cause conflict with adjacent agricultural uses. The contractor will minimize the impacts of the trucks and the mining operation by providing dust control and ongoing maintenance of Lemp Lane.

4) *Demonstrate how facility and utilities such as water, sewer, irrigation, drainage and stormwater will be provided.*

The proposed project is the surface mining of the sands and gravels on the 26-acres shown on exhibits. No water, sewer, or irrigation facilities are required for the proposed project. All stormwater drainage will be retained onsite as outlined in the approved Reclamation Plan submitted to the Idaho Department of Lands.

5) *Demonstrate legal access.*

The subject property extends to the centerline of Lemp Lane and has legal access across Lemp Lane to access Highway 20/26 per Record of Survey recorded in Canyon County, Instrument #2024-001013.

6) *Address potential impacts to existing or future traffic patterns.*

The proposed gravel pit will add an average of 50 gravel truck trips per day when at peak operation. This traffic will average one truck every 14 minutes during a 12-hour workday. There are a total of four residences on Lemp Lane that will be affected by the truck traffic. All truck traffic will dump onto Highway 20/26 adding traffic to the Lemp Lane/Hwy 20 intersection, as well as to Hwy 20/26. Improvements will be made to the Lemp Lane/Hwy 20 intersection as required by the highway district and ITD.

7) *Address potential impacts to essential services such as schools, irrigation facilities and emergency services.*

The proposed project will not impact essential services such as schools or irrigation

facilities. The six employees may add a very minor potential impact to emergency services during hours of operation of the gravel pit.

8) *If the use will create impacts, provide measures to mitigate impacts.*
Mitigation measures will include dust control, ongoing maintenance of Lemp Lane, and improvements to the Highway 20/Lemp Lane intersection per the requirements of the highway district and ITD.

The following section addresses the information required in the Conditional Use Permit Letter of Intent Checklist specific to the proposed Mineral Extraction. The Site Plan/Operation Plan included with this application provides additional information to address the Mineral Extraction checklist.

1. *Show how the 30-foot setbacks on all sides will be met.*
The area proposed for gravel mining is located a minimum of 50-feet from the property boundary or the irrigation supply and waste ditches as shown on the Site Plan/Operation Plan included with this application. Because the irrigation supply ditches run along the property boundary all mining activity will maintain the minimum 30-foot setback on all property lines.

2. *Name of operator/extractor.*
Kelly Fulfer, Superior Construction & Excavation
2350 W. McMillan Road
Meridian, ID 83646
(208) 884-4011, kelly@superioridaho.com

3. *Duration of proposed use.*
Operation of the gravel pit is anticipated to begin in February 2025 and be in operation for no longer than 20 years.

4. *Provide an approved reclamation from Idaho Department of Lands.*
Reclamation Plan submitted to Idaho Department of Lands along with the approval letter has been included in this application package.

5. *Location of proposed pits and accessory uses.*
The proposed sand and gravel pit will be located in the southern portion of the subject property, below the natural bench. The pit will cover approximately 26-acres of the 50-acre property. Exhibits in the Department of Lands Reclamation Plan show the location of the proposed pit. The pit will become a pond, fed by groundwater, upon conclusion of the mining activities. A water right for the pond has been acquired and a copy of the water rights approval is included with this application.

In addition to this letter of intent and the signed master application, the complete application package consists of:

1. Conditional Use Permit Checklist
2. Conditional Use Permit Application and Credit Card Authorization for application fees
3. Site Plan/Operation Plan
4. Land Use Worksheet
5. Neighborhood meeting Notice, mailing list, Sign-up Sheet and meeting notes
6. Agency Acknowledgment Forms and supplemental documentation
7. Property deed
8. Complete application for Reclamation Plan Approval provided to Idaho Department of Lands (IDOL) with letter of approval from IDOL
9. Water rights permit approval for proposed pond
10. Floodplain Development Permit Application and CC authorization form for application fees
11. Detailed letter for Floodplain Development Application

Should you require any additional information or have any questions regarding this application, please do not hesitate to contact me by phone at (406) 600-6218 or by email at mary@pe-services.biz.

Very truly yours,

Mary B. Wall, PE
Principal

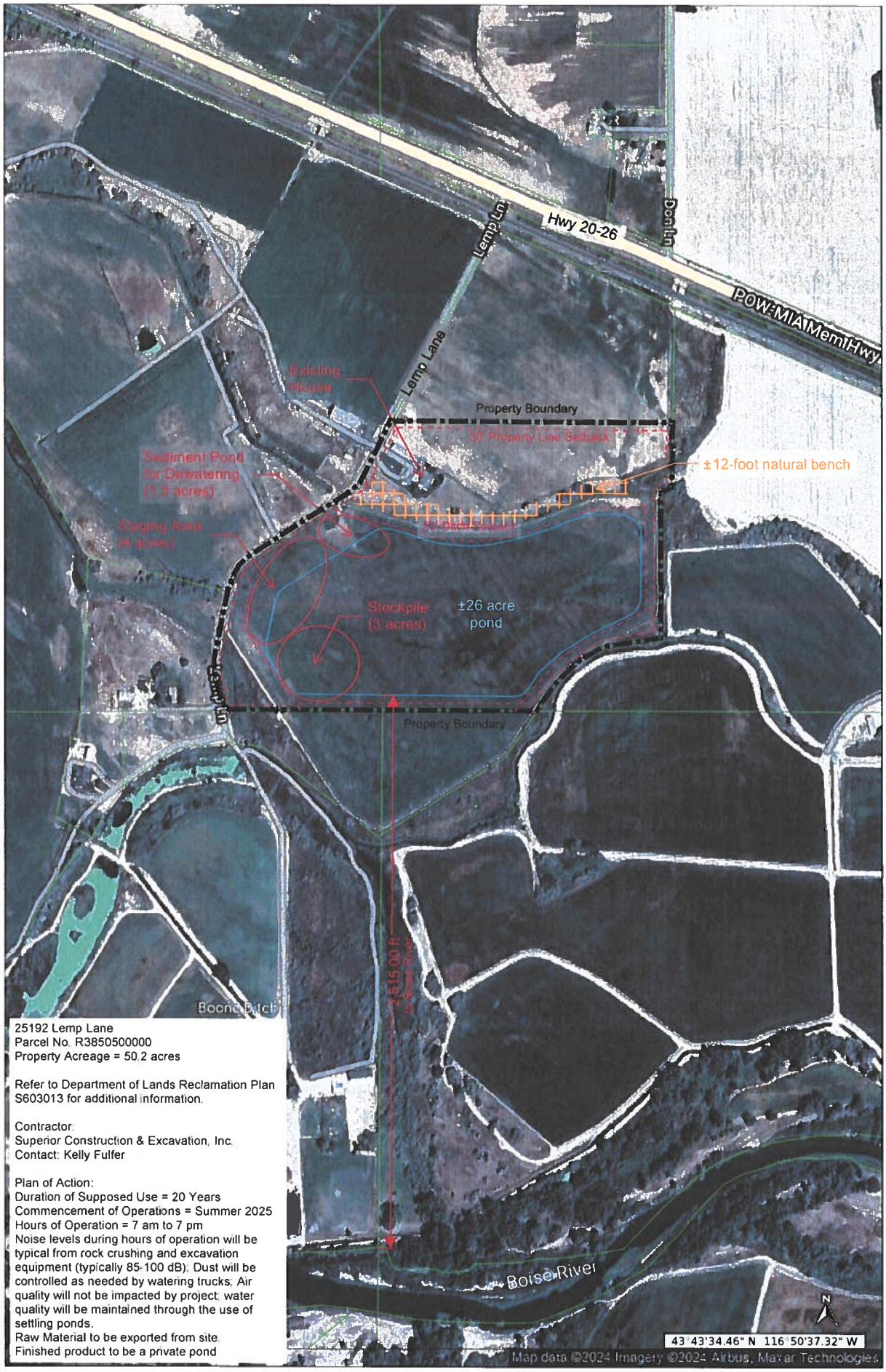
Enclosure: As listed in letter

CC:

landproDATA

Site/Operations Plan

Riverbend - Parma Gravel Pit



25192 Lemp Lane
Parcel No. R3850500000
Property Acreage = 50.2 acres

Refer to Department of Lands Reclamation Plan S603013 for additional information.

Contractor:
Superior Construction & Excavation, Inc.
Contact: Kelly Fulfer

Plan of Action:
Duration of Supposed Use = 20 Years
Commencement of Operations = Summer 2025
Hours of Operation = 7 am to 7 pm
Noise levels during hours of operation will be typical from rock crushing and excavation equipment (typically 85-100 dB). Dust will be controlled as needed by watering trucks; Air quality will not be impacted by project; water quality will be maintained through the use of settling ponds.
Raw Material to be exported from site.
Finished product to be a private pond

Aug 20, 2024 - landproDATA.com
Scale: 1 inch approx 400 feet

The materials available at this website are for informational purposes only and do not constitute a legal document.

LAND USE WORKSHEET

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

1. DOMESTIC WATER: ☐ Individual Domestic Well ☐ Centralized Public Water System ☐ City

☒ N/A – Explain why this is not applicable: project is gravel mining with resulting pond, no domestic water

☐ How many Individual Domestic Wells are proposed? _____

2. SEWER (Wastewater) ☐ Individual Septic ☐ Centralized Sewer system

☒ N/A – Explain why this is not applicable: _Existing house on property has existing septic system __ no sewer required for project

3. IRRIGATION WATER PROVIDED VIA: Gravity irrigation water available on site but will not be used or impacted by proposed gravel mining operations.

☒ Surface ☐ Irrigation Well ☐ None

4. IF IRRIGATED, PROPOSED IRRIGATION: Gravity irrigation water available on site but will not be used or impacted by proposed gravel mining operations.

☐ Pressurized ☒ Gravity

5. ACCESS:

☒ Frontage ☐ Easement Easement width_____Inst. # _____

6. INTERNAL ROADS: Lemp Lane

☐ Public ☒ Private Road User's Maintenance Agreement Inst #_____

7. FENCING N/A ☐ Fencing will be provided (Please show location on site plan)

Type: _____ Height: _____

8. STORMWATER: ☒ Retained on site ☐ Swales ☐ Ponds ☐ Borrow Ditches

☐ Other: _____

9. SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY: (i.e. creeks, ditches, canals, lake)

Boise River, irrigation ditches (unnamed), irrigation waste ditches (unnamed)

RESIDENTIAL USES

1. **NUMBER OF LOTS REQUESTED**: Not applicable

☐ Residential _____ ☐ Commercial _____ ☐ Industrial _____

☐ Common _____ ☐ Non-Buildable _____

2. **FIRE SUPPRESSION:** Not applicable

☐ Water supply source: _____

3. **INCLUDED IN YOUR PROPOSED PLAN?** Not applicable

☐ Sidewalks ☐ Curbs ☐ Gutters ☐ Street Lights ☐ None

NON-RESIDENTIAL USES

1. **SPECIFIC USE**: Gravel mining operation

2. **DAYS AND HOURS OF OPERATION**:

☒ Monday 7am to 7pm

☒ Tuesday 7am to 7pm

☒ Wednesday 7am to 7pm

☒ Thursday 7am to 7pm

☒ Friday 7am to 7pm

☒ Saturday 7am to 7pm

☒ Sunday 7am to 7pm

3. **WILL YOU HAVE EMPLOYEES?** ☒ Yes If so, how many? 6 ☐ No

4. **WILL YOU HAVE A SIGN?** ☒ Yes ☐ No ☐ Lighted ☒ Non-Lighted

Height: 4 ft Width: 8 ft. Height above ground: 4 ft

What type of sign: _____Wall X Freestanding _____ Other Temporary sign

5. **PARKING AND LOADING:**
How many parking spaces? _____

Is there is a loading or unloading area? Staging area shown on application exhibits will be used for parking, loading and unloading, as needed.

ANIMAL CARE-RELATED USES

1. **MAXIMUM NUMBER OF ANIMALS:** Not applicable

2. **HOW WILL ANIMALS BE HOUSED AT THE LOCATION?** Not applicable

   ☐ Building ☐ Kennel ☐ Individual Housing ☐ Other _____

3. **HOW DO YOU PROPOSE TO MITIGATE NOISE?** Not applicable

   ☐ Building ☐ Enclosure ☐ Barrier/Berm ☐ Bark Collars

4. **ANIMAL WASTE DISPOSAL** Not applicable

   ☐ Individual Domestic Septic System ☐ Animal Waste Only Septic System

   ☐ Other: _____

PROFESSIONAL ENGINEERING SERVICES

Notice of Neighborhood Meeting
Conditional Use Permit
Pre-application requirement for a Public Hearing

July 26, 2024

Dear Neighbors,

The purpose of this letter is to invite you to the Neighborhood Meeting for the proposed **Riverbend-Parma Gravel Pit**. The meeting will be held on Tuesday August 20, 2024, at 5:30 p.m. at the house on the subject property, located at 25192 Lemp Lane, Parma, ID. This meeting is NOT a public hearing before a governing body of the County. This meeting is a pre-application requirement and is for informational purposes and to receive feedback from you as we move through the application process.

The proposal is the mining of sand & gravel on the property resulting in a pond of approximately 26 acres. The mining will take place in the southern 30 acres of the property located at 25192 Lemp Lane. The proposed mining area/future pond along with the vicinity map is enclosed.

Please do not call Canyon County Development Services regarding this meeting. This is a PRE-APPLICATION requirement and we have not submitted the application for consideration at this time. The county currently has no information on this project.

If you cannot attend the Neighborhood Meeting and would like to comment on the proposal, please submit written comments via email to mary@pe-services.biz, or US mail to this address.

Professional Engineering Services
5636 N. Portsmouth Ave.
Boise, ID 83714

We hope you can attend the Neighborhood Meeting on Tuesday, August 20, 2024, at 5:30 p.m.

Very truly yours,

Mary B. Wall, PE
Principal

Enclosures: Vicinity Map and Preliminary Layout

RIVERBEND-PARMA GRAVEL PIT MAILING LIST FOR NEIGHBORHOOD MEETING

Primary Owner	Owner Address	Owner City	Parcels Owned
BILBAO FAMILY TRUST	PO BOX 280	ELKO NV 89803	R3850400000 and R3853800000
DOUGLAS LEE AND PAULETT TRUST	781 S SPELLMAN LN	MERIDIAN ID 83642	R3853801000, R3852201000, R3850600000, and R3851600000
DRAKE INVESTMENTS LLC	1125 W TWO RIVERS LN	EAGLE ID 83616	R3850500000
GRUBIAK JOSEPH R	24811 LEMP LN	PARMA ID 83660	R38522012A0 and R3852201200
LEMP LANE PROPERTIES LLC	23019 HWY 20 26	PARMA ID 83660	R3851900000 and R3852401000
LONKEY JOHN W	25019 LEMP LN	PARMA ID 83660	R3851700000
MARY WALL	5636 N PORTSMOUTH AVE	BOISE ID 83714	Applicant's Representative
SLMA PROPERTIES LLC	2301 E DEER POINT CT	EAGLE ID 83616	R3852300000

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT
111 North 11th Avenue, #310, Caldwell, ID 83605
zoninginfo@canyoncounty.id.gov Phone: 208-454-7458 Fax: 208-454-6633

NEIGHBORHOOD MEETING SIGN UP SHEET

CANYON COUNTY ZONING ORDINANCE §07-01-15

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

SITE INFORMATION

Site Address: 25192 Lemp Lane
Parcel Number: R3850500000
City: Parma
State: ID
ZIP Code: 83660
Notices Mailed Date: July 26, 2024
Number of Acres:
Current Zoning: AG
Description of the Request: Conditional Use Permit for the Riverbend-Parma Gravel Pit 26-acre pit proposed

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Mary Wall
Company Name: Professional Engineering Services
Current address: 5636 N. Portsmouth Ave
City: Boise
State: ID
ZIP Code: 83714
Phone: 406-600-6218
Cell: 406-600-6218
Fax: —
Email: mary@pe-services.biz

MEETING INFORMATION

DATE OF MEETING: August 20, 2024
MEETING LOCATION: On-site @ 25192 Lemp Lane
MEETING START TIME: 5:30pm
MEETING END TIME: 6:00pm

ATTENDEES:

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. Susan D. Upson		21684 Lemp Lane Parma Id.
2. Bill Dickson		22473 Hwy 20/26
3. Tom Johnston		22410 Ten Pairs Rd Parma Id
4. Steve Speltz		3012 Silverleaf Way Nampa ID
5. Ryder Burnett		1125 W Two Rivers Ln
6. Kinden Tucker		694 S Glenn Brook Pl Kuna, ID
7. JOE GRUBIAK		24811 Lemp Ln Parma ID
8. Holly Hattan Grubiak		24811 Lemp Lane Parma ID
9.		

Revised 6/9/22

10.
11.

12.
13.
14.
15.
16.
17.
18.
19.
20.

NEIGHBORHOOD MEETING CERTIFICATION:

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

Mary B. Wall

APPLICANT/REPRESENTATIVE (Signature): Mary B Wall

DATE: 8 / 20 / 24

Neighborhood Meeting Notes - Aug 20, 2024
Riverbend - Parma Gravel Pit -
- See sign in sheet for list of attendees

Meeting started with a brief introduction to project, location, etc. Crusher to be used
Comments or questions included the following:

① What is the timeframe? Response: Permit requests a 20-year timeframe. Goal of contractor is to find a construction project that will use all available resources from this pit (ITD project?) and complete all extraction within a 1-2-year period. This will occur at some point within the 20-year period.

② Concern about separation from irrigation ditches + drains. Response: Area of pit will be a minimum of 50' clearance from irrigation ditches + drains. Proposed

work will not affect or change existing irrigation facilities. One neighbor expressed concern with drain/waste ditch + how a lack of maintenance can cause water back up on his property. He and property owner, Brian Burnett, discussed maintenance + agreed that it was the responsibility of property owner.

③ Neighbor to east said there may be some work required on irrigation facilities on his property to help divert water away from project area. He was open to work being done and would coordinate with contractor

④ A question about hours of operation came up. Response: Proposing hours of 7AM to 7pm Seven days a week. No further comments.

⑤ Holly + Joe Grubiak stated that they opposed the gravel operation. They did not provide specific concerns or make requests regarding extent or hours of operation.

AGENCY ACKNOWLEDGMENT

Date:

Riverbend - Parma Gravel Pit

Applicant: Brian Burnett, Drake Investements, LLC (Representative: Mary Wall, Professional Engineering Services

Parcel Number: R3850500000

Site Address: 25192 Lemp Lane, Parma, Canyon County, ID

OFFICIAL USE ONLY BELOW THIS LINE – ACKNOWLEDGMENT ACTION:

Southwest District Health:

☑ Applicant submitted/met for official review.

Date: 08/05/2024 Signed: Anthony Lee

Authorized Southwest District Health Representative
(This signature does not guarantee project or permit approval)

Fire District:

District: Parma Fire

☑ Applicant submitted/met for official review.

Date: 8/20/24 Signed:

Authorized Fire District Representative
(This signature does not guarantee project or permit approval)

Highway District:

District: Notus-Parma Highway District

☑ Applicant submitted/met for official review.

Date: 9-18-24 Signed:

Authorized Highway District Representative
(This signature does not guarantee project or permit approval)

Irrigation District:

District:

☐ Applicant submitted/met for official review.

Date: Signed:

Authorized Irrigation Representative
(This signature does not guarantee project or permit approval)

Area of City Impact:

City:

☐ Applicant submitted/met for official review.

Date: Signed:

Authorized AOCI Representative
(This signature does not guarantee project or permit approval)

Received by Canyon County Development Services:

Date: 10/16/24 Signed: Michelle Barrus

Canyon County Development Services Staff

DISCLAIMER: THIS ACKNOWLEDGMENT IS ONLY VALID SIX MONTHS FROM THE DATE ISSUED

AGENCY ACKNOWLEDGMENT

Date:

Applicant: Riverbend-Parma Sand & Gravel Pit
Brian Burnett, Drake Investements, LLC (Representative: Mary Wall, Professional Engineering Services

Parcel Number: R3850500000

Site Address: 25192 Lemp Lane, Parma, Canyon County, ID

OFFICIAL USE ONLY BELOW THIS LINE – ACKNOWLEDGMENT ACTION:

Southwest District Health:

☑ Applicant submitted/met for official review.

Date: 08/05/2024 Signed: Anthony Lee

Authorized Southwest District Health Representative
(This signature does not guarantee project or permit approval)

Fire District: District: _____

☐ Applicant submitted/met for official review.

Date: _____ Signed: _____

Authorized Fire District Representative
(This signature does not guarantee project or permit approval)

Highway District: District: _____

☐ Applicant submitted/met for official review.

Date: _____ Signed: _____

Authorized Highway District Representative
(This signature does not guarantee project or permit approval)

Irrigation District: District: Farmers Coop Ditch Co

☐ Applicant submitted/met for official review.

Date: 18 Sept 24 Signed: by Rod Nielsen

Authorized Irrigation Representative
(This signature does not guarantee project or permit approval)

Area of City Impact: City: _____

☐ Applicant submitted/met for official review.

Date: _____ Signed: _____

Authorized AOCI Representative
(This signature does not guarantee project or permit approval)

Received by Canyon County Development Services:

Date: 10/16/24 Signed: Michelle Barrios

Canyon County Development Services Staff

DISCLAIMER: THIS ACKNOWLEDGMENT IS ONLY VALID SIX MONTHS FROM THE DATE ISSUED

Farmers Cooperative Ditch Company

9/10/2024

RE: Canyon County Conditional Use Permit, Lemp Ln Project
Brian Burnett
Kevin Rich

Thank you for your letter dated September 9th, 2024, acknowledging that you intend to retain and protect all existing ditches which cross your property and the benefits such ditches provide to carry irrigation water and irrigation return flows from upstream properties. Based upon this acknowledgement, and based upon the condition that you do in fact retain and protect all existing ditches, FCDC has no objection to your proposed project.

Please note that Canyon County has been provided a copy of this letter and agreement so as to ensure that your acknowledgment is a condition of any approval.

Thank you,

Board Member

FCDC
120 N 3rd St
Box 69
FCDC1875@gmail.com
Parma, ID. 83660

208-722-2010

September 17, 2024

Board Members
Farmers' Cooperative Ditch Company
120 N. 3rd Street
Parma, ID 83660

Dear Members of the FCDC Board,

I, Brian Burnett, as authorized agent for Drake Investments, LLC, owner of the property located at 25192 Lemp Lane in Parma, Idaho, commit to the Farmers' Cooperative Ditch Company (FCDC) that I will clean and maintain the irrigation surface waterways on my property. I understand that maintenance of the waterways on my property is critical to the functioning of the irrigation systems on upstream properties. I will work with the FCDC to assure that surface water maintenance on my property provides for continuous water flow through my property.

Signer ID: T4FPR7YD12...
Brian Burnett

09/17/2024 PDT
Date

Document ID: 2d24d5f3bdd9f2bd4dbe30cea6df745f7245e0f79c983747ba2ef4b08f5ea4c7

Signature Certificate

Envelope Ref:3c539dba73c42b0286546d4c8caee1fcdf9f34b9

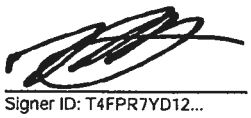
Author: Randy Wall Creator Date: 17 Sep 2024, 11:48:12, PDT Completion Date: 17 Sep 2024, 12:53:06, PDT

Document Details:

Name:	MaintenanceCommitment-240909
Type:	
Document Ref:	2d24d5f3bdd9f2bd4dbe30cea6df745f7245e0f79c983747ba2ef4b08f5ea4c7
Document Total Pages:	1

Document Signed By:

Name:	Robert Burnett
Email:	invest1977@yahoo.com
IP:	160.3.204.96
Location:	NAMPA, ID (US)
Date:	17 Sep 2024, 12:53:06, PDT
Consent:	eSignature Consent Accepted
Security Level:	Email



Signer ID: T4FPR7YD12...

Document History:

Envelope Created	Randy Wall created this envelope on 17 Sep 2024, 11:48:12, PDT
Invitation Sent	Invitation sent to Robert Burnett on 17 Sep 2024, 11:59:45, PDT
Invitation Accepted	Invitation accepted by Robert Burnett on 17 Sep 2024, 12:53:02, PDT
Signed by Robert Burnett	Robert Burnett signed this Envelope on 17 Sep 2024, 12:53:06, PDT
Executed	Document(s) successfully executed on 17 Sep 2024, 12:53:06, PDT
Signed Document(s)	Link emailed to invest1977@yahoo.com
Signed Document(s)	Link emailed to randy@pe-services.biz

September 9, 2024

Mary B. Wall
Professional Engineering Services
mary@pe-services.biz

RE: **RIVERBEND SAND AND GRAVEL PIT, 25192 LEMP LANE, PARMA, ID.**

Dear Mary:

On behalf of the Notus Parma Highway District No. 2 (NPHD), I have reviewed the application dated 07/26/2024, for the property located at 25192 Lemp Lane, Parma, ID for the subject Parcel #R3850500000.

Lemp Lane from the subject parcel north to State Highway US 20/26 is under the jurisdiction of the NPHD. The functional classification for Lemp Lane per NPHD's 2017 Transportation Plan is a Local Roadway. Existing right-of-way (R/W) at the subject parcel and along the centerline of Lemp Lane appears to be a 50-ft wide prescriptive easement (25-ft each side of roadway centerline).

Legal access to the subject parcel does not currently exist for the intended use. The applicant will be required to submit an approach application that meets the current Association of Canyon County Highway District Standards.

At this time and based upon said written information provided with the application, the following Conditions of Approval apply:

1. Application requirements shall meet 2020 ACCHD Standards.
2. A Traffic Impact Study (TIS) is required per ACCHD Section 2010 Land Use Applications. The P&Z hearing should be delayed until the TIS is complete.
3. The TIS will determine mitigation of traffic impacts from the proposed Sand and Gravel Pit. Details of the TIS scope will be determined at a scoping meeting with the Applicant, their traffic engineer, and the NPHD. The TIS shall include the following:
    a. Trip generation by the facility operations
    b. Site access including potential turn lanes
    c. Designated route to State Highway
    d. Proposed secondary access (if any)
    e. Analysis of roadway geometric vs. truck size (vehicle off tracking to identify impacts at tight intersections and curves)
    f. Intersection operation and level of service along said route
    g. Structural capacity of Lemp Lane and designated route
    h. Calculation of proportionate share of costs by the Applicant for mitigation improvements and roadway reconstruction.

4. Completion of the TIS for the required improvements (yet to-be-determined) shall be listed as a specific Condition of Approval in the event the Conditional Use Permit (CUP) is approved.
5. TIS mitigation improvements by the Applicant shall require a separate engineering plan approval and construction permits from the NPHD for Lemp Lane.
6. NPHD requires 60-ft width (30-ft half width) ultimate R/W dedicated from the centerline of a local rural road or the Section/Quarter Section Line, whichever is greater, from the applicant per ACCHD Section 3030 Right of Way.
7. Rural Roadway Spacing or Rural Roadway Driveway Spacing shall be per ACCHD Section 3061 Intersection and Approach Policy per the intended use.
8. The Applicant shall secure a Commercial Approach Permit from NPHD for the proposed access road into the site. All commercial approaches shall meet ACCHD Standard Drawing 106 and be paved 20-ft from the existing edge of pavement or to the right of way line whichever is greater per ACCHD Section 3061.
9. Lemp Lane from the subject parcel north to State Highway US 20/26 will need to be reconstructed to a Two-Lane Rural Roadway Section per Standard Drawing ACCHD-101.
10. A pre-diagnostic meeting will need to be held with Benesch to determine necessary railroad crossing improvements and permitting requirements.
11. Applicant will be required to submit a Right of Way permit application to the Idaho Transportation Department District 3 to determine necessary improvements to the approach onto State Highway US 20/26.

NPHD reserves the right to provide amended comments/conditions of approval in the event of application revision or when additional information becomes available.

NPHD requests Canyon County Development Services incorporate these comments into proposed Conditions of Approval for consideration/approval by the Planning & Zoning Commission and the Canyon County Commissioners in the event the CUP is approved.

Respectfully,

J-U-B ENGINEERS, Inc.

Timothy Blair, P.E. (ID, OR)
Area Manager - Meridian

CC:

- Lynn Troxel, NPHD#2 Director of Highways
- Jay Kiiha, White Peterson
- Zoninginfo@canyoncounty.id.gov

2024-001260
RECORDED
01/16/2024 01:09 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=2 EHOWELL $15.00
TYPE: DEED
PIONEER TITLE CANYON - CALDWELL
ELECTRONICALLY RECORDED

PioneerTitleCo.
GOING BEYOND

775 S. Rivershore Ln., Ste. 120
Eagle, ID 83616

ELECTRONICALLY RECORDED-DO NOT REMOVE THE COUNTY STAMPED FIRST PAGE AS IT IS NOW INCORPORATED AS PART OF THE ORIGINAL DOCUMENT

File No. 840155 KG/SM

WARRANTY DEED

For Value Received Paulett C. Douglas, Trustee of The Lee and Paulett Douglas Trust, dated April 15, 2020

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Drake Investments LLC, an Idaho Limited Liability Company

hereinafter referred to as Grantee, whose current address is 1125 W. Two Rivers Lane Eagle, ID 83616

The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

Together with all appurtenances, including Water Rights IDWR Water Right/Permit No. 63-4573, described in Quit Claim Deed recorded as Instrument #2020-056607

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), that the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: January 16, 2024

Paulett C. Douglas, Trustee of The Lee and Paulett Douglas Trust, dated April 15, 2020

By: Paulett C. Douglas
Paulett C. Douglas, Trustee

State of Idaho, County of Ada

This record was acknowledged before me on 1/16/24 by Paulett C. Douglas, as Trustee of The Lee and Paulett Douglas Trust, dated April 15, 2020.

Kim Geis
Signature of notary public
Commission Expires:

KIM GEIS
COMMISSION #40458
NOTARY PUBLIC
STATE OF IDAHO
MY COMM. EXPIRES JUL 30, 2027

EXHIBIT A

Parcel 1

This parcel is a portion of the SW1/4 SW1/4 of Section 29 and Government Lot 1 of Section 30 in Township 5 North, Range 4 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Southeast corner of said Government Lot 1, (SE Section Corner, Section 30), a found brass cap monument;

thence South 89°58'14" West along the South boundary of Government Lot 1 a distance of 723.53 feet to a point on the centerline of Lemp Lane, witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing North 89°58'14" East a distance of 16.75 feet;

thence traversing said centerline as follows:

North 14°12'25" West a distance of 156.29 feet;

Northwesterly 98.25 feet along the arc of a curve to the right having a radius of 214.44 feet and a central angle of 26°15'01" and a long chord which bears North 1°04'55" West a distance of 97.39 feet;

North 12°05'40" East a distance of 335.91 feet;

Northeasterly 157.20 feet along the arc of a curve to the right having a radius of 250.00 feet and a central angle of 36°01'36" and a long chord which bears North 35°15'25" East a distance of 154.62 feet;

North 57°59'48" East a distance of 540.79 feet;

Northeasterly 103.66 feet along the arc of a curve to the left having a radius of 200.00 feet and a central angle of 29°41'49" and a long chord which bears North 43°08'54" East a distance of 102.51 feet;

North 28°18'00" East a distance of 283.04 feet to a point on the
North boundary of the SW1/4 SW1/4 witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing South 89°05'56" East a distance of 17.24 feet;

thence leaving said centerline bearing South 89°05'56" East along said North boundary a distance of 1279.65 feet to a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence South 1°31'42" West a distance of 290.62 feet to a found 1/2 inch diameter rebar;

thence South 64°07'49" West a distance of 57.53 feet to a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence South 00°25'48" West 661.84 feet to a found 1/2 inch diameter rebar;

thence South 80°58'50" West a distance of 270.77 feet to a found 1/2 inch diameter rebar;

thence South 59°16'54" West a distance of 138.10 feet to a found 1/2 inch diameter rebar;

thence South 46°19'10" West a distance of 140.06 feet to a found 1/2 inch diameter rebar;

thence South 34°46'43" West a distance of 145.82 feet to a point on the South boundary of the SW1/4 SW1/4, a found 1/2 inch diameter rebar;

thence North 88°55'21" West along said South boundary a distance of 703.31 feet to the POINT OF BEGINNING.

SOUTHWEST SUPERVISORY AREA
8355 West State Street
Boise ID 83714-6071
Phone (208) 334-3488
Fax (208) 853-6372

IDAHO DEPARTMENT OF LANDS

DUSTIN MILLER, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS
Brad Little, Governor
Phil McGrane, Secretary of State
Raúl R. Labrador, Attorney General
Brandon D. Woolf, State Controller
Debbie Critchfield, Sup't of Public Instruction

July 11, 2024

Robert Burnett
Drake Investments, LLC
1125 W. Two Rivers Drive
Eagle, Idaho 83616

To whom it may concern,

This correspondence is notification that the following reclamation plan was approved on 7/11/2024:

PLAN NO.	ACRES	COUNTY	LEGAL DESCRIPTION
S603013	50.198	Canyon	T05N R04W Section 39 Pts SE ¼, Section 29 Pts SW ¼

The plan was granted approval subject to the following terms and conditions:

1. All refuse, chemical and petroleum products and equipment shall be stored and maintained in a designated location, 100 feet away from any surface water and disposed of in such a manner as to prevent their entry into a waterway.

2. State water quality standards will be maintained at all times during the life of the operation. Should a violation of water quality standards occur, mining operations will cease immediately, corrective action will be taken, and the Department of Environmental Quality will be notified.

3. Erosion and non-point source pollution shall be minimized by careful design of the site access and implementing Best Management Practices, which may include, but are not limited to:

   a. Diverting all surface water flows around the mining operation.
   b. Removing and stockpiling vegetation and slash, except merchantable timber, for use in erosion control and reclamation.
   c. Removing and stockpiling all topsoil or suitable plant growth material for use in reclamation.

4. An initial reclamation bond in the amount of $10,000 for up to 5 acres of disturbance will be submitted to and maintained with the Idaho Department of Lands prior to conducting surface mining operations.

5. If the reclamation plan is not bonded within 18 months of approval, or if no operations are conducted within three years, the department may withdraw this plan. This shall not prevent the operator from re-applying for reclamation plan approval.

6. Acceptance of this permit does not preclude the operator from obtaining other necessary permits and approvals from state and federal authorities, i.e. Storm Water Pollution Prevention Plan (SWPPP), waste water generation and/or air quality permits, consultation with the National Oceanic and Atmospheric Administration Fisheries, U.S. Army Corps of Engineers 404 Permit and Stream Channel Alteration Permits for each production process.

8. At the beginning of each calendar year the operator or plan holder shall notify the director of any increase in the acreage of affected lands which will result from the planned surface mining activity within the next twelve (12) months. A correlative increase in the bond will be required for an increase in affected acreage.

Please note -- pursuant to Idaho Code section 47-1512(a), operations cannot commence until the bond established in Stipulation No. 4 is submitted to this department. Failure to submit payment before mining commences may subject you to legal action by the state pursuant to Idaho Code section 47-1513(d), which may include issuance of an order by the district court to temporarily restrain your mining operations without prior notice to you.

If the department does not receive a written notice of objection from you regarding these stipulations by August 1, 2024, the stipulations will be considered as accepted.

If you have any questions, you may contact me at the above address or telephone number.

Sincerely,

Mekayla Layne
Resource Specialist—Lands and Waterways

IDAHO DEPARTMENT OF LANDS

APPLICATION FOR RECLAMATION PLAN APPROVAL

Reclamation Plan Number: S603013

GENERAL INFORMATION

The Idaho Mined Land Reclamation Act, Title 47, Chapter 15, Idaho Code requires the operator of a surface mine, a new underground mine, or an existing underground mine that expands the July 1, 2019 surface disturbance by 50% or more to obtain an approved reclamation plan and financial assurance. Fees are charged as shown on the attachment.

When an applicant is mining on lands administered by the U.S. Forest Service or Bureau of Land Management, it is necessary to obtain the proper federal approvals in addition to the Department of Lands. Each agency's application requirements are similar, but not exactly the same. Please review both state and federal application requirements, and develop one plan which meets the requirements of all the agencies involved.

If ponds or lakes are created during the mining process and will remain after reclamation is completed, the Idaho Department of Water Resources (IDWR) requires the operator or landowner to obtain a water right. If a water right cannot be obtained prior to a plan being submitted, then the reclamation plan must include backfilling to an elevation above the local ground water table. Bond calculations must include those backfilling costs.

After the reclamation plan has been finalized, an electronic copy or five (5) hard copies of the application package must be submitted to the appropriate Area office of the Idaho Department of Lands. When the application is received, the appropriate federal or state agencies will be notified of the application. The department shall deliver to the operator, if weather permits and the plan is complete, the notice of rejection or notice of approval of the plan within sixty (60) days after the receipt of the reclamation plan or amended plan.

All reclamation plan applications will be processed in accordance with Section 080 of the Rules Governing Mined Land Reclamation (IDAPA 20.03.02) and applicable Memorandums of Understanding with state and federal agencies.

APPLICATION INFORMATION

1. NAME: Robert B. Burnett d/b/a: Drake Investments, LLC
2. ADDRESS: 1125 W. Two Rivers Drive
   CITY, STATE, ZIP CODE: Eagle, ID 83616
3. TELEPHONE and EMAIL: 208-994-1607 (000-000-0000) invest1977@yahoo.com (e.g. john.doe@email.com)
4. DESIGNATED IN-STATE AGENT AND ADDRESS: (if Company's main place of business is 'out of state')
5. PROOF OF BUSINESS REGISTRATION (if applicable): If applicant is a business, please attach proof of registration with the Idaho Secretary of State.
6. LEGAL DESCRIPTION (Section, Township, and Range) TO THE QUARTER-QUARTER SECTION:
   A ptn of SW 1/4 of the SW 1/4 Section 29 AND ptn of SE 1/4 of the SE 1/4 Section 39, T5N, R4W
7. ACREAGE and COUNTY(ies): 50.198 (Acres) Canyon County (e.g. Ada through Washington)
8. OWNERSHIP: (check applicable)
   ☒ Private ☐ U.S. Forest Service ☐ Bureau of Land Management ☐ Idaho Department of Lands
9. COMMODITY TYPE, PROPOSED START-UP DATE: Sand & Gravel, Start date 9/15/24
10. SITE NAME OR MINE NAME (if any): Riverbend-Parma Gravel Pit
11. TYPE OF MINING: (check applicable) ☒ Surface ☐ Underground ☐ Both

Fee: See Attached Schedule, page 3

Document ID: f441aa7f7841f4483bb526c1bf2e9f3e3281e47a57c628608dfcb2f77abe6b5

12. Please provide the following maps of your mining operation (Subsections 069.04 or 070.03 of IDAPA 20.03.02):

    a. A vicinity map prepared on a standard USGS 7.5' quadrangle map or equivalent.

    b. A site map which adequately shows the location of existing roads, access roads, and main haul roads which would be constructed or reconstructed for the operation. Also, list the approximate dates for construction, reconstruction, and abandonment.

    c. On a site location map, show the following;

        i. The approximate location and names, if known, of drainages, streams, creeks, or bodies of water within 1,000 feet of the surface mining operation.

        ii. The approximate boundaries and acreage of the lands:

            1. That will become affected by the mining operation.

            2. That will be affected during the first year of operations.

            This map must be of appropriate scale for boundary identification.

        iii. The planned configuration of all pits, mineral stockpiles, overburden piles, topsoil stockpiles, sediment ponds, and tailings facilities that will be developed by the mining operation.

        iv. Location of all underground mine openings at the ground surface, if any.

        v. The planned location of storage for fuel, equipment maintenance products, wastes, and chemicals utilized in the surface mining operation.

    d. A surface and mineral control or ownership map of appropriate scale for boundary identification.

    e. Scaled cross-sections of the mine showing surface profiles prior to mining, at maximum disturbance, and after reclamation.

13. A reclamation plan must be developed and submitted in map and narrative form (Subsections 069.05 or 070.04 of IDAPA 20.03.02). The reclamation plan must include the following information:

    a. On a drainage control map show and list the best management practices which will be utilized to control erosion on or from the affected lands.

    b. A description of foreseeable, site specific water quality impacts from mining operations and proposed water management activities or BMPs to comply with water quality requirements.

    c. A description of post-closure activities, if any, such as water handling and treatment.

    d. Which roads will be reclaimed and a description of the reclamation.

    e. A revegetation plan which identifies how topsoil or other growth medium will be salvaged, stored and replaced in order to properly revegetate the area. Identify soil types, the slope of the reclaimed areas, and precipitation rates. Based on this information, identify the seed species, the seeding rates, the time and method of planting the soil, and fertilizer and mulch requirements.

    f. Describe and show how tailings facilities and process or sediment ponds will be reclaimed.

    g. Dimensions of underground mine openings at the surface and description of how each mine opening will be secured to eliminate hazards to human health and safety.

    h. For operations over five (5) acres, estimate the actual cost of third party reclamation including direct and indirect costs for mobilization, re-grading, seed, fertilizer, mulch, labor, materials, profit, overhead, insurance, bonding, administration, and any other pertinent costs as described in IDAPA 20.03.02.120.

APPLICANT SIGNATURE: _____ **DATE:** 05/01/2024 PDT

Signer ID: T4FPR7YD12...

Fee: See Attached Schedule, page 3

Document ID: f441aa7f7841f4f483bb526c1bf2e9f3e3281e47a57c628608dfcb2f77abe6b5

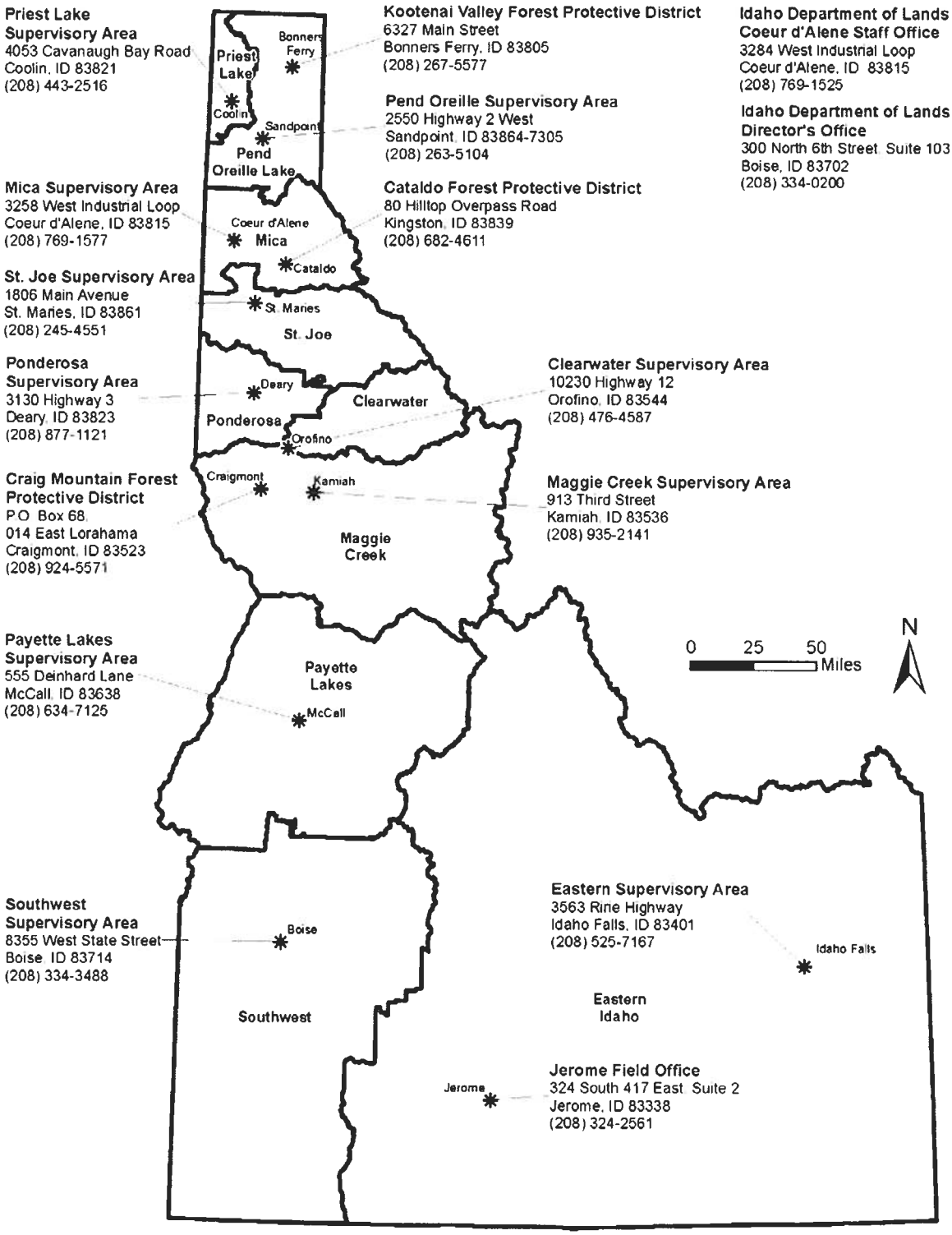
Application Fee Schedule

Acres are determined by the number entered in item 7 on the Application Form.

Type of Plan	Fee (Dollars)
Section 069* of IDAPA 20.03.02, Reclamation Plan 0 to 5 acres	Five hundred ($500)
Section 069 of IDAPA 20.03.02, Reclamation Plan >5 to 40 acres	Six hundred ($600)
Section 069 of IDAPA 20.03.02, Reclamation Plan over 40 acres	Seven hundred fifty ($750)
Section 070** of IDAPA 20.03.02, Reclamation Plan 0 to 100 acres	One thousand ($1,000)
Section 070 of IDAPA 20.03.02, Reclamation Plan >100 to 1000 acres	One thousand five hundred ($1,500)
Section 070 of IDAPA 20.03.02, Reclamation Plan >1000 acres	Two thousand ($2,000)
* Section 069 is for gravel pits, quarries, decorative stone sources, and simple industrial mineral mines	
** Section 070 is for hardrock, phosphate, and underground mines, and complex industrial mineral mines	

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Idaho Department of Lands
Management Areas



Document ID: f441aa7f7841f4f493bb526c1bf2e9f3e3281e47a57c628608dfcb2f77abe6b5

Signature Certificate

Envelope Ref:7b83cf9d84c57b03d417a0ce690ff93aaa6bd136

Author: Randy Wall | Created: 01 May 2024, 09:21:47, PDT | Completed: 01 May 2024, 09:44:02, PDT

Document Details:



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Type:

Document Hash: f441aa7f7841f4f493bb526c1bf2e9f3e3281e47a57c628608dfcb2f77abe6b5

Document Total Pages: 4

Document Signed By:

Name: Robert Burnett

Email: invest1977@yahoo.com

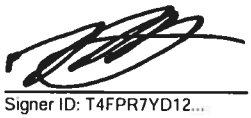
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Location: ARROYO GRANDE, CA (US)

Time: 01 May 2024, 09:44:02, PDT

Consent: eSignature Consent Accepted

Signing Event: Email



Signer ID: T4FPR7YD12...

Document History:

Envelope Created	Randy Wall created this envelope on 01 May 2024, 09:21:47, PDT
Invitation Sent	Invitation sent to Robert Burnett on 01 May 2024, 09:24:21, PDT
Invitation Accepted	Invitation accepted by Robert Burnett on 01 May 2024, 09:43:53, PDT
Signed by Robert Burnett	Robert Burnett signed this Envelope on 01 May 2024, 09:44:02, PDT
Executed	Document(s) successfully executed on 01 May 2024, 09:44:02, PDT
Signed Document(s)	Link emailed to invest1977@yahoo.com
Signed Document(s)	Link emailed to randy@pe-services.biz

Foxit ESIGN

PROFESSIONAL
ENGINEERING
SERVICES

RIVERBEND-PARMA GRAVEL PIT
SUPPLEMENTAL INFORMATION FOR THE APPLICATION OF RECLAMATION PLAN APPROVAL

Located at 25192 Lemp Lane, Parma, Idaho

Prepared by:
Mary B. Wall, PE
Professional Engineering Services
5636 N. Portsmouth Ave.
Boise, ID 83714

April 26, 2024

Table of Contents

I. Addressing Item 12, Application for Reclamation Plan Approval 3

II. Addressing Item 13, Application for Reclamation Plan Approva 4

Exhibits

Vicinity Map ..... Exhibit 1

Property Ownership Map ..... Exhibit 2

Site Map ..... Exhibit 3

Site Map with Water Ways ..... Exhibit 4

Operations Location Map ..... Exhibit 5

Cross-Section Location Map ..... Exhibit 6

Cross-Sections – Pre- and Post-Mining ..... Exhibit 7

Drainage Control Map .....Exhibit 8

Final Activities & Revegetation Map ..... Exhibit 9

Opinion of Probable Cost for Reclamation ..... Exhibit 10

I. Addressing Item 12, Application for Reclamation Plan Approval

a. Exhibit 1 provides the vicinity map showing the site location. The property is located at 25192 Lemp Lane, Parma, Idaho.

b. The main haul road is Lemp Lane which will get trucks from the gravel pit to Highway 20/26. This road is shown on Exhibit 3. An onsite temporary haul road will be constructed at the start of the mining operations and will be gradually abandoned as the mining activity in the gravel pit moves west. Ongoing maintenance of Lemp Lane will be provided during gravel mining operations and will be left in good condition upon the conclusion of the mining activity. Mining operations are estimated to start in September 2024 and conclude in September 2044.

c.

   I. Exhibit 4 provides approximate locations and names, if known, of the bodies of water within 1,000 feet of the surface mining operations. Waterways in the immediate vicinity of the mining operation primarily consist of irrigation supply ditches and irrigation waste ditches. The irrigation waste ditches discharge into the Boise River, located approximately 2400 feet south of the mining site.

   II. Exhibits 2 and 3 provide property ownership information and the gravel pit property boundary. Exhibit 3 shows the limits of the gravel mining operation and the area affected during the first couple years of operation.

   III. Exhibit 5 shows the planned configuration of the gravel pit, stockpile area, staging area and sediment ponds/dewatering area.

   IV. All mining will be surface mining. There will be no underground mine openings on the property.

   V. Fuel will be stored in a mobile fuel storage container which will be located in the staging area shown on Exhibit 5. No other equipment maintenance products, wastes, or chemicals will be stored on site.

d. Exhibit 2 is the Ownership Map and provides ownership information, assessor's parcel number, and parcels size for the proposed gravel pit site and the surrounding properties. The property is owned by Drake Investments, LLC. The gravel pit operation will be conducted by Superior Construction.

e. Exhibit 6 provides the cross-section location and Exhibit 7 provides the cross-section view of the mine prior to mining, at maximum disturbance, and after reclamation.

II. Addressing Item 13, Application for Reclamation Plan Approval

a. Exhibit 8 is the Drainage Control Map which shows the general slope of the property prior to any mining activity. The property generally slopes towards the waste ditch on the north side of the mining operations area. A berm will be placed on the south side of the waste ditch and the entire operations area will be sloped towards the gravel pit area to prevent any surface water from leaving the site.
   Sediment ponds will be excavated as needed during operations. Ponds will be cleaned as needed and sediment will be moved to the overburden storage area.

b. Site specific water quality impacts from mining operations will be addressed as outlined in the above section.

c. No post-closure (post-reclamation) activities will be required.

d. All existing roads will be maintained during mining operations and will be left in good condition when mining activities cease.

e. See Exhibit 9 for final activities and revegetation information. Topsoil will be salvaged and stockpiled in the stockpile area shown on Exhibit 5. The main pit area will be used as a pond fed by groundwater. The fine sandy loam topsoil will be spread on the upper reclaimed slopes and other disturbed areas onsite at a minimum depth required for healthy plant growth and track-walked to control erosion. Grass seed and fertilizer recommendations follow. Straw mulch will be applied as needed.

Seed Mix:

Bluebunch Wheatgrass	20%
Idaho Fescue	15%
Indian Ricegrass	15%
Needle and Thread	1%
Prairie Junegrass	10%
Thickspike Wheatgrass	15%
Sand Dropseed	14%
Sandberg Bluegrass	10%

Application Rate: 15.4 pounds per acre

Seeding Time:

The optimal seeding time shall be in the fall, between mid-September and mid-October. If seeding is applied too early or too late and proper germination has not been established prior to fall dormancy, then reseeding shall be applied in early spring, as soon as soil is workable, not muddy, and between the months of March and May. This seeding window provides the typical optimal weather conditions for seed germination and survival. Dormant

seeding after November 20th helps to ensure that germination does not occur prior to the following spring growing season and should be installed prior to freezing weather conditions.

Fertilization:
Fertilization is not recommended for reclamation seeding due to promotion of the encouraged weed presence. Soil amendments might be recommended if soil conditions are unsuitable for proper seed germination and growth based on existing soil testing conditions.

f. For final reclamation, sediment ponds will be filled with materials from the mining operation and capped with topsoil from the stockpile area.

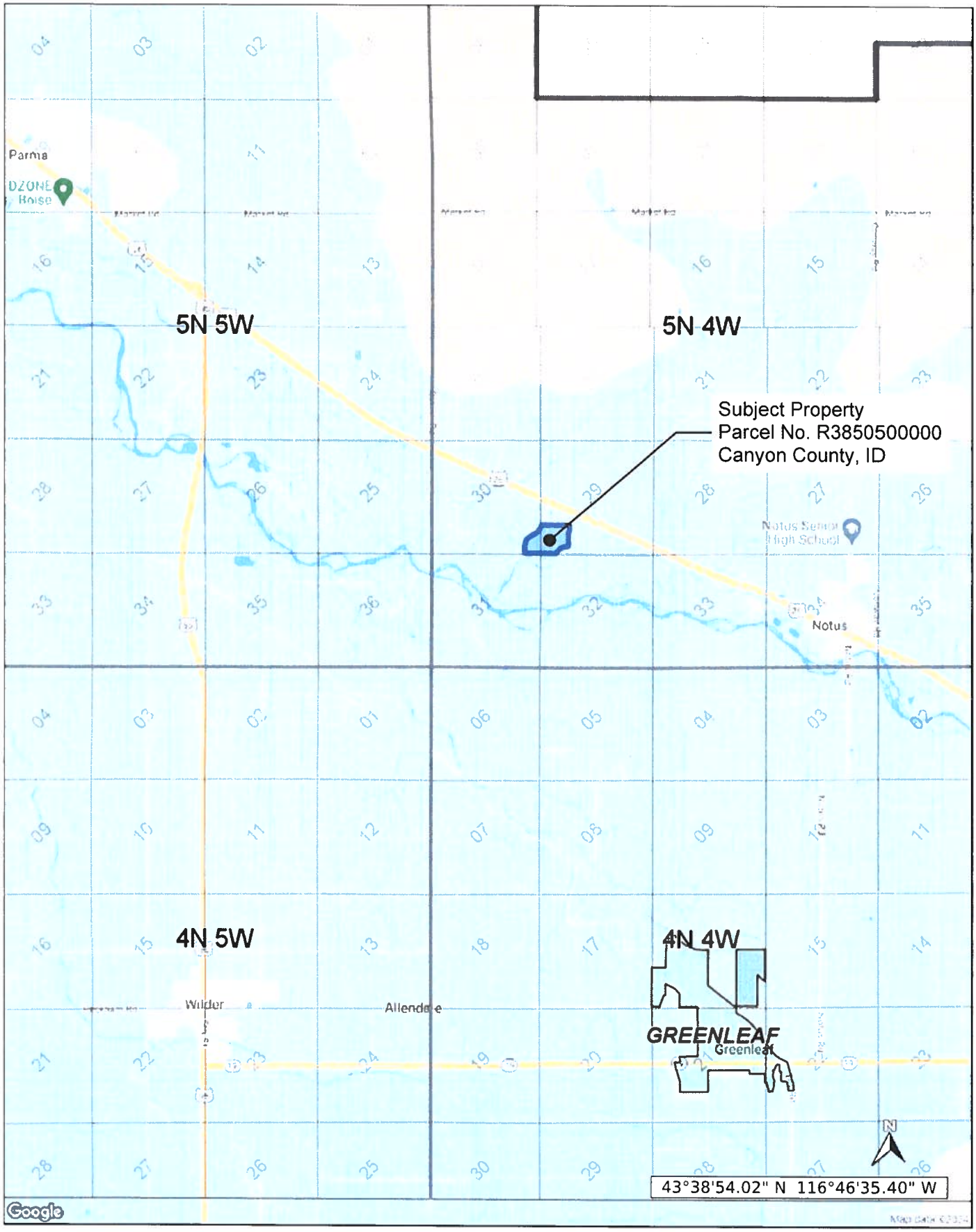
g. There will be no underground mine openings on this site. All mining activity is surface mining of sands and gravels.

h. The estimate of the actual cost of third-party post-mining reclamation of the site is $69,563. Exhibit 10 provides a detailed cost estimate.

Vicinity Map

Riverbend - Parma Gravel Pit
25192 Lemp Lane
Canyon County, ID

Exhibit 1



Apr 02, 2024 - landproDATA.com
Scale: 1 inch approx 6000 feet

The materials available at this website are for informational purposes only and do not constitute a legal document.

Property Ownership Map

Riverbend - Parma Gravel Pit

Exhibit 2



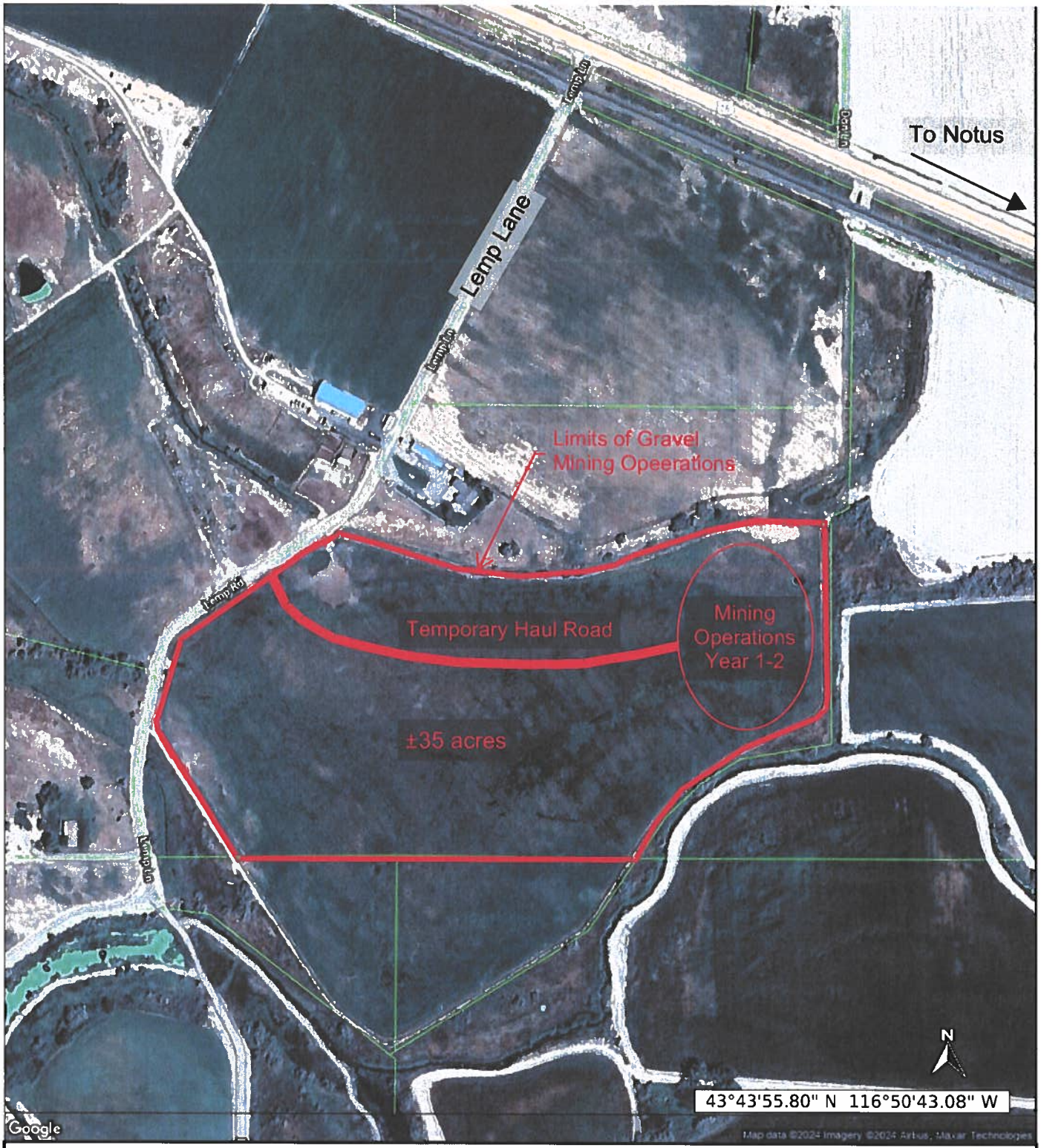
Apr 16, 2024 - landproDATA.com
Scale: 1 inch approx 400 feet

The materials available at this website are for informational purposes only and do not constitute a legal document.

Site Map

Riverbend - Parma Gravel Pit

Exhibit 3



On-going maintenance of Lemp Lane shall be provided during periods of gravel mining operations. Road shall be left in good conditions upon conclusion of mining activity.
On-site haul road shall be constructed at the start of mining operations and shall be temporary. This road shall be progressively abandoned as mining operations move to the west.

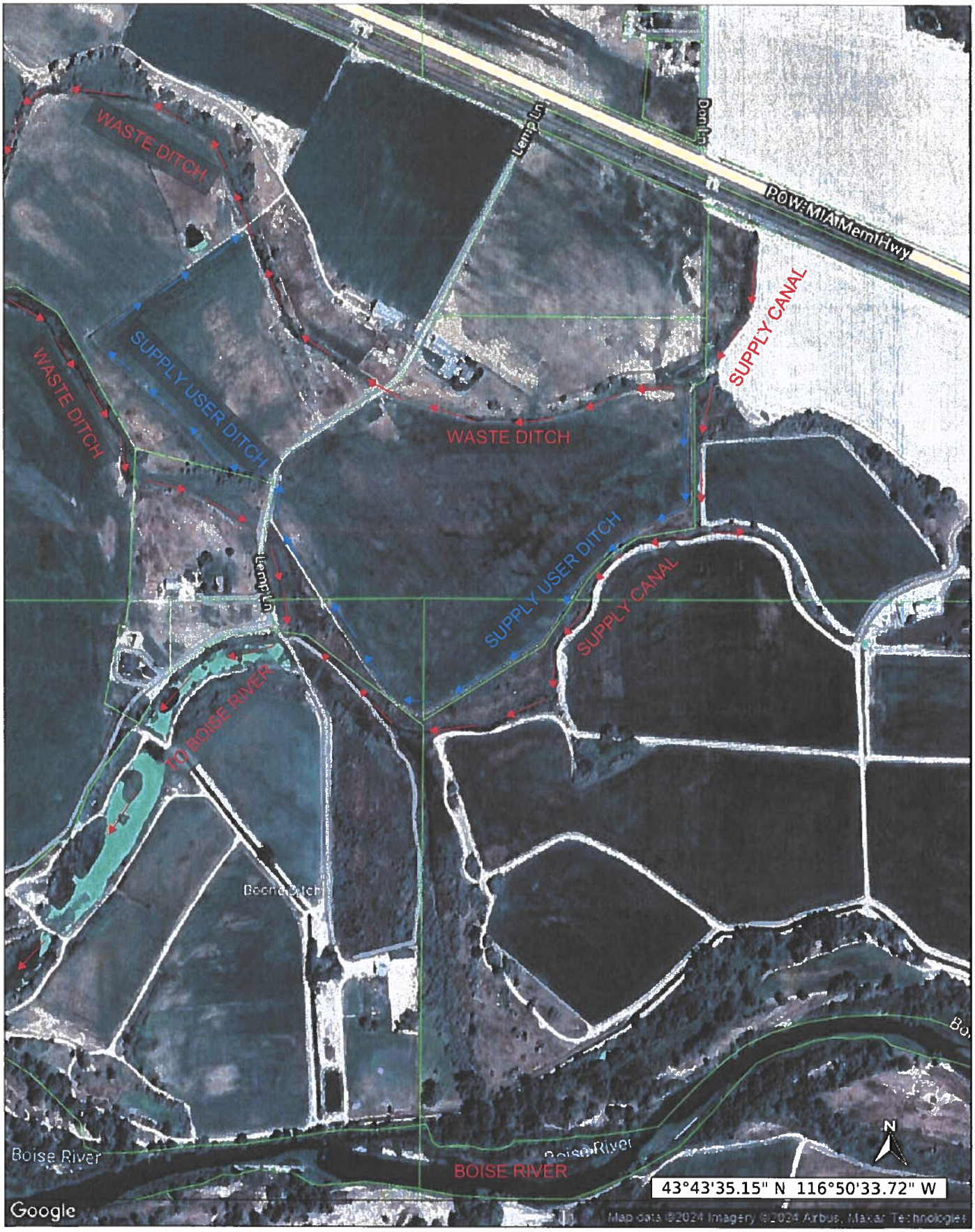
Apr 24, 2024 - landproDATA.com
Scale: 1 inch approx 400 feet

The materials available at this website are for informational purposes only and do not constitute a legal document.

Site Map with Water Ways

Riverbend - Parma Gravel Pit

Exhibit 4



Apr 24, 2024 - landproDATA.com
Scale: 1 inch approx 600 feet

The materials available at this website are for informational purposes only and do not constitute a legal document.

Operations Locations

Riverbend - Parma Gravel Pit

Exhibit 5



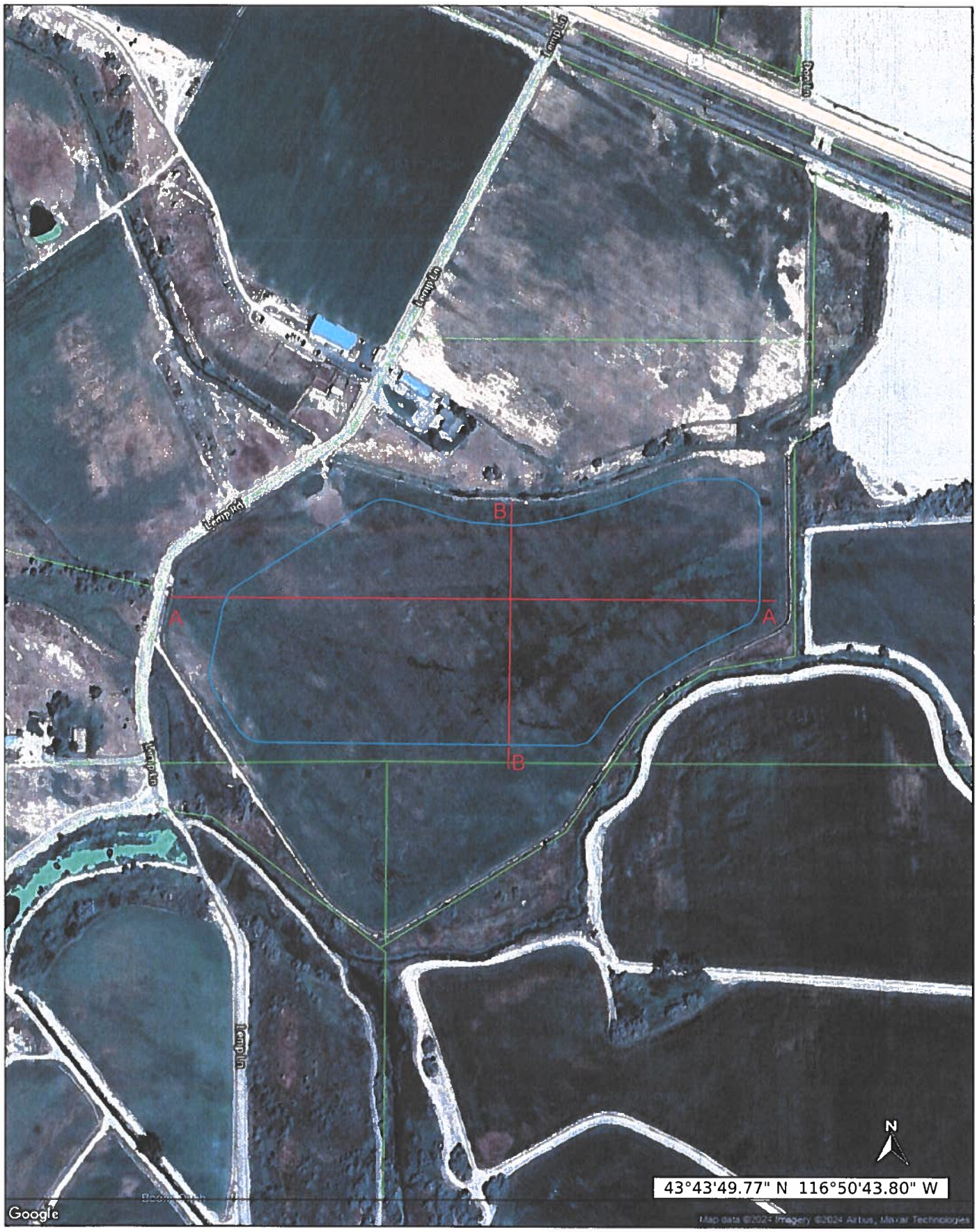
Apr 24, 2024 - landproDATA.com
Scale: 1 inch approx 400 feet

The materials available at this website are for informational purposes only and do not constitute a legal document.

Cross-Section Location Map

Riverbend - Parma Gravel Pit

Exhibit 6

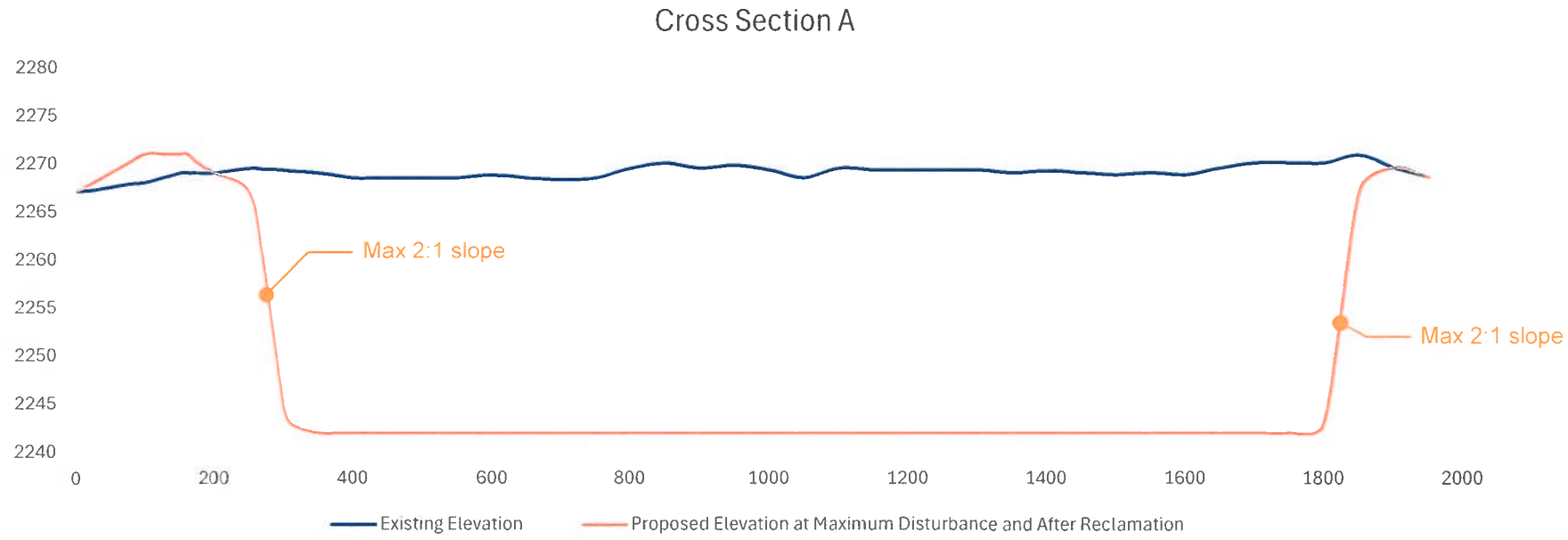


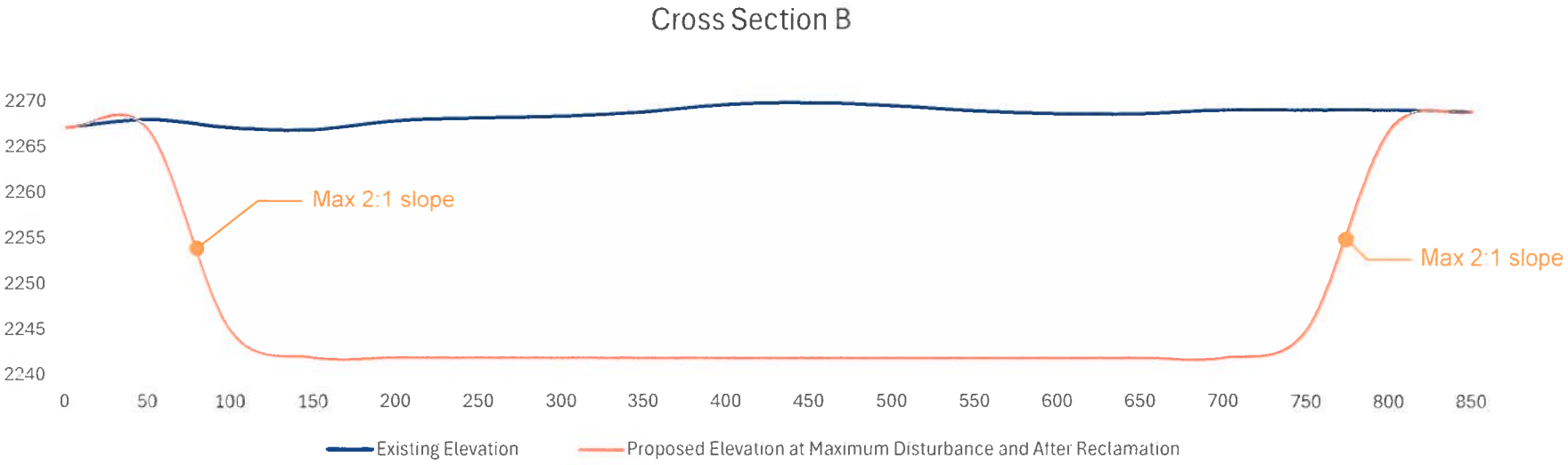
Apr 26, 2024 - landproDATA.com
Scale: 1 inch approx 400 feet

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Cross-Sections - Pre- and Post- Mining
Riverbend - Parma Gravel Pit

Exhibit 7

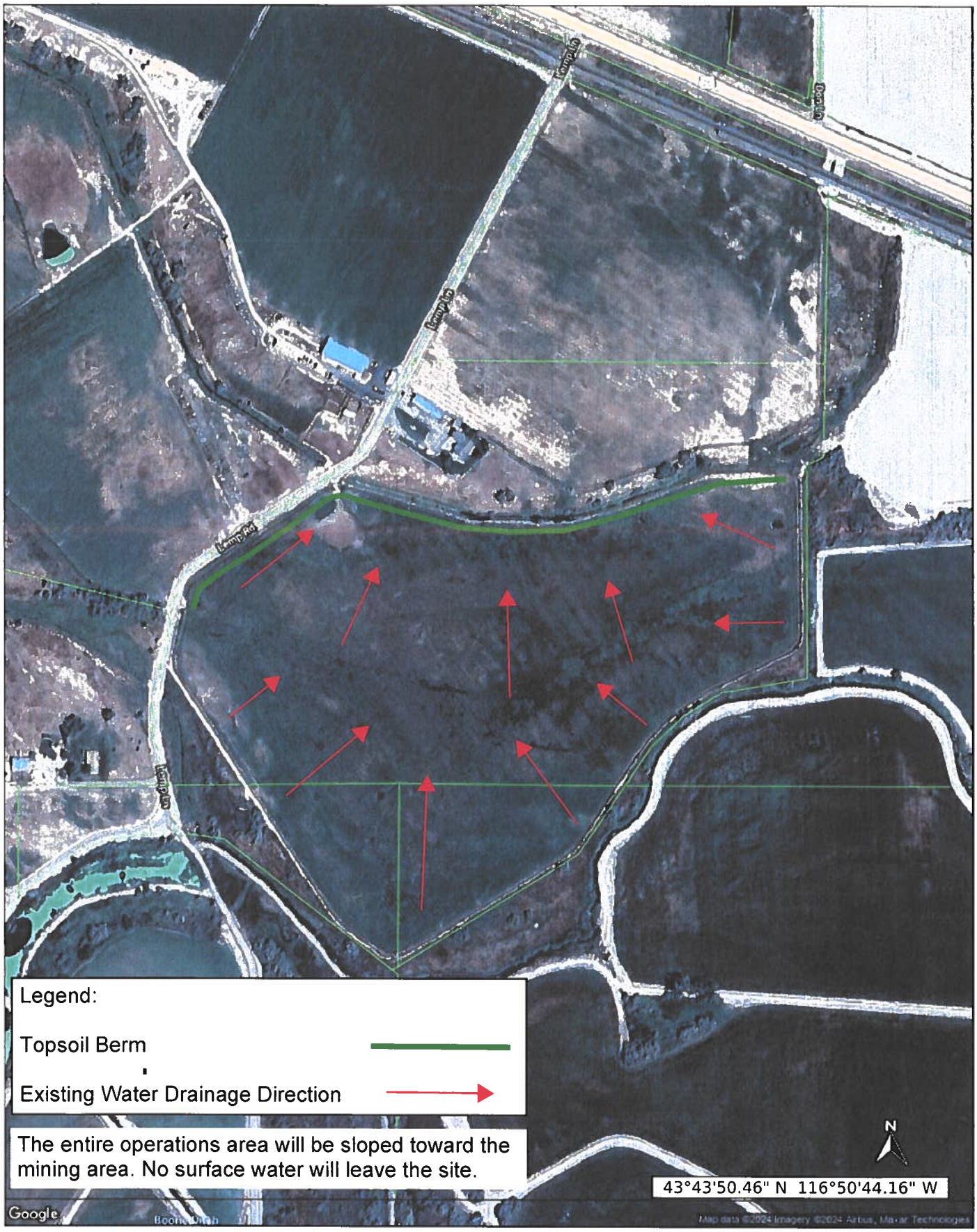




Drainage Control Map

Riverbend - Parma Gravel Pit

Exhibit 8



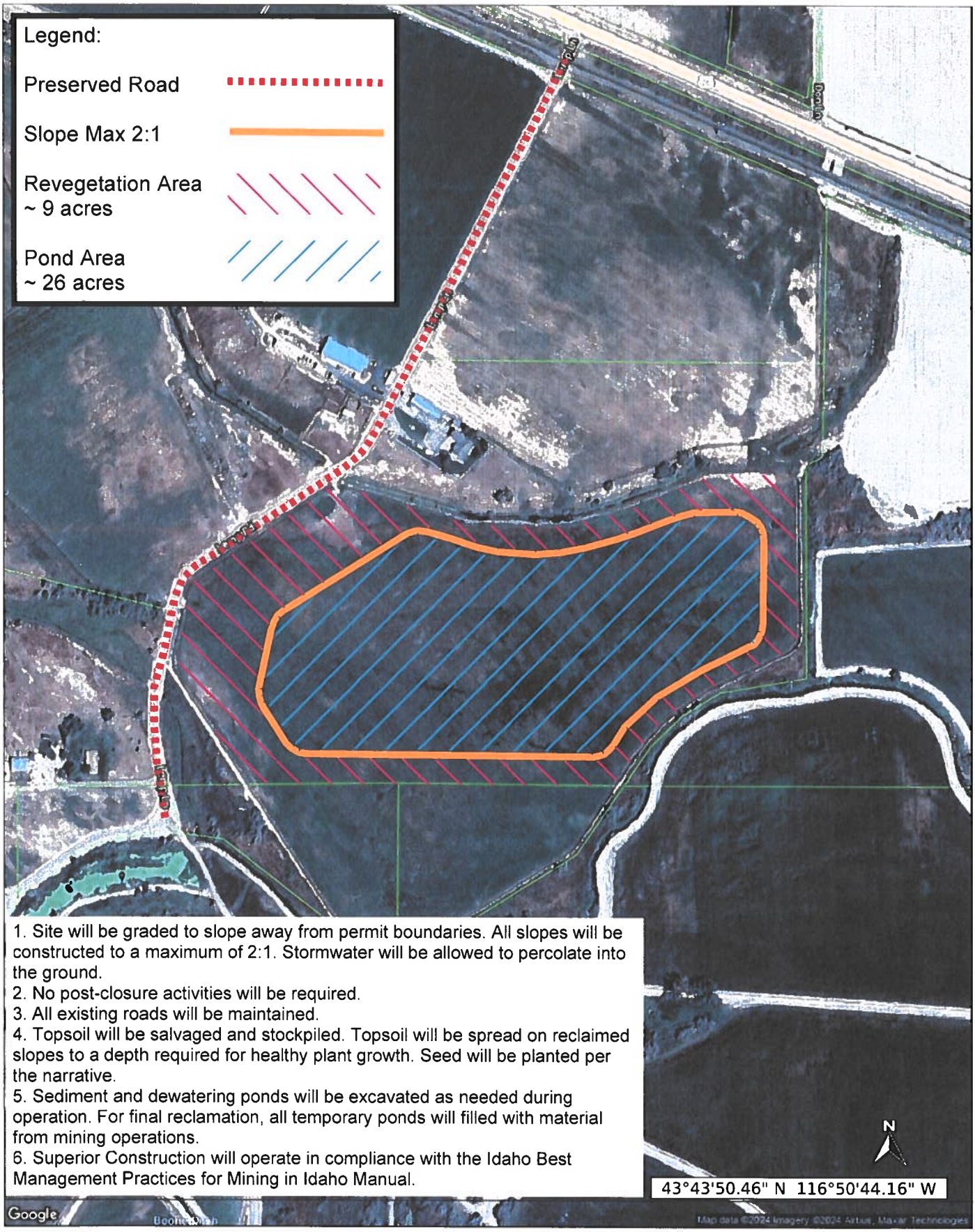
Apr 24, 2024 - landproDATA.com
Scale: 1 inch approx 400 feet

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Final Activities & Revegetation Map

Riverbend - Parma Gravel Pit

Exhibit 9



Apr 24, 2024 - landproDATA.com
Scale: 1 inch approx 400 feet

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PROFESSIONAL ENGINEERING SERVICES

EXHIBIT 10

Opinion of Probable Cost for:

Riverbend-Parma Gravel Pit Reclamation

April 25, 2024

Total area of property: 50.198 acres

Area impacted by gravel mining activity: 35 acres

Area of proposed pond in mined area: 26 acres

Estimated area of reclamation: 9 acres

No.	Description	Amount	Unit	Unit $		Total $
1	Mobilization	1	LS	12,000	$	12,000
2	Minor Grading/Earthwork	1	LS	18,000	$	18,000
3	Placement of stockpiled overburden	9	Acres	2,500	$	22,500
4	Tractor with seed spreader	9	Acres	200	$	1,800
5	Seed & Fertilizer Application	9	Acres	150	$	1,350
				Construction Subtotal =	$	55,650
				Subtotal =	$	55,650
				25% Profit, Overhead, Bonding, etc. =	$	13,913
				Total Preliminary Estimate =	**$**	**69,563**

Cost per acre based upon area impacted by mining activity: ***$ 1,988***

Cost per acre based upon the estimated area of reclamation (excludes pond): ***$ 7,729***

IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082
Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

August 06, 2024

ROBERT BURNETT
1125 W TWO RIVERS LN
EAGLE ID 83616-7129

RE: Permit No. 63-35547

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact me at 208-605-4629.

Sincerely,

Marina Bozdog

Marina Bozdog
for Cody Parker
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 06, 2024, I served a true and correct copy of Permit to Appropriate Water No. 63-35547 by U.S. Mail, postage prepaid, to the following:

ROBERT BURNETT (Current Owner)
1125 W TWO RIVERS LN
EAGLE ID 83616-7129

MARY WALL (Representative)
5636 N PORTSMOUTH AVE
BOISE ID 83714-1560

Marina Bozdog

Marina Bozdog
Technical Records Specialist 1

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 63-35547

Priority: May 21, 2024 **Maximum Diversion Volume:** 638 AF

This is to certify that

ROBERT BURNETT 1125 W TWO RIVERS LN EAGLE ID 83616-7129

has applied for a permit to appropriate water from:

Source : GROUND WATER

and a permit is APPROVED for development of water as follows:

Beneficial Use	**Period of Use**	**Annual Volume**
AESTHETIC STORAGE	01/01 to 12/31	638 AF

Location of Point(s) of Diversion
GROUND WATER SW¼ SW¼, Sec. 29, Twp 05N, Rge 04W, B.M. CANYON County

Place of Use: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	04W	30																X L1	
05N	04W	29									X	X	X	X					

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2029.**
2. Subject to all prior water rights.
3. This right authorizes a total annual storage volume of 638 acre-feet, 585 acre-feet to be used for the initial filling or carryover storage of the pond and 53 acre-feet for the replacement of losses caused by evaporation.
4. The pond established by the storage of water under this right shall not exceed a total capacity of 585 acre-feet or a total surface area of 26 acre(s).
5. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 63-35547

6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
7. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 31st day of JULY, 2024.

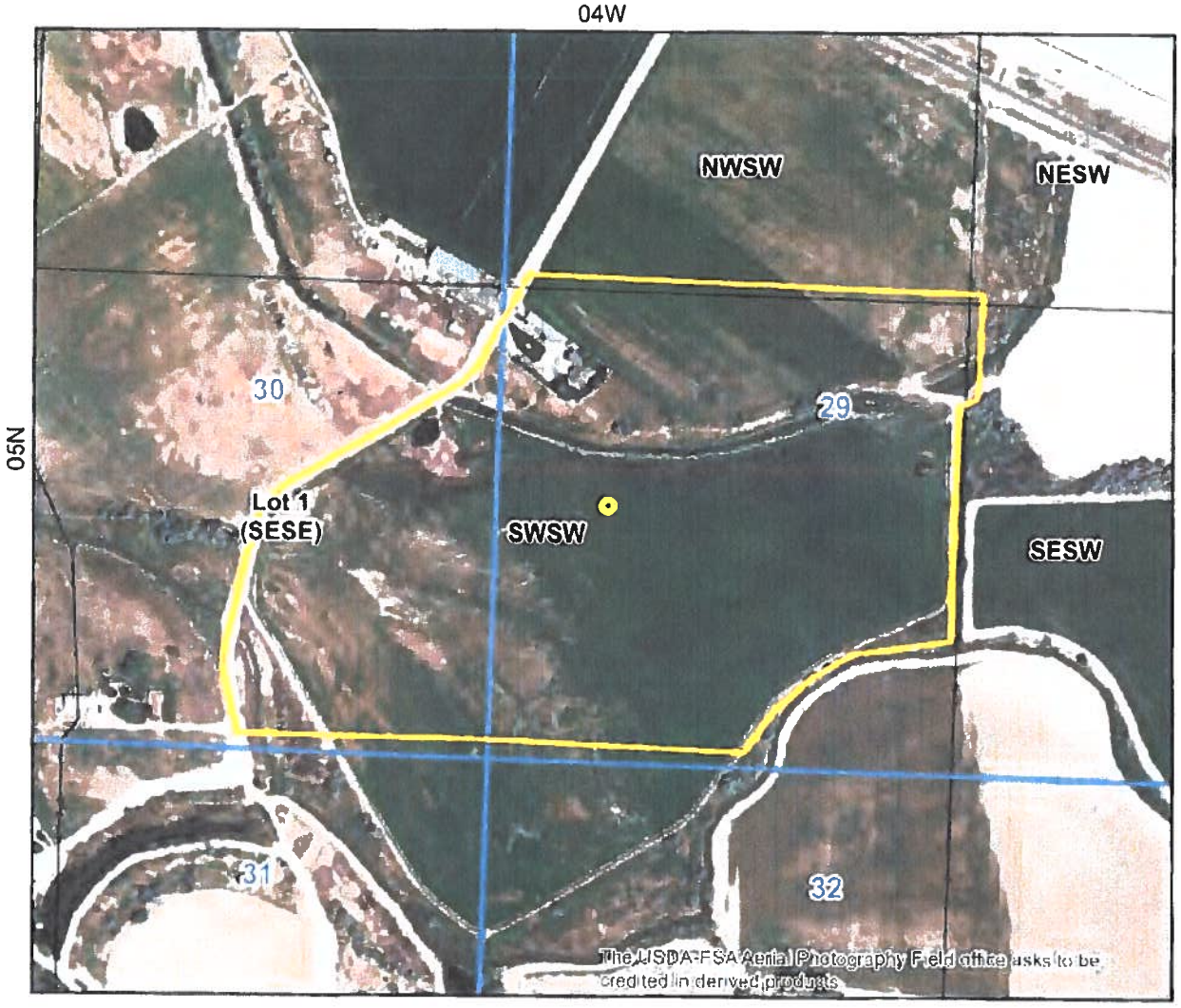
CODY PARKER
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-35547

This map depicts the AESTHETIC STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.05 0.1 0.2 Miles

Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion
State Outline

N

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

IDAHO
Secretary of State's Office

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Business Search

Searching starts with your entered keyword.

Drake

Advanced Search Options

Results: 1

Form Info	Statu
	Active Existi

Request Certificate

Filing Type	Limited Liability Company (D)
Status	Active-Existing
Formed In	IDAHO
Term of Duration	Perpetual
Principal Address	1026 W TWO RIVERS LANE EAGLE, ID 83616
Mailing Address	1125 W TWO RIVERS LN EAGLE, ID 83616-7129
Initial Filing Date	04/16/2019
AR Due Date	04/30/2025
Registered Agent	Noncommercial 0186752 Brian Burnett 1125 W TWO RIVERS LANE EAGLE, ID 83616

View History

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PROFESSIONAL ENGINEERING SERVICES

Document Submittal Summary for:

Riverbend-Parma Gravel Pit Conditional Use Permit

September 30, 2024

No.	Enclosure
1	Master Application
2	Conditional Use Permit (CUP) Checklist
3	Conditional Use Permit Application
3A	CUP Credit Card Authorization Form
4	CUP Letter of Intent
5	Site/Operation Plan
6	CUP Land Use Worksheet
7	Neighborhood Meeting Documentation
8	Proof of Application/Communication with other required Agencies
9	Property Deed
10	Department of Lands Reclamation Plan S603013 w/Approval Letter
11	Water Rights Permit Approval
12	Flood Plain Development Permit Application
13	Flood Plain Development Permit Credit Card Authorization Form
14	Flood Plain Development Permit Detailed Letter
15	Drake Investments, LLC-showing Robert Brian Burnett as registered Agent

Exhibit 3B2:

PROFESSIONAL ENGINEERING SERVICES

September 30, 2024

Carl Anderson, Planning Supervisor
Canyon County Development Services
111 N. 11th Avenue, Room 311
Caldwell, ID 83605

Re: Conditional Use Permit Application for Riverbend-Parma Gravel Pit Operations
Parcel #R3850500000, 25192 Lemp Lane, Parma, ID
Letter of Intent

Dear Mr. Anderson,

We are pleased to submit the above referenced applications for the proposed Riverbend-Parma Gravel Pit (hereinafter the "Project") on behalf of our client, Drake Investments, LLC. Included with this Letter of Intent you will find the required applications and required documents for the Conditional Use Permit to allow approval for the proposed sand and gravel mining operations on the subject property.

The project site is a 51-acre parcel located at 25192 Lemp Lane, Parma, Idaho. The project will consist of surface mining of the sands and gravel out of approximately 26 acres of the lower portion of the property. The 15-acres of property on the bench will not be impacted by the mining operation. Upon conclusion of the mining activities the gravel pit will become a pond and all areas outside of the pond will be revegetated in accordance with the approved Reclamation Plan issued by the Idaho Department of Lands on July 11, 2024. A water right has been obtained for the resulting pond and a copy of that water right approval is included with this application package.

The following section addresses the information required in the Conditional Use Permit Letter of Intent Checklist:

1) *State the nature of the request. Include a description of business operations, such as number of employees, hours of operation, delivery and shipping.*

   a) The request is for approval of a sand and gravel extraction operation (gravel pit) over approximately 26 acres of the subject property. All mining shall be surface mining. Upon completion of the removal of the sand and gravel the resultant gravel pit will be allowed to fill with groundwater to create a 26-acre aesthetic pond.
   It is anticipated that the mining operation will have six (6) employees, operating from 7am to 7pm seven days per week at peak operation. Operations will include the heavy equipment required to mine and stockpile the sand and gravel, crushing and screening equipment to process the sand and gravel, in addition to the trucks that haul the mined materials from the site. During periods of peak operation an average of 50 trucks per day will haul the sand and gravel from the site. The proposed extraction period will not exceed 20 years.

2) *Consistency with the Comprehensive Plan.*

a) The proposed use is consistent with multiple goals and policies of the Canyon County "Growing Together Comprehensive Plan 2030" including but not limited to:

i) Property Rights Policy P1.01.01 – "No person shall be deprived of private property without due process of law". Mineral extraction is allowed by conditional use in the "A" Agricultural zoning.

ii) Population Goal G2.02.00 – "Promote housing, business, and service types needed to meet the demand of future and existing population". The proposed gravel pit will provide needed materials to support maintenance of existing infrastructure as well as provide material for future construction and growth throughout Canyon County. The gravel pit will also provide up to six (6) new jobs.

iii) Economic Development Policy P3.01.01 – "Direct business development to locations that can provide the necessary services and infrastructure". The only infrastructure required for the proposed gravel pit is the roadways required to haul extracted materials. The required roads already exist. The gravel pit creates economic development for the County without requiring additional infrastructure.

iv) Economic Development Policy P3.01.02 – "Support suitable sites for economic growth and expansion compatible with the surrounding area." Mineral extraction is allowed by conditional use in the "A" Agricultural zoning.

v) Land Use and Community Design Policy P4.01.01 "Maintain a balance between residential growth and agriculture that protects the rural character." Mineral extraction is allowed by conditional use in the "A" Agricultural zoning. The proposed gravel pit will eventually become a large pond which will add to, and protect, the rural character of the area.

vi) Land Use and Community Design Policy P4.05.02 "Consider development on poor soils (Class 4 or higher) that will not interfere with viable agricultural operations in the area." Per the Irrigated Soil Capability map (P. 41 of the Comprehensive Plan) the proposed gravel pit is located in an area of Class IV and Class V soils which are not highly suitable for agriculture so proposed mineral extraction, which is allowed by conditional use in the Ag zoning, would be an appropriate use of this land.

vii) Land Use and Community Design Policy P4.07.02 "Discourage incompatible development near existing agricultural businesses that would cause the operator undue hardship through complaints, traffic, or other complications." Mineral extraction is allowed by conditional use in the "A" Agricultural zoning and is an appropriate use within the agricultural uses in the area.

viii) Natural Resources and Hazards Policy P5.03.01 "Sand and gravel mining operations should be located to avoid adverse impacts to the river channel and promote compatibility with adjacent uses." The proposed gravel pit is located within the AE flood zone but is located a minimum of 2,400 feet from the Boise River and will not adversely affect the river.

ix) Natural Resources and Community Design Policy P5.04.01 "Consider the suitability of soil composition in all land-use decisions." Per the Irrigated Soil Capability map (P. 41 of the Comprehensive Plan) the proposed gravel pit is located in an area of Class IV and Class V soils which are not highly suitable for agriculture. Class IV soils have very severe limitations that restrict choice of plants and require very careful management. The shallow sand and gravel limit the agriculture use of this area but provide for relatively easy extraction of the sand and gravel.

x) Agriculture Policy P12.04.01 "Encourage new development adjacent to agricultural areas to be designed to minimize conflicts with adjacent agricultural uses." Development of the proposed gravel pit has been laid out so that it will not disrupt or destroy any irrigation canals, ditches, laterals, drains, and associated irrigation works or rights-of-way. Mineral extraction is allowed by conditional use in the "A" Agricultural zoning and does not create conflict with adjacent agricultural uses.

3) *Address potential impacts to property in the immediate vicinity and character of the area.*

a) There are four residences on Lemp Lane, not including the residence on the subject property, that will be impacted by the gravel pit. The primary impact will be the additional traffic created by the trucks hauling the sand and gravel to its place of use. At peak operation there will be an average of one truck every 14 minutes, this will not cause traffic delays for the residents or cause conflict with adjacent agricultural uses. The contractor will minimize the impacts of the trucks and the mining operation by providing dust control and ongoing maintenance of Lemp Lane.

4) *Demonstrate how facility and utilities such as water, sewer, irrigation, drainage and stormwater will be provided.*

The proposed project is the surface mining of the sands and gravels on the 26-acres shown on exhibits. No water, sewer, or irrigation facilities are required for the proposed project. All stormwater drainage will be retained onsite as outlined in the approved Reclamation Plan submitted to the Idaho Department of Lands.

5) *Demonstrate legal access.*

The subject property extends to the centerline of Lemp Lane and has legal access across Lemp Lane to access Highway 20/26 per Record of Survey recorded in Canyon County, Instrument #2024-001013.

6) *Address potential impacts to existing or future traffic patterns.*

The proposed gravel pit will add an average of 50 gravel truck trips per day when at peak operation. This traffic will average one truck every 14 minutes during a 12-hour workday. There are a total of four residences on Lemp Lane that will be affected by the truck traffic. All truck traffic will dump onto Highway 20/26 adding traffic to the Lemp Lane/Hwy 20 intersection, as well as to Hwy 20/26. Improvements will be made to the Lemp Lane/Hwy 20 intersection as required by the highway district and ITD.

7) *Address potential impacts to essential services such as schools, irrigation facilities and emergency services.*

The proposed project will not impact essential services such as schools or irrigation

facilities. The six employees may add a very minor potential impact to emergency services during hours of operation of the gravel pit.

8) *If the use will create impacts, provide measures to mitigate impacts.*
Mitigation measures will include dust control, ongoing maintenance of Lemp Lane, and improvements to the Highway 20/Lemp Lane intersection per the requirements of the highway district and ITD.

The following section addresses the information required in the Conditional Use Permit Letter of Intent Checklist specific to the proposed Mineral Extraction. The Site Plan/Operation Plan included with this application provides additional information to address the Mineral Extraction checklist.

1. *Show how the 30-foot setbacks on all sides will be met.*
The area proposed for gravel mining is located a minimum of 50-feet from the property boundary or the irrigation supply and waste ditches as shown on the Site Plan/Operation Plan included with this application. Because the irrigation supply ditches run along the property boundary all mining activity will maintain the minimum 30-foot setback on all property lines.

2. *Name of operator/extractor.*
Kelly Fulfer, Superior Construction & Excavation
2350 W. McMillan Road
Meridian, ID 83646
(208) 884-4011, kelly@superioridaho.com

3. *Duration of proposed use.*
Operation of the gravel pit is anticipated to begin in February 2025 and be in operation for no longer than 20 years.

4. *Provide an approved reclamation from Idaho Department of Lands.*
Reclamation Plan submitted to Idaho Department of Lands along with the approval letter has been included in this application package.

5. *Location of proposed pits and accessory uses.*
The proposed sand and gravel pit will be located in the southern portion of the subject property, below the natural bench. The pit will cover approximately 26-acres of the 50-acre property. Exhibits in the Department of Lands Reclamation Plan show the location of the proposed pit. The pit will become a pond, fed by groundwater, upon conclusion of the mining activities. A water right for the pond has been acquired and a copy of the water rights approval is included with this application.

Exhibit 3B3:

LAND USE WORKSHEET

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

1. **DOMESTIC WATER:** ☐ Individual Domestic Well ☐ Centralized Public Water System ☐ City

☒ N/A – Explain why this is not applicable: project is gravel mining with resulting pond, no domestic water

☐ How many Individual Domestic Wells are proposed? _____

2. **SEWER (Wastewater)** ☐ Individual Septic ☐ Centralized Sewer system

☒ N/A – Explain why this is not applicable: _Existing house on property has existing septic system __ no sewer required for project

3. **IRRIGATION WATER PROVIDED VIA:** Gravity irrigation water available on site but will not be used or impacted by proposed gravel mining operations.

☒ Surface ☐ Irrigation Well ☐ None

4. **IF IRRIGATED, PROPOSED IRRIGATION:** Gravity irrigation water available on site but will not be used or impacted by proposed gravel mining operations.

☐ Pressurized ☒ Gravity

5. **ACCESS:**

☒ Frontage ☐ Easement Easement width_____Inst. # _____

6. **INTERNAL ROADS:** Lemp Lane

☐ Public ☒ Private Road User's Maintenance Agreement Inst #_____

7. **FENCING** N/A ☐ Fencing will be provided (Please show location on site plan)

Type: _____ Height: _____

8. **STORMWATER:** ☒ Retained on site ☐ Swales ☐ Ponds ☐ Borrow Ditches

☐ Other: _____

9. **SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY:** (i.e. creeks, ditches, canals, lake)

Boise River, irrigation ditches (unnamed), irrigation waste ditches (unnamed)

RESIDENTIAL USES

1. **NUMBER OF LOTS REQUESTED**: Not applicable

☐ Residential _____ ☐ Commercial _____ ☐ Industrial _____

☐ Common _____ ☐ Non-Buildable _____

2. **FIRE SUPPRESSION:** Not applicable

☐ Water supply source: _____

3. **INCLUDED IN YOUR PROPOSED PLAN?** Not applicable

☐ Sidewalks ☐ Curbs ☐ Gutters ☐ Street Lights ☐ None

NON-RESIDENTIAL USES

1. **SPECIFIC USE**: Gravel mining operation

2. **DAYS AND HOURS OF OPERATION**:

☒ Monday 7am to 7pm

☒ Tuesday 7am to 7pm

☒ Wednesday 7am to 7pm

☒ Thursday 7am to 7pm

☒ Friday 7am to 7pm

☒ Saturday 7am to 7pm

☒ Sunday 7am to 7pm

3. **WILL YOU HAVE EMPLOYEES?** ☒ Yes If so, how many? 6 ☐ No

4. **WILL YOU HAVE A SIGN?** ☒ Yes ☐ No ☐ Lighted ☒ Non-Lighted

Height: 4 ft Width: 8 ft. Height above ground: 4 ft

What type of sign: _____Wall X Freestanding _____ Other Temporary sign

5. **PARKING AND LOADING:**
How many parking spaces? _____

Is there is a loading or unloading area? Staging area shown on application exhibits will be used for parking, loading and unloading, as needed.

ANIMAL CARE-RELATED USES

1. **MAXIMUM NUMBER OF ANIMALS:** Not applicable

2. **HOW WILL ANIMALS BE HOUSED AT THE LOCATION?** Not applicable

   ☐ Building ☐ Kennel ☐ Individual Housing ☐ Other _____

3. **HOW DO YOU PROPOSE TO MITIGATE NOISE?** Not applicable

   ☐ Building ☐ Enclosure ☐ Barrier/Berm ☐ Bark Collars

4. **ANIMAL WASTE DISPOSAL** Not applicable

   ☐ Individual Domestic Septic System ☐ Animal Waste Only Septic System

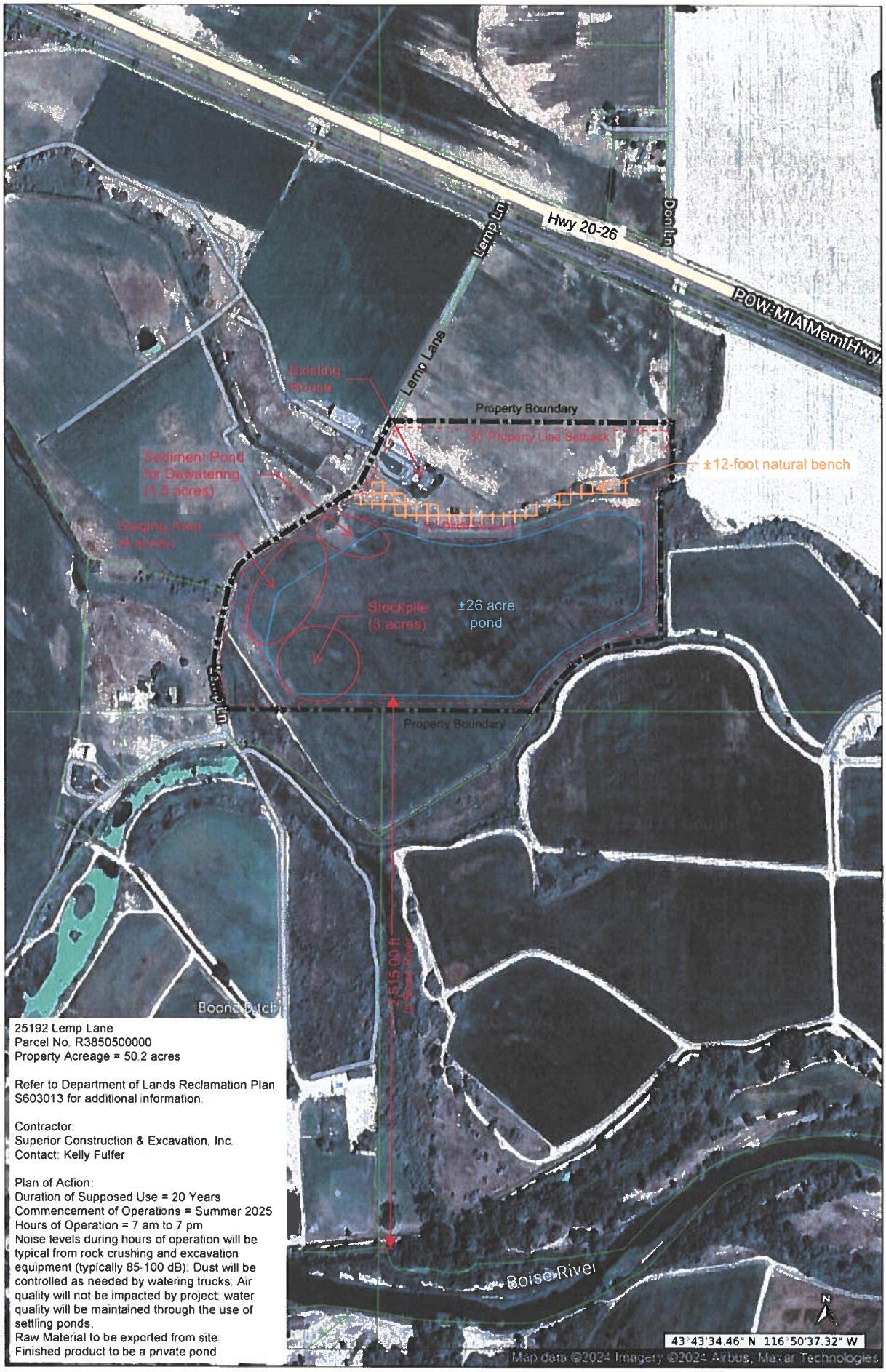
   ☐ Other: _____

landproDATA

Site/Operations Plan

Riverbend - Parma Gravel Pit

Exhibit 3B4:



25192 Lemp Lane
Parcel No. R3850500000
Property Acreage = 50.2 acres

Refer to Department of Lands Reclamation Plan S603013 for additional information.

Contractor:
Superior Construction & Excavation, Inc.
Contact: Kelly Fulfer

Plan of Action:
Duration of Supposed Use = 20 Years
Commencement of Operations = Summer 2025
Hours of Operation = 7 am to 7 pm
Noise levels during hours of operation will be typical from rock crushing and excavation equipment (typically 85-100 dB). Dust will be controlled as needed by watering trucks; Air quality will not be impacted by project; water quality will be maintained through the use of settling ponds.
Raw Material to be exported from site.
Finished product to be a private pond

Aug 20, 2024 - landproDATA.com
Scale: 1 inch approx 400 feet

The materials available at this website are for informational purposes only and do not constitute a legal document.

Exhibit 3B5:

SOUTHWEST SUPERVISORY AREA
8355 West State Street
Boise ID 83714-6071
Phone (208) 334-3488
Fax (208) 853-6372

STATE BOARD O
Brad Little, Governor
Phil McGrane, Secretary of State
Raúl R. Labrador, Attorney General
Brandon D. Woolf, State Controller
Debbie Critchfield, Sup't of Public Instruction

DUSTIN MILLER, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

July 15, 2024

Robert Burnett
Drake Investments, LLC
1125 W. Two Rivers Drive
Eagle, Idaho 83616

To whom it may concern,

This correspondence is notification that the following reclamation plan was approved on 7/11/2024:

PLAN NO.	ACRES	COUNTY	LEGAL DESCRIPTION
S603013	50.198	Canyon	T05N R04W Section 30 Pts SE ¼, Section 29 Pts SW ¼

The plan was granted approval subject to the following terms and conditions:

1. All refuse, chemical and petroleum products and equipment shall be stored and maintained in a designated location, 100 feet away from any surface water and disposed of in such a manner as to prevent their entry into a waterway.

2. State water quality standards will be maintained at all times during the life of the operation. Should a violation of water quality standards occur, mining operations will cease immediately, corrective action will be taken, and the Department of Environmental Quality will be notified.

3. Erosion and non-point source pollution shall be minimized by careful design of the site access and implementing Best Management Practices, which may include, but are not limited to:

   a. Diverting all surface water flows around the mining operation.
   b. Removing and stockpiling vegetation and slash, except merchantable timber, for use in erosion control and reclamation.
   c. Removing and stockpiling all topsoil or suitable plant growth material for use in reclamation.

4. An initial reclamation bond in the amount of $10,000 for up to 5 acres of disturbance will be submitted to and maintained with the Idaho Department of Lands prior to conducting surface mining operations.

5. If the reclamation plan is not bonded within 18 months of approval, or if no operations are conducted within three years, the department may withdraw this plan. This shall not prevent the operator from re-applying for reclamation plan approval.

6. Acceptance of this permit does not preclude the operator from obtaining other necessary permits and approvals from state and federal authorities, i.e. Storm Water Pollution Prevention Plan (SWPPP), waste water generation and/or air quality permits, consultation with the National Oceanic and Atmospheric Administration Fisheries, U.S. Army Corps of Engineers 404 Permit and Stream Channel Alteration Permits for each production process.

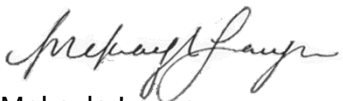
8. At the beginning of each calendar year the operator or plan holder shall notify the director of any increase in the acreage of affected lands which will result from the planned surface mining activity within the next twelve (12) months. A correlative increase in the bond will be required for an increase in affected acreage.

Please note -- pursuant to Idaho Code section 47-1512(a), operations cannot commence until the bond established in Stipulation No. 4 is submitted to this department. Failure to submit payment before mining commences may subject you to legal action by the state pursuant to Idaho Code section 47-1513(d), which may include issuance of an order by the district court to temporarily restrain your mining operations without prior notice to you.

If the department does not receive a written notice of objection from you regarding these stipulations by August 1, 2024, the stipulations will be considered as accepted.

If you have any questions, you may contact me at the above address or telephone number.

Sincerely,



Mekayla Layne
Resource Specialist—Lands and Waterways

SURFACE MINE APPROVAL MEMORANDUM

RECLAMATION PLAN NUMBER: S603013

APPLICANT: Robert Burnett - Drake Investments LLC. 1125 W. Two Rivers Drive, Eagle, Idaho 83709

LEGAL DESCRIPTION: T05N R04W Section 30 Pts SE ¼, Section 29 Pts SW ¼

AGENCY REVIEW: The application was sent out for state agency review on June 4, 2024. Comments were received from the U.S. Army Corps of Engineers (USACE) stating that the project has been assigned DA number NWW-2024-00288. The USACE also forwarded the application information to the Environmental Protection Agency (EPA) who provided comments regarding a current investigation into alleged violations of the Clean Water Act committed by the applicant at a separate location. Comments were also received from Canyon County stating that the zoning designation for parcel number R3850500000 located within the project site is currently assigned as "Agricultural" and a conditional use permit must be obtained prior to mining activities.

OPERATIONAL DETAIL: Mining operations will begin along the eastern portion of the parcel and progress westward. A staging area for fuel and sediment ponds will be placed along the western portion of the property. Stockpiles will be located along the southwest corner of the parcel. Topsoil and overburden will be placed as a berm along the northern portion of the property. Excavation will result in a maximum depth of 30 feet during operation.

RECLAMATION DETAIL: Reclamation will be conducted once mining operations have ceased. Mine walls will be regraded to a maximum slope of 2:1 on all sides of the mine and an approximately 26-acre pond will be constructed within the center of the pit. All temporary haul roads will be re-sloped and seeded. Overburden and topsoil stockpiles will be redistributed throughout the site with a uniform depth. Disturbed areas will be reseeded by broadcasting at a rate of 15.4-lbs per acre using an approved seed mixture between the months of September and October once mining operations have ceased and re-seeded the following year between the months of March and May.

BONDING: An initial bond in the amount of $10,000 for up to 5 acres of disturbance will be submitted to IDL prior to operations commencing.

STIPULATIONS: Approve the application subject to the standard stipulations.

Preparer: Mekayla Layne Date: 7/15/2024

S603013

PROFESSIONAL ENGINEERING SERVICES

RIVERBEND-PARMA GRAVEL PIT
SUPPLEMENTAL INFORMATION FOR THE APPLICATION OF RECLAMATION PLAN APPROVAL

Located at 25192 Lemp Lane, Parma, Idaho

Prepared by:
Mary B. Wall, PE
Professional Engineering Services
5636 N. Portsmouth Ave.
Boise, ID 83714

- OK TO REPLACE 26 APRIL 2024 PLAN WITH THIS REVISED PLAN.
- NO AMENDMENT FEE REQUIRED

AMORE 19 SEPT 24
MINERALS PROGRAM MANAGER

April 26, 2024

REVISED SEPT 17 2024
CHANGED VERBAGE:
FROM: RECLAMATION
TO: REVEGETATION - EXHIBIT 9

Table of Contents

I. Addressing Item 12, Application for Reclamation Plan Approval..... 3

II. Addressing Item 13, Application for Reclamation Plan Approva 4

Exhibits

Vicinity Map ..... Exhibit 1

Property Ownership Map ..... Exhibit 2

Site Map ..... Exhibit 3

Site Map with Water Ways ..... Exhibit 4

Operations Location Map ..... Exhibit 5

Cross-Section Location Map ..... Exhibit 6

Cross-Sections – Pre- and Post-Mining ..... Exhibit 7

Drainage Control Map .....Exhibit 8

Final Activities & Revegetation Map..... Exhibit 9

Opinion of Probable Cost for Reclamation ..... Exhibit 10

I. Addressing Item 12, Application for Reclamation Plan Approval

a. Exhibit 1 provides the vicinity map showing the site location. The property is located at 25192 Lemp Lane, Parma, Idaho.

b. The main haul road is Lemp Lane which will get trucks from the gravel pit to Highway 20/26. This road is shown on Exhibit 3. An onsite temporary haul road will be constructed at the start of the mining operations and will be gradually abandoned as the mining activity in the gravel pit moves west. Ongoing maintenance of Lemp Lane will be provided during gravel mining operations and will be left in good condition upon the conclusion of the mining activity. Mining operations are estimated to start in September 2024 and conclude in September 2044.

c.

   I. Exhibit 4 provides approximate locations and names, if known, of the bodies of water within 1,000 feet of the surface mining operations. Waterways in the immediate vicinity of the mining operation primarily consist of irrigation supply ditches and irrigation waste ditches. The irrigation waste ditches discharge into the Boise River, located approximately 2400 feet south of the mining site.

   II. Exhibits 2 and 3 provide property ownership information and the gravel pit property boundary. Exhibit 3 shows the limits of the gravel mining operation and the area affected during the first couple years of operation.

   III. Exhibit 5 shows the planned configuration of the gravel pit, stockpile area, staging area and sediment ponds/dewatering area.

   IV. All mining will be surface mining. There will be no underground mine openings on the property.

   V. Fuel will be stored in a mobile fuel storage container which will be located in the staging area shown on Exhibit 5. No other equipment maintenance products, wastes, or chemicals will be stored on site.

d. Exhibit 2 is the Ownership Map and provides ownership information, assessor's parcel number, and parcels size for the proposed gravel pit site and the surrounding properties. The property is owned by Drake Investments, LLC. The gravel pit operation will be conducted by Superior Construction.

e. Exhibit 6 provides the cross-section location and Exhibit 7 provides the cross-section view of the mine prior to mining, at maximum disturbance, and after reclamation.

II. *Addressing Item 13, Application for Reclamation Plan Approval*

a. Exhibit 8 is the Drainage Control Map which shows the general slope of the property prior to any mining activity. The property generally slopes towards the waste ditch on the north side of the mining operations area. A berm will be placed on the south side of the waste ditch and the entire operations area will be sloped towards the gravel pit area to prevent any surface water from leaving the site.
Sediment ponds will be excavated as needed during operations. Ponds will be cleaned as needed and sediment will be moved to the overburden storage area.

b. Site specific water quality impacts from mining operations will be addressed as outlined in the above section.

c. No post-closure (post-reclamation) activities will be required.

d. All existing roads will be maintained during mining operations and will be left in good condition when mining activities cease.

e. See Exhibit 9 for final activities and revegetation information. Topsoil will be salvaged and stockpiled in the stockpile area shown on Exhibit 5. The main pit area will be used as a pond fed by groundwater. The fine sandy loam topsoil will be spread on the upper reclaimed slopes and other disturbed areas onsite at a minimum depth required for healthy plant growth and track-walked to control erosion. Grass seed and fertilizer recommendations follow. Straw mulch will be applied as needed.

Seed Mix:

Bluebunch Wheatgrass	20%
Idaho Fescue	15%
Indian Ricegrass	15%
Needle and Thread	1%
Prairie Junegrass	10%
Thickspike Wheatgrass	15%
Sand Dropseed	14%
Sandberg Bluegrass	10%

Application Rate: 15.4 pounds per acre

Seeding Time:
The optimal seeding time shall be in the fall, between mid-September and mid-October. If seeding is applied too early or too late and proper germination has not been established prior to fall dormancy, then reseeding shall be applied in early spring, as soon as soil is workable, not muddy, and between the months of March and May. This seeding window provides the typical optimal weather conditions for seed germination and survival. Dormant

seeding after November 20th helps to ensure that germination does not occur prior to the following spring growing season and should be installed prior to freezing weather conditions.

Fertilization:
Fertilization is not recommended for reclamation seeding due to promotion of the encouraged weed presence. Soil amendments might be recommended if soil conditions are unsuitable for proper seed germination and growth based on existing soil testing conditions.

f. For final reclamation, sediment ponds will be filled with materials from the mining operation and capped with topsoil from the stockpile area.

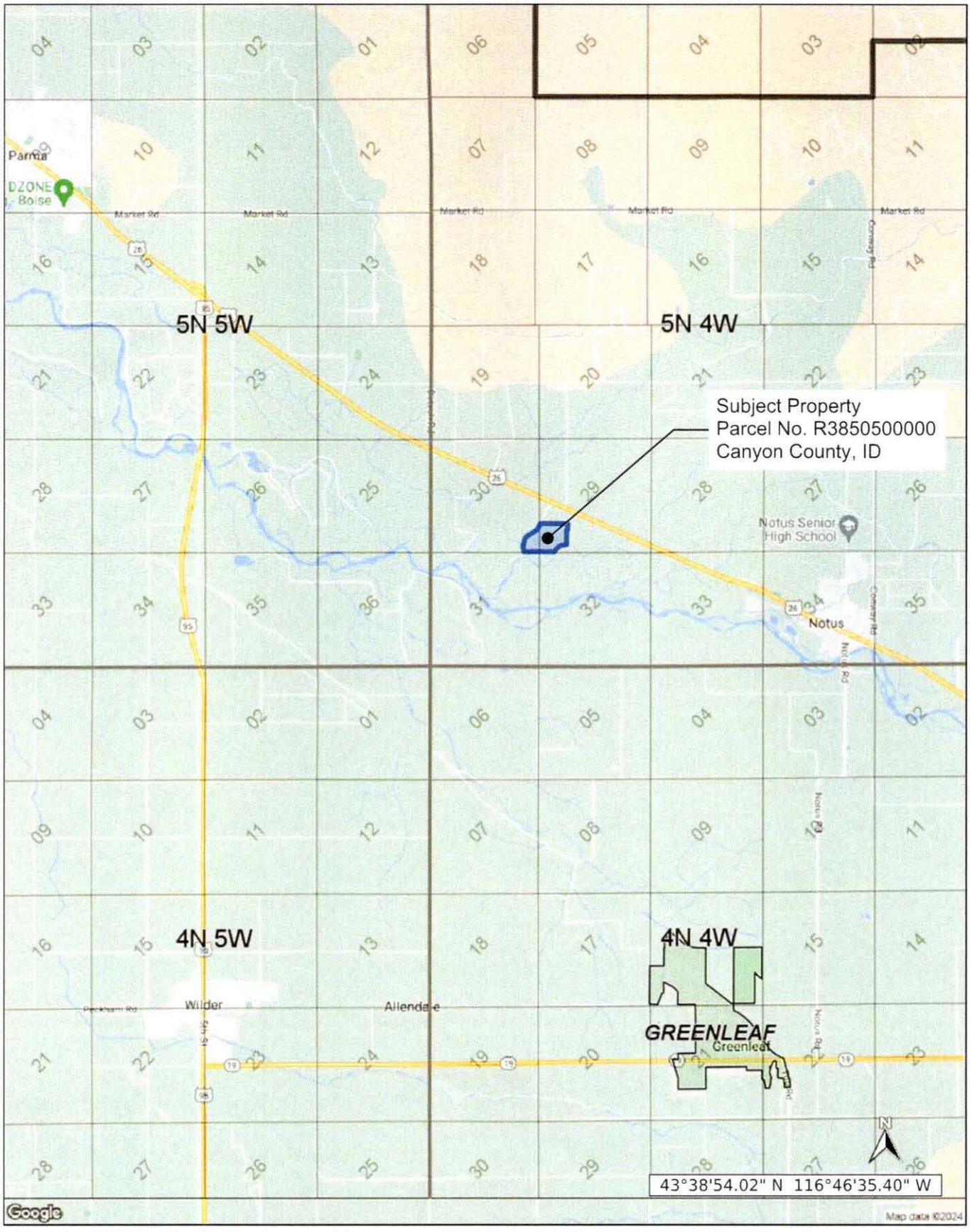
g. There will be no underground mine openings on this site. All mining activity is surface mining of sands and gravels.

h. The estimate of the actual cost of third-party post-mining reclamation of the site is $69,563. Exhibit 10 provides a detailed cost estimate.

Vicinity Map

Riverbend - Parma Gravel Pit
25192 Lemp Lane
Canyon County, ID

Exhibit 1



Apr 02, 2024 - landproDATA.com
Scale: 1 inch approx 6000 feet

The materials available at this website are for informational purposes only and do not constitute a legal document.

Property Ownership Map

Riverbend - Parma Gravel Pit

Exhibit 2



Apr 16, 2024 - landproDATA.com
Scale: 1 inch approx 400 feet

The materials available at this website are for informational purposes only and do not constitute a legal document.

Site Map

Riverbend - Parma Gravel Pit

Exhibit 3



On-going maintenance of Lemp Lane shall be provided during periods of gravel mining operations. Road shall be left in good conditions upon conclusion of mining activity.
On-site haul road shall be constructed at the start of mining operations and shall be temporary. This road shall be progressively abandoned as mining operations move to the west.

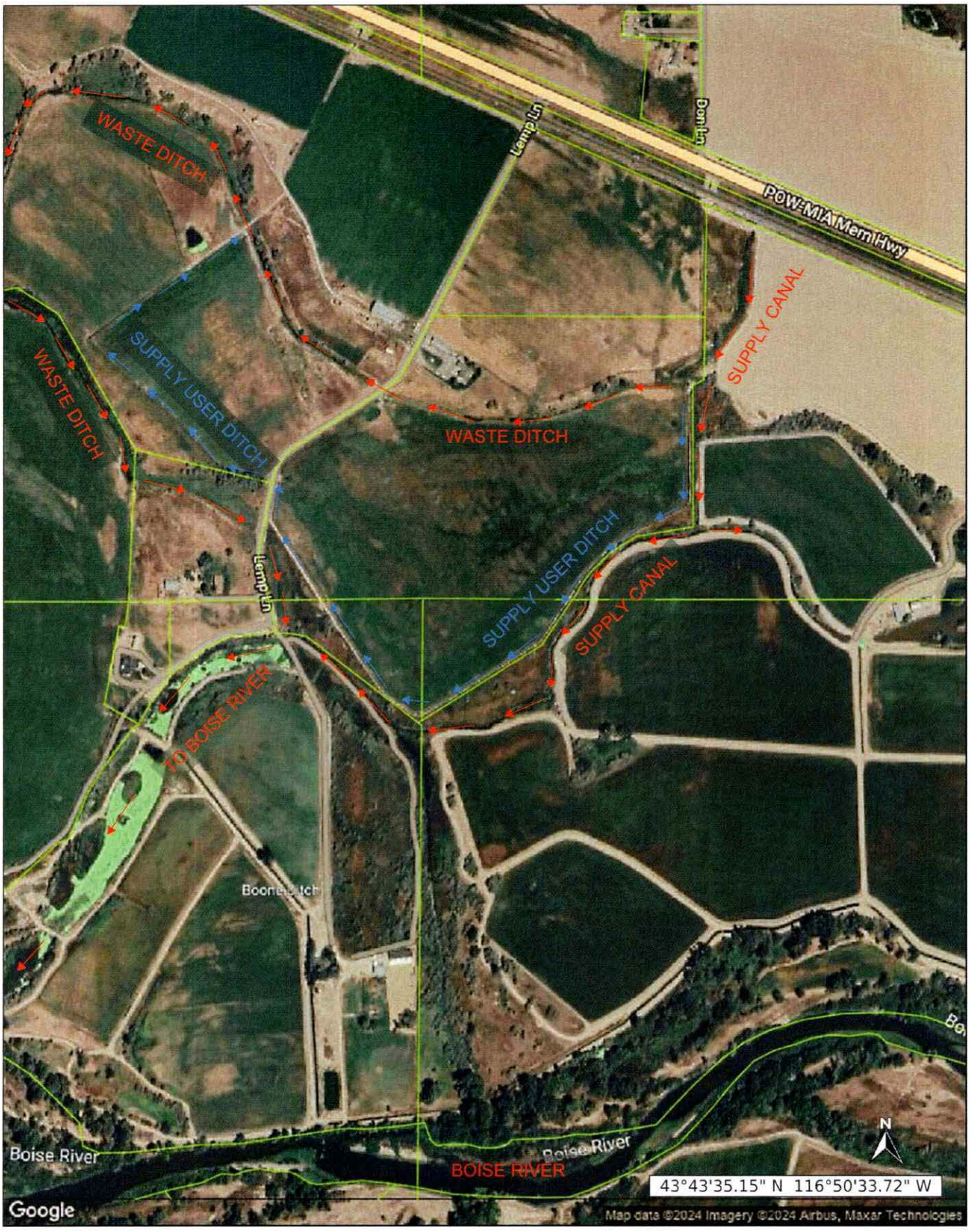
Apr 24, 2024 - landproDATA.com
Scale: 1 inch approx 400 feet

The materials available at this website are for informational purposes only and do not constitute a legal document.

Site Map with Water Ways

Riverbend - Parma Gravel Pit

Exhibit 4



Apr 24, 2024 - landproDATA.com
Scale: 1 inch approx 600 feet

The materials available at this website are for informational purposes only and do not constitute a legal document.

Operations Locations

Riverbend - Parma Gravel Pit

Exhibit 5



Apr 24, 2024 - landproDATA.com
Scale: 1 inch approx 400 feet

The materials available at this website are for informational purposes only and do not constitute a legal document.

Cross-Section Location Map

Riverbend - Parma Gravel Pit

Exhibit 6

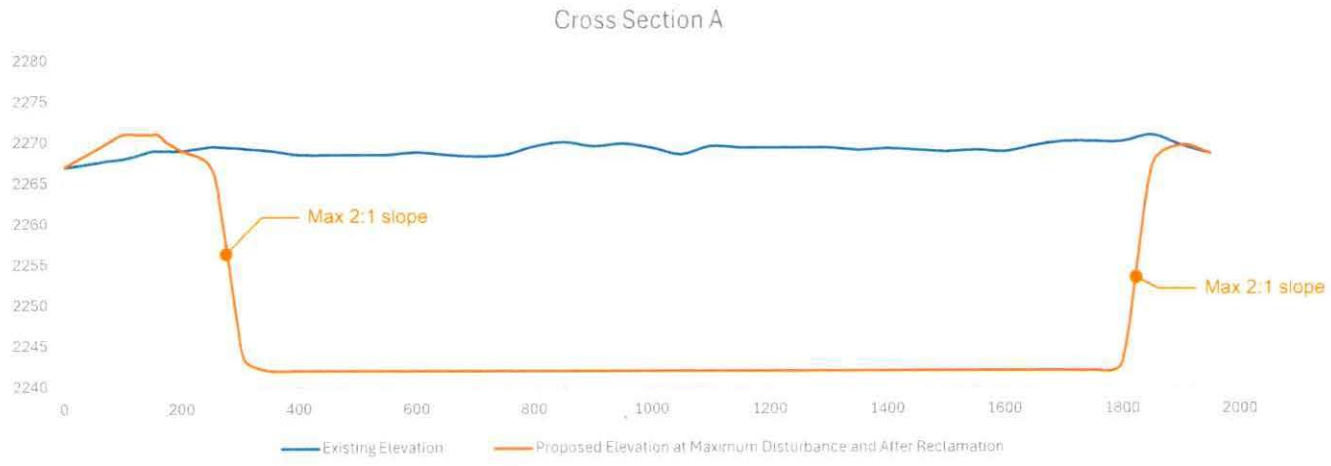


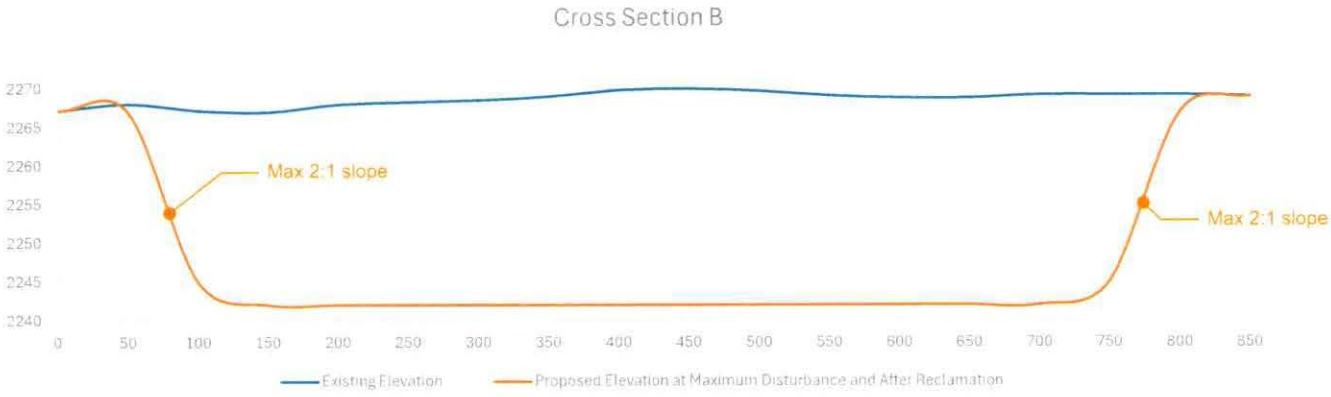
Apr 26, 2024 - landproDATA.com
Scale: 1 inch approx 400 feet

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Cross-Sections - Pre- and Post- Mining
Riverbend - Parma Gravel Pit

Exhibit 7

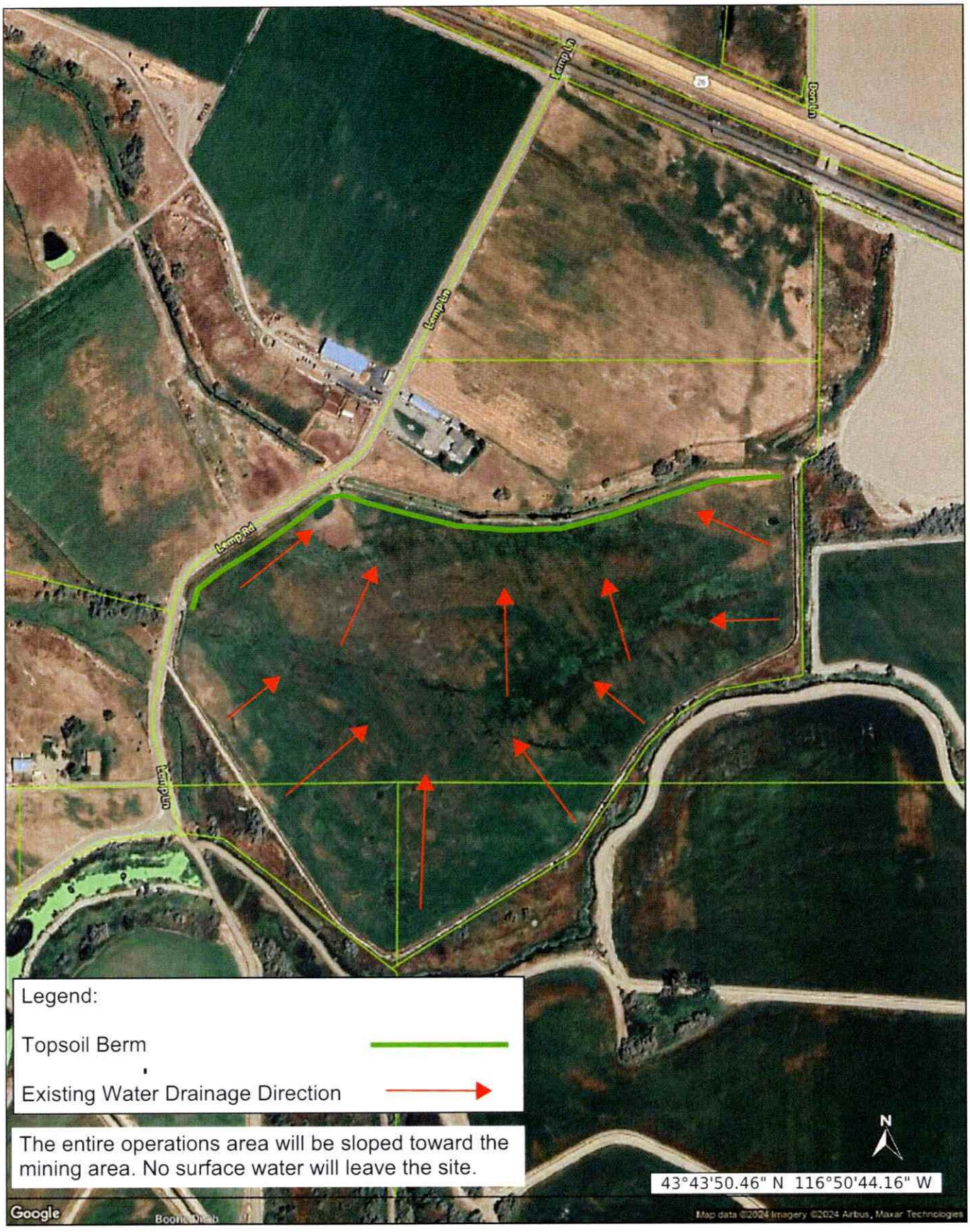




Drainage Control Map

Riverbend - Parma Gravel Pit

Exhibit 8



Apr 24, 2024 - landproDATA.com
Scale: 1 inch approx 400 feet

The materials available at this website are for informational purposes only and do not constitute a legal document.

Final Activities & Revegetation Map

Riverbend - Parma Gravel Pit

Exhibit 9



1. Site will be graded to slope away from permit boundaries. All slopes will be constructed to a maximum of 2:1. Stormwater will be allowed to percolate into the ground.
2. No post-closure activities will be required.
3. All existing roads will be maintained.
4. Topsoil will be salvaged and stockpiled. Topsoil will be spread on reclaimed slopes to a depth required for healthy plant growth. Seed will be planted per the narrative.
5. Sediment and dewatering ponds will be excavated as needed during operation. For final reclamation, all temporary ponds will filled with material from mining operations.
6. Superior Construction will operate in compliance with the Idaho Best Management Practices for Mining in Idaho Manual.

Apr 24, 2024 - landproDATA.com
Scale: 1 inch approx 400 feet

The materials available at this website are for informational purposes only and do not constitute a legal document.

PROFESSIONAL ENGINEERING SERVICES

EXHIBIT 10

Opinion of Probable Cost for:

Riverbend-Parma Gravel Pit Reclamation

Updated September 17, 2024

Total area of property: 50.198 acres

Area impacted by gravel mining activity: 35 acres

Area of proposed pond in mined area: 26 acres

Estimated area of revegetation: 9 acres

No.	Description	Amount	Unit	Unit $		Total $
1	Mobilization	1	LS	12,000	$	12,000
2	Minor Grading/Earthwork	1	LS	18,000	$	18,000
3	Placement of stockpiled overburden	9	Acres	2,500	$	22,500
4	Tractor with seed spreader	9	Acres	200	$	1,800
5	Seed & Fertilizer Application	9	Acres	150	$	1,350
				Construction Subtotal =	$	55,650
				Subtotal =	$	55,650
				25% Profit, Overhead, Bonding, etc. =	$	13,913
				Total Preliminary Estimate =	**$**	**69,563**

Cost per acre based upon area impacted by mining activity: ***$ 1,988***

Cost per acre based upon the estimated area of reclamation (excludes pond): ***$ 7,729***

Exhibit 3B6:

Archived: Monday, February 9, 2026 2:05:26 PM
From: Mary Wall
Mail received time: Tue, 15 Jul 2025 14:56:39
Sent: Tue, 15 Jul 2025 20:56:20
To: Amber Lewter
Subject: [External] RE: CU2024-0023 and CU2024-0024
Importance: Normal
Sensitivity: None
Attachments:
05_CU2024-0024 ArrowheadSiteOperationsPlan.pdf; 05_CU2024-0023 Site-Operations Plan.pdf; Riverbend Sand and Gravel - TIS Scoping Mtg & Notes 2.13.2025.pdf; ArrowheadMaintenanceCommitment-240917.pdf;

Amber,

Thank you for getting back to me with your comments below. I have a few follow up questions and/or comments below in RED. Can you please respond to the questions?

Thanks,

Mary B. Wall, PE
(406) 600-6218

From: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Sent: Monday, July 14, 2025 1:23 PM
To: Mary Wall <mary@pe-services.biz>
Subject: CU2024-0023 and CU2024-0024

Hello Mary,

After the initial agency notice and staff analysis there are some items that are missing and will need to be completed prior to scheduling for hearing.

CU2024-0023 & CU2024-0024:

- Reach out to Railroad and obtain a comment on the project. Fill out link: External Inquiry I sent a request to the railroad requesting comments on both Conditional Use Permit Applications.

- Structural analysis of roads required. Is this a requirement of Canyon County? Or is this referring to the requirements outlined in the September 9, 2024 conditions letter from J-U-B Engineering, Inc on behalf of the Notus Parma Highway District? If so, this requirement was only required on CU2024-0023 which will use Lemp Lane for access between the gravel pit and Hwy 20/26.
  The access for CU2024-0024 is on private property and should not require structural analysis of the road unless ITD requires it. I have asked ITD to take another look at this requirement since they thought the access road was W. Purple Sage Road but it is actually a driveway to the subject property. Onsite roads will not affect other property owners.

- Setbacks of project required. The Site Operations Plan for each application was included with the submittal documents. This plan shows the required 30' setbacks required per 07-14-19. The site plan also shows a 50 foot setback from the irrigation water ways. What other setbacks are you requiring?

- Will there be portable bathrooms onsite? There will be portable bathrooms onsite. Their placement and protection

will be addressed on the SWPPP plan prepared before the start of any work on the site.

- How many phases are proposed? We are proposing only one phase for each project.

CU2024-0023:

- TIS is required Again, is this a requirement of Canyon County? Or is this referring to the requirements outlined in the September 9, 2024 conditions letter from J-U-B Engineering, Inc on behalf of the Notus Parma Highway District (NPHD)? We met with the Highway District and ITD in February 2025 to determine the required scope of the TIS. NPHD's primary concern is the structural integrity of Lemp Lane and the approach improvements to the ITD Right-0f-way. We are working on these items. I attached a copy of the meeting notes with NPHD and ITD for your records.

CU2024-0024:

- Reach out to ITD to inquire if a TIS is required. At our meeting with ITD in February it was determined that a TIS was not warranted for these projects. Today I requested a revised letter from ITD for each project addressing the need for a TIS.

- Department of Army (DA) permit authorization Do you mean the Army Corp of Engineers? Is this for the gravel pit/pond in the floodway? Do you have a name and number of who I should contact?

- Flood Study be completed This only applies to the gravel pit/pond proposed in the floodway, correct? I am discussing the possibility of removing the smaller pond (the one located in the floodway) to avoid the requirements of flood study, the no-rise certificate, and the CLOMR/LOMR. Would we be able to amend this application to remove the smaller pond without starting the process over?

- No Rise required (same comment as above)

- What are you proposing to do with the waterway ditch? Are you planning to reroute it? I believe the "waterway ditch" you are referring to is not an actual ditch but a low area on the property that captures some runoff from the nearby property but is an area where groundwater is shallow and it surfaces in this area. There is no inlet or outlet for this water so it tends to get stagnant. It has nothing to do with the irrigation water on the property and will be eliminated as part of this project.

    - You may need to reach out to the irrigation district to verify your plan is approved by them. The proposed plan for the gravel pit has been provided to the irrigation district and they have been onsite to see where the project is proposed. The irrigation district was primarily concerned with the continued flow of the waste ditch and the owner agreed to provide ongoing maintenance and signed the attached agreement.

Please let me know if you have any questions.

Thank you,

Amber Lewter
Associate Planner
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-454-6631

Exhibit 3B7:

PROFESSIONAL ENGINEERING SERVICES

Notice of Neighborhood Meeting
Conditional Use Permit
Pre-application requirement for a Public Hearing

July 26, 2024

Dear Neighbors,

The purpose of this letter is to invite you to the Neighborhood Meeting for the proposed **Riverbend-Parma Gravel Pit**. The meeting will be held on Tuesday August 20, 2024, at 5:30 p.m. at the house on the subject property, located at 25192 Lemp Lane, Parma, ID. This meeting is NOT a public hearing before a governing body of the County. This meeting is a pre-application requirement and is for informational purposes and to receive feedback from you as we move through the application process.

The proposal is the mining of sand & gravel on the property resulting in a pond of approximately 26 acres. The mining will take place in the southern 30 acres of the property located at 25192 Lemp Lane. The proposed mining area/future pond along with the vicinity map is enclosed.

Please do not call Canyon County Development Services regarding this meeting. This is a PRE-APPLICATION requirement and we have not submitted the application for consideration at this time. The county currently has no information on this project.

If you cannot attend the Neighborhood Meeting and would like to comment on the proposal, please submit written comments via email to mary@pe-services.biz, or US mail to this address.

Professional Engineering Services
5636 N. Portsmouth Ave.
Boise, ID 83714

We hope you can attend the Neighborhood Meeting on Tuesday, August 20, 2024, at 5:30 p.m.

Very truly yours,

Mary B. Wall, PE
Principal

Enclosures: Vicinity Map and Preliminary Layout

RIVERBEND-PARMA GRAVEL PIT MAILING LIST FOR NEIGHBORHOOD MEETING

Primary Owner	Owner Address	Owner City	Parcels Owned
BILBAO FAMILY TRUST	PO BOX 280	ELKO NV 89803	R3850400000 and R3853800000
DOUGLAS LEE AND PAULETT TRUST	781 S SPELLMAN LN	MERIDIAN ID 83642	R3853801000, R3852201000, R3850600000, and R3851600000
DRAKE INVESTMENTS LLC	1125 W TWO RIVERS LN	EAGLE ID 83616	R3850500000
GRUBIAK JOSEPH R	24811 LEMP LN	PARMA ID 83660	R38522012A0 and R3852201200
LEMP LANE PROPERTIES LLC	23019 HWY 20 26	PARMA ID 83660	R3851900000 and R3852401000
LONKEY JOHN W	25019 LEMP LN	PARMA ID 83660	R3851700000
MARY WALL	5636 N PORTSMOUTH AVE	BOISE ID 83714	Applicant's Representative
SLMA PROPERTIES LLC	2301 E DEER POINT CT	EAGLE ID 83616	R3852300000

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT
111 North 11th Avenue, #310, Caldwell, ID 83605
zoninginfo@canyoncounty.id.gov Phone: 208-454-7458 Fax: 208-454-6633

NEIGHBORHOOD MEETING SIGN UP SHEET

CANYON COUNTY ZONING ORDINANCE §07-01-15

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

SITE INFORMATION

Site Address: 25192 Lemp Lane
Parcel Number: R3850500000
City: Parma
State: ID
ZIP Code: 83660
Notices Mailed Date: July 26, 2024
Number of Acres:
Current Zoning: AG
Description of the Request: Conditional Use Permit for the Riverbend-Parma Gravel Pit 26-acre pit proposed

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Mary Wall
Company Name: Professional Engineering Services
Current address: 5636 N. Portsmouth Ave
City: Boise
State: ID
ZIP Code: 83714
Phone: 406-600-6218
Cell: 406-600-6218
Fax: —
Email: mary@pe-services.biz

MEETING INFORMATION

DATE OF MEETING: August 20, 2024
MEETING LOCATION: On-site @ 25192 Lemp Lane
MEETING START TIME: 5:30pm
MEETING END TIME: 6:00pm

ATTENDEES:

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. Susan D. Upson		21684 Lemp Lane Parma Id.
2. Bill Dickson		22473 Hwy 20/26
3. Tom Johnston		22410 Ten Pairs Rd Parma Id
4. Steve Speltz		3012 Silverleaf Way Nampa ID
5. Ryder Burnett		1125 W Two Rivers Ln
6. Kinden Tucker		694 S Glenn Brook Pl Kuna, ID
7. JOE GRUBIAK		24811 Lemp Ln Parma ID
8. Holly Hattan Grubiak		24811 Lemp Lane Parma ID
9.		

Revised 6/9/22

10.
11.

12.
13.
14.
15.
16.
17.
18.
19.
20.

NEIGHBORHOOD MEETING CERTIFICATION:

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

Mary B. Wall

APPLICANT/REPRESENTATIVE (Signature): Mary B Wall

DATE: 8 / 20 / 24

Neighborhood Meeting Notes - Aug 20, 2024
Riverbend - Parma Gravel Pit -
- See sign in sheet for list of attendees

Meeting started with a brief introduction to project, location, etc. Crusher to be used
Comments or questions included the following:

① What is the timeframe? Response: Permit requests a 20-year timeframe. Goal of contractor is to find a construction project that will use all available resources from this pit (ITD project?) and complete all extraction within a 1-2-year period. This will occur at some point within the 20-year period.

② Concern about separation from irrigation ditches + drains. Response: Area of pit will be a minimum of 50' clearance from irrigation ditches + drains. Proposed

work will not affect or change existing irrigation facilities. One neighbor expressed concern with drain/waste ditch + how a lack of maintenance can cause water back up on his property. He and property owner, Brian Burnett, discussed maintenance + agreed that it was the responsibility of property owner.

③ Neighbor to east said there may be some work required on irrigation facilities on his property to help divert water away from project area. He was open to work being done and would coordinate with contractor

④ A question about hours of operation came up. Response: Proposing hours of 7AM to 7pm Seven days a week. No further comments.

⑤ Holly + Joe Grubiak stated that they opposed the gravel operation. They did not provide specific concerns or make requests regarding extent or hours of operation.

Exhibit 3B8:

AGENCY ACKNOWLEDGMENT

Date:

Riverbend - Parma Gravel Pit

Applicant: Brian Burnett, Drake Investements, LLC (Representative: Mary Wall, Professional Engineering Services

Parcel Number: R3850500000

Site Address: 25192 Lemp Lane, Parma, Canyon County, ID

OFFICIAL USE ONLY BELOW THIS LINE – ACKNOWLEDGMENT ACTION:

Southwest District Health:

☑ Applicant submitted/met for official review.

Date: 08/05/2024 Signed: Anthony Lee

Authorized Southwest District Health Representative
(This signature does not guarantee project or permit approval)

Fire District:

District: Parma Fire

☑ Applicant submitted/met for official review.

Date: 8/20/24 Signed:

Authorized Fire District Representative
(This signature does not guarantee project or permit approval)

Highway District:

District: Notus-Parma Highway District

☑ Applicant submitted/met for official review.

Date: 9-18-24 Signed:

Authorized Highway District Representative
(This signature does not guarantee project or permit approval)

Irrigation District:

District:

☐ Applicant submitted/met for official review.

Date: Signed:

Authorized Irrigation Representative
(This signature does not guarantee project or permit approval)

Area of City Impact:

City:

☐ Applicant submitted/met for official review.

Date: Signed:

Authorized AOCI Representative
(This signature does not guarantee project or permit approval)

Received by Canyon County Development Services:

Date: 10/16/24 Signed: Michelle Barrus

Canyon County Development Services Staff

DISCLAIMER: THIS ACKNOWLEDGMENT IS ONLY VALID SIX MONTHS FROM THE DATE ISSUED

AGENCY ACKNOWLEDGMENT

Date:

Applicant: Riverbend-Parma Sand & Gravel Pit
Brian Burnett, Drake Investements, LLC (Representative: Mary Wall, Professional Engineering Services

Parcel Number: R3850500000

Site Address: 25192 Lemp Lane, Parma, Canyon County, ID

OFFICIAL USE ONLY BELOW THIS LINE – ACKNOWLEDGMENT ACTION:

Southwest District Health:

☑ Applicant submitted/met for official review.

Date: 08/05/2024 Signed: Anthony Lee

Authorized Southwest District Health Representative
(This signature does not guarantee project or permit approval)

Fire District: District: _____

☐ Applicant submitted/met for official review.

Date: _____ Signed: _____

Authorized Fire District Representative
(This signature does not guarantee project or permit approval)

Highway District: District: _____

☐ Applicant submitted/met for official review.

Date: _____ Signed: _____

Authorized Highway District Representative
(This signature does not guarantee project or permit approval)

Irrigation District: District: Farmers Coop Ditch Co

☐ Applicant submitted/met for official review.

Date: 18 Sept 24 Signed: by Rod Nielsen

Authorized Irrigation Representative
(This signature does not guarantee project or permit approval)

Area of City Impact: City: _____

☐ Applicant submitted/met for official review.

Date: _____ Signed: _____

Authorized AOCI Representative
(This signature does not guarantee project or permit approval)

Received by Canyon County Development Services:

Date: 10/16/24 Signed: Michelle Barrios

Canyon County Development Services Staff

DISCLAIMER: THIS ACKNOWLEDGMENT IS ONLY VALID SIX MONTHS FROM THE DATE ISSUED

Farmers Cooperative Ditch Company

9/10/2024

RE: Canyon County Conditional Use Permit, Lemp Ln Project
Brian Burnett
Kevin Rich

Thank you for your letter dated September 9th, 2024, acknowledging that you intend to retain and protect all existing ditches which cross your property and the benefits such ditches provide to carry irrigation water and irrigation return flows from upstream properties. Based upon this acknowledgement, and based upon the condition that you do in fact retain and protect all existing ditches, FCDC has no objection to your proposed project.

Please note that Canyon County has been provided a copy of this letter and agreement so as to ensure that your acknowledgment is a condition of any approval.

Thank you,

Board Member

FCDC
120 N 3rd St
Box 69
FCDC1875@gmail.com
Parma, ID. 83660

208-722-2010

September 17, 2024

Board Members
Farmers' Cooperative Ditch Company
120 N. 3rd Street
Parma, ID 83660

Dear Members of the FCDC Board,

I, Brian Burnett, as authorized agent for Drake Investments, LLC, owner of the property located at 25192 Lemp Lane in Parma, Idaho, commit to the Farmers' Cooperative Ditch Company (FCDC) that I will clean and maintain the irrigation surface waterways on my property. I understand that maintenance of the waterways on my property is critical to the functioning of the irrigation systems on upstream properties. I will work with the FCDC to assure that surface water maintenance on my property provides for continuous water flow through my property.

Signer ID: T4FPR7YD12...
Brian Burnett

09/17/2024 PDT
Date

Document ID: 2d24d5f3bdd9f2bd4dbe30cea6df745f7245e0f79c983747ba2ef4b08f5ea4c7

Signature Certificate

Envelope Ref:3c539dba73c42b0286546d4c8caee1fcdf9f34b9

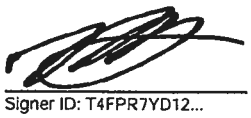
Author: Randy Wall Creator Date: 17 Sep 2024, 11:48:12, PDT Completion Date: 17 Sep 2024, 12:53:06, PDT

Document Details:

Name:	MaintenanceCommitment-240909
Type:	
Document Ref:	2d24d5f3bdd9f2bd4dbe30cea6df745f7245e0f79c983747ba2ef4b08f5ea4c7
Document Total Pages:	1

Document Signed By:

Name:	Robert Burnett
Email:	invest1977@yahoo.com
IP:	160.3.204.96
Location:	NAMPA, ID (US)
Date:	17 Sep 2024, 12:53:06, PDT
Consent:	eSignature Consent Accepted
Security Level:	Email



Signer ID: T4FPR7YD12...

Document History:

Envelope Created	Randy Wall created this envelope on 17 Sep 2024, 11:48:12, PDT
Invitation Sent	Invitation sent to Robert Burnett on 17 Sep 2024, 11:59:45, PDT
Invitation Accepted	Invitation accepted by Robert Burnett on 17 Sep 2024, 12:53:02, PDT
Signed by Robert Burnett	Robert Burnett signed this Envelope on 17 Sep 2024, 12:53:06, PDT
Executed	Document(s) successfully executed on 17 Sep 2024, 12:53:06, PDT
Signed Document(s)	Link emailed to invest1977@yahoo.com
Signed Document(s)	Link emailed to randy@pe-services.biz

September 9, 2024

Mary B. Wall
Professional Engineering Services
mary@pe-services.biz

RE: **RIVERBEND SAND AND GRAVEL PIT, 25192 LEMP LANE, PARMA, ID.**

Dear Mary:

On behalf of the Notus Parma Highway District No. 2 (NPHD), I have reviewed the application dated 07/26/2024, for the property located at 25192 Lemp Lane, Parma, ID for the subject Parcel #R3850500000.

Lemp Lane from the subject parcel north to State Highway US 20/26 is under the jurisdiction of the NPHD. The functional classification for Lemp Lane per NPHD's 2017 Transportation Plan is a Local Roadway. Existing right-of-way (R/W) at the subject parcel and along the centerline of Lemp Lane appears to be a 50-ft wide prescriptive easement (25-ft each side of roadway centerline).

Legal access to the subject parcel does not currently exist for the intended use. The applicant will be required to submit an approach application that meets the current Association of Canyon County Highway District Standards.

At this time and based upon said written information provided with the application, the following Conditions of Approval apply:

1. Application requirements shall meet 2020 ACCHD Standards.
2. A Traffic Impact Study (TIS) is required per ACCHD Section 2010 Land Use Applications. The P&Z hearing should be delayed until the TIS is complete.
3. The TIS will determine mitigation of traffic impacts from the proposed Sand and Gravel Pit. Details of the TIS scope will be determined at a scoping meeting with the Applicant, their traffic engineer, and the NPHD. The TIS shall include the following:
    a. Trip generation by the facility operations
    b. Site access including potential turn lanes
    c. Designated route to State Highway
    d. Proposed secondary access (if any)
    e. Analysis of roadway geometric vs. truck size (vehicle off tracking to identify impacts at tight intersections and curves)
    f. Intersection operation and level of service along said route
    g. Structural capacity of Lemp Lane and designated route
    h. Calculation of proportionate share of costs by the Applicant for mitigation improvements and roadway reconstruction.

4. Completion of the TIS for the required improvements (yet to-be-determined) shall be listed as a specific Condition of Approval in the event the Conditional Use Permit (CUP) is approved.
5. TIS mitigation improvements by the Applicant shall require a separate engineering plan approval and construction permits from the NPHD for Lemp Lane.
6. NPHD requires 60-ft width (30-ft half width) ultimate R/W dedicated from the centerline of a local rural road or the Section/Quarter Section Line, whichever is greater, from the applicant per ACCHD Section 3030 Right of Way.
7. Rural Roadway Spacing or Rural Roadway Driveway Spacing shall be per ACCHD Section 3061 Intersection and Approach Policy per the intended use.
8. The Applicant shall secure a Commercial Approach Permit from NPHD for the proposed access road into the site. All commercial approaches shall meet ACCHD Standard Drawing 106 and be paved 20-ft from the existing edge of pavement or to the right of way line whichever is greater per ACCHD Section 3061.
9. Lemp Lane from the subject parcel north to State Highway US 20/26 will need to be reconstructed to a Two-Lane Rural Roadway Section per Standard Drawing ACCHD-101.
10. A pre-diagnostic meeting will need to be held with Benesch to determine necessary railroad crossing improvements and permitting requirements.
11. Applicant will be required to submit a Right of Way permit application to the Idaho Transportation Department District 3 to determine necessary improvements to the approach onto State Highway US 20/26.

NPHD reserves the right to provide amended comments/conditions of approval in the event of application revision or when additional information becomes available.

NPHD requests Canyon County Development Services incorporate these comments into proposed Conditions of Approval for consideration/approval by the Planning & Zoning Commission and the Canyon County Commissioners in the event the CUP is approved.

Respectfully,

J-U-B ENGINEERS, Inc.

Timothy Blair, P.E. (ID, OR)
Area Manager - Meridian

CC:

- Lynn Troxel, NPHD#2 Director of Highways
- Jay Kiiha, White Peterson
- Zoninginfo@canyoncounty.id.gov

Exhibit 3B9:

Parcel R38505

Case No. CU2024-0023

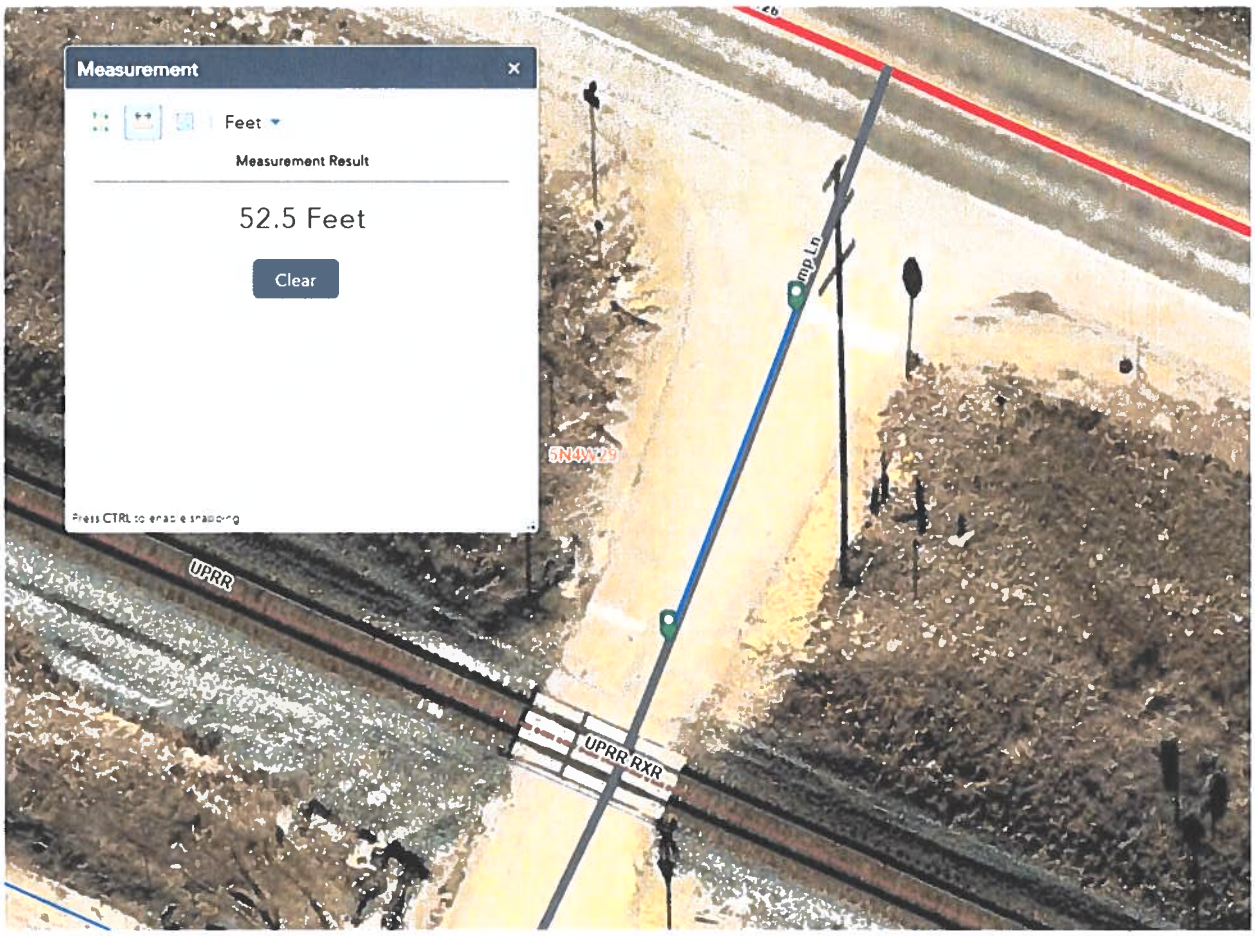


Exhibit 3B10:

MEETING AGENDA

Riverbend-Parma Sand & Gravel Pit

TIS Scoping Meeting

February 13, 2025

1. Introductions
    - Notus Parma Highway District (NPHD)
        a. Tim Blair (JUB)
        b. Lynn Troxel
    - Idaho Department of Transportation
        a. Niki Benyakhlef
    - Development Team
        a. Brian Burnett, property owner
        b. Mary Wall
        c. Claire Dougherty
        d. Kelly Fulfer, Contractor
2. Project Overview
    - Walk through Site Operation Plan graphic
        a. Plan of Action
            1. Once approvals received, actual pit operations might wait to start until large construction job needs aggregate.
            2. Property extends on both sides of Lemp Lane
            3. Longer term, may add houses around lakes, following extraction operations.
        b. Access Plan
            1. Lemp Lane near Staging Area
        c. Traffic
            1. 50 trucks per day, over the course of 12 hours = ~ 5 trucks per hour
    - Discuss TIS requirement
3. Discuss high-level agency comments
    - ITD
        a. Intersection / road damage from trucks
        b. Any other comments?
            1. Other mineral extraction operations in area leading to constituent complaints of gravel deterioration on shoulders of approaches.
            2. Where Lemp Lane meets US 20/26, concern is truck turning and off tracking of trucks.
            3. ITD doesn't think turn lane warrants would be met, and they will check volumes in area to confirm. Kittelson reviewed downstream US 20/26 ATR data (#188) which suggests a southbound right turn lane likely not be warranted at Lemp Lane, and a northbound left turn lane may be closer to being warranted but still unlikely, depending on exact US 20-26 volumes north of Notus at Lemp Lane.
            4. No other TIS requirements required by ITD.
    - NPHD
        a. Existing structural section of Lemp Lane

1. Theres no existing asphalt. Its an oil/gravel mixture.
2. Concern is truck traffic would cause deterioration of roadway.
    - Bore Locations – One on the north side of tracks, then every 500 feet (max) and have Geotech confirm if existing section adequate for trucks.
    - Development team is anticipating that with future residential addition, road would be reconstructed at that time.
3. Turning concern at U 20 – Lemp Lane
    - Discuss on railroad ROW – The approach improvements would like be within ITD ROW.
        i. Engineer would need to layout approach per ITD standard, then run truck turning to verify no overtracking (similar to Wilson lane).
4. Lemp Lane Access – Will need to match ACCHD Commercial Approach standard (and be wide enough for trucks to turn).

b. Any other comments?
c. Requiring a TIS

4. TIS Elements
    - NPHD provided TIS scope comments in September 2024 (**focus area = bold**)
        a. Trip Generation by the facility operations Not needed.
        b. Site access including potential turn lanes Not needed.
        c. Designated route to State Highway
            1. No TIS required for items a,b,c,d f.
        d. Proposed Secondary access (if any). None.
        e. Analysis of roadway geometrics vs truck size (vehicle off-tracking to identify impacts at tight intersections and curves)
            1. First, layout approaches to be built at US 20-26 / Lemp Lane approach (ITD approach), and at site access to Lemp Lane (ACCHD Commercial Approach), then provide truck turning templates at these two locations to show that proposed approach geometry is adequate (no overtracking).
        f. Intersection operations and level of service along said route. Not needed.
        g. Structural capacity of Lemp Lane and designated route
            1. Collect bores at noted on page 1, and provide analysis of adequacy of existing section for trucks. Otherwise, Lemp Lane will need to be reconstructed.
        h. Calculation of proportionate share of costs by the Applicant for mitigation improvements and roadway reconstruction.
            1. Any mitigations (approach widening, Lemp Lane reconstruction) would all be on applicant – No other developments/NPHD contributions.
    - General Questions to inform TIS
        a. Lemp Lane (NPHD roadway) does not appear to have a posted speed – What does the Highway District consider the existing speed limit of this Local Road? Default for posted and unposted is 50 mph. However considering grades and horizontal curves on Lemp Lane , trucks will functionally be going much slower.
        b. Does NPHD have any existing traffic count data for Lemp Lane? No. Could collect new count, or estimate traffic based on number of residential homes served by Lemp Lane (~5)
    - TIS Detailed Questions
        a. Trip Generation by the facility operations This TIS element is not needed.

1. Trip Generation will be based on site operations – Approximately 50 trucks a day (5 during each AM and PM peak hour plus 2-3 employee vehicles trips).
2. Most trips (90%) are estimated to be south-east bound on US 20/26

b. Site access including potential turn lanes This TIS element is not needed

1. Lemp Lane is low volume and turning vehicle traffic to/from the site would be 5-7 vehicles an hour (at most)
2. What locations / direction is NPHD requesting turn lane analysis be prepared for?
3. Opening day analysis, or future year analysis?
    - If future year analysis is required, what level of traffic growth would be expected on Lemp Lane?

c. Designated route to State Highway This TIS element is not needed.
1. Lemp Lane is only proposed route to/from State Highway

d. Proposed Secondary access (if any) This TIS element is not needed
1. None.

e. Analysis of roadway geometrics vs truck size (vehicle off-tracking to identify impacts at tight intersections and curves)
1. At what specific locations / truck turning movements is NPHD requesting roadway geometric review?
    - Lemp Lane approach to US 20-26
    - Site access/Lemp Lane

f. Intersection operations and level of service along said route This TIS element is not needed.
1. What intersection location(s) is NPHD requesting intersection LOS be reviewed?
2. Define level of service along Lemp Lane route
    - Typically roadway segment capacity is more so governed by bounding intersections
    - What segment LOS thresholds would NPHD want the volumes compared to.

g. Structural capacity of Lemp Lane and designated route
1. Can NPHD provide existing Lemp Lane roadway section?
    - Not asphalt – its an oil/aggregate mix.
2. If core samples are taken to evaluate structural capacity of Lemp Lane, how many test samples are required? Any specific location requirements?
    - One near US 20-26 (north of railroad) then every 500 ft (max) along Lemp Lane all the way to site access.
3. Is this calculation necessary if NPHD is already requiring Lemp Lane be reconstructed to a two-lane Rural Roadway Section per Std. Dwg ACCHD-101? (Letter Item 9)
    - Won't require Lemp Lane rebuild necessarily, depending on Geotech analysis/recommendation.

h. Calculation of proportionate share of costs by the Applicant for mitigation improvements and roadway reconstruction. Not needed. Costs would be all on Applicant.
1. Discuss proportionate share cost calculation methodology
    - Who would share the cost of any mitigations? NPHD, or adjacent properties at time of re-development?

- Is NPHD aware of any re-development plans of adjacent properties? Not needed. Costs would be all on Applicant.

- NPHD Letter Item 11. Applicant will be required to submit a Right of Way permit application to ITD to determine necessary improvements
    a. Does ITD have any additional Lemp Lane approach related comments or items that the TIS should include beyond items previously discussed above? No. Primary concern is approach geometry / truck over-tracking leading to shoulder deterioration.

5. Discuss Benesh / Pre – Diagnostic Meeting
6. Closing Comments

PROFESSIONAL ENGINEERING SERVICES

Exhibit 3B11:

Dust Control Plan for

Riverbend-Parma Gravel Pit
and
Arrowhead Springs Ranch Gravel Pit

1. Purpose

To minimize airborne dust emissions from gravel pit activities, ensuring compliance with air quality regulations, protecting worker health, and reducing environmental impacts.

2. Site Description

- **Location:** Riverbend-Parma Gravel Pit located at 25192 Lemp Lane, Parma, ID
  Arrowhead Springs Ranch Gravel Pit located at 21793 Highway 20/26, Parma, ID
- **Operation Type:** Open-pit gravel extraction, crushing, screening, and hauling.
- **Operating Hours:** 7am to 7pm

3. Dust Sources

- Material excavation and loading
- Crushing and screening operations
- Haul roads and vehicle traffic
- Stockpiles and exposed soil areas
- Material transfer points

4. Control Measures

A. Water Application

- Use water trucks or fixed spray systems to wet haul roads, active work areas, and material piles during dry or windy conditions.
- Apply water before visible dust is generated and reapply as needed.

B. Material Handling

- Minimize drop heights when loading/unloading materials.
- Cover truck loads leaving the site.

C. Stockpile Management

- Shape piles to reduce wind exposure.
- Apply water or cover with tarps/geotextiles if inactive for extended periods.

D. Vehicle & Traffic Control

- Limit vehicle speeds to**15 mph** on unpaved surfaces.
- Restrict unnecessary traffic in active work zones.

5. Monitoring & Recordkeeping

- Conduct daily visual inspections for dust emissions.

6. Training

- Train all employees and contractors on dust control procedures and reporting requirements.

7. Emergency Measures

- If dust complaints are received, investigate within 24 hours and implement corrective actions immediately.

8. Review & Updates

- Review plan annually or after significant operational changes.

Exhibit 3B11.1:

Archived: Tuesday, March 3, 2026 3:58:09 PM
From: Robert Burnett
Mail received time: Fri, 6 Feb 2026 21:28:43
Sent: Friday, February 6, 2026 2:28:45 PM
To: Amber Lewter
Cc: Mary Wall Natalie Jonsson
Subject: [External] Re: CU2024-0023 and CU2024-0024
Importance: Normal
Sensitivity: None

---

yes, there will be dust control in place. We use water trucks that eliminate all dust and are running at all times when the pit is running.

we will also be watering the crusher the entire time and the crusher will stay in the staging area.

Brian Burnett

Sent from my iPhone

> On Feb 6, 2026, at 1:04 'a0PM, Amber Lewter <Amber.Lewter@canyoncounty.id.gov> wrote:
>
> ?
>
> Hello Mary,
>
> I have a few follow-up questions for both gravel pit operations.
>
> - What is the dust control proposed?
> - Will the rock crusher stay in the designated “staging area” location?
> - Will the crushing operation be watered to reduce dust?
>
> Thank you for getting back to me on these.
>
> <image001.png>
>
> **Amber Lewter**
> Associate Planner
> Canyon County Development Services Department
> 111 N. 11th Ave., #310, Caldwell, ID 83605
>
> Direct Line: 208-454-6631
> Email: amber.lewter@canyoncounty.id.gov

Exhibit 3B12:

FLOODPLAIN DEVELOPMENT PERMIT
Canyon County
Development Services Department

The undersigned hereby makes application for permit to develop, demolish, or excavate in a designated floodplain area. The work to be performed is described below and in attachments hereto. The undersigned agrees that all such work shall be done in accordance with the requirements of the Canyon County Floodplain Ordinance and with all other applicable local, State and Federal regulations. This application does not create liability on the part of the Canyon County or any officer or employee thereof for any flood damage that results from reliance on this application or any administrative decision made lawfully thereunder.

PROPERTY OWNER	OWNER NAME: Brian Burnett, Drake Investments, LLC	
	MAILING ADDRESS: 1125 W. Two Rivers Drive, Eagle, ID 83616	
	PHONE: (208) 994-1607	EMAIL: invest1977@yahoo.com
Signature: [signature]		*Date:* 8/20/24

APPLICANT OR BUILDER:	APPLICANT NAME: Mary Wall, Professional Engineering Services	
	MAILING ADDRESS: 5636 N. Portsmouth Avenue, Boise, ID 83714	
	PHONE: (406) 600-6218	EMAIL: mary@pe-services.biz

ADDRESS AND LOCATION OF THE PROPERTY:

25192 Lemp Lane, Parma, ID - Parcel No. R35850500000

Property is located between Parma and Notus, south of Hwy 20/26 and on the southeast side of Lemp Lane. The portion of the property to be impacted is the area below the bench which is also the portion that is within the AE flood zone.

A. DESCRIPTION OF WORK

1. Proposed Work:

☐ New Construction (includes bridges and fences)
☐ Manufactured Home
☐ Improvement to Existing Building
☒ Filling/Grading
☐ Demolition (includes equip. storage)
☒ Excavation (includes culverts, dredging, vegetation, paving, and drilling, mineral extraction ponds)

2. Describe in Detail: Project proposed to extract sand and gravel from approximately 26 acres of the property. Total depth of extraction is expected to be 20-25 feet. Upon completion of mineral extraction, the gravel pit will be allowed to fill with groundwater to create an aesthetic pond.

DP2024-0035 10/18/24 MB. Riverbend

3. Size of Proposed Development (attach site plan): 26-acres

4. Per the floodplain map, what is the zone and panel number of the area of the proposed development:

Zone: AE Panel Number: 16027C0201G
201 - Canyon County

5. Are there any other Federal, State, or local permits obtained?

☒ Yes ☐ No

Type: Reclamation Plan Approval Agency: Idaho Department of Lands
Water Rights Approval Idaho Dept of ~~Environmental Quality~~ Water Resources

B. COMPLETE FOR NEW STRUCTURES AND BUILDING SITES:

1. Base Flood Elevation at the Site (in ft.):
2. What is the total cost of the proposed construction?
3. Elevation to which all utilities, including all heating and electrical equipment, will be protected from flood damage:

Feet

C. COMPLETE FOR ALTERATIONS, ADDITIONS, OR IMPROVEMENTS TO EXISTING STRUCTURES:

1. What is the estimated market value of the existing structure? $
2. What is the total cost of the proposed construction? $

If the cost of the proposed construction equals or exceeds 50 percent of the market value of the structure, then substantial improvement provisions shall apply.

D. COMPLETE FOR NON-RESIDENTIAL FLOOD-PROOFED CONSTRUCTION:

1. Type of floodproofing method:
2. The required floodproofing elevation is:
3. Floodproofing certification by a registered engineer is attached? ☐ Yes ☐ No

E. COMPLETE FOR SUBDIVISION AND ADMINISTRATIVE LAND DIVISIONS:

1. Floodproofing certification by a registered engineer is attached? ☐ Yes ☐ No
2. If yes, does the plat or proposal clearly identify the base flood elevation? ☐ Yes ☐ No
3. Are the 100-year floodplain and floodway delineated on the site plan? ☐ Yes ☐ No

F. COMPLETE FOR DEMOLITION WITHIN THE FLOODPLAIN:

1. Describe the items to be demolished:
2. Describe equipment and material stored on site:
3. Describe the length of time equipment and materials will be stored on site:

G. COMPLETE FOR EXCAVATION, GRADING, AND FILLING WITHIN THE FLOODPLAIN:

1. Describe the total area to be excavated: 26-acres
2. Describe the total area to be dredged: none
3. Describe the area of vegetation and/or debris to be removed: Topsoil will be salvaged and stockpiled.
4. Describe the total area of a culvert to be installed: none
5. Describe type of fill material used: Fill material will be stockpiled topsoil.
6. Describe the amount of fill material used: All stockpiled topsoil will be placed in reclaimed areas.
7. Does the proposed work involve any wetlands? ☐ Yes ☒ No

Please check with the following agencies for possible joint permit requirements under all above sections:

- Idaho Dept. of Environmental Quality
- Idaho Dept. of Lands
- U.S. Army Corps of Engineers
- Idaho Dept. of Fish & Game
- Idaho Dept. of Water Resources
- Environmental Protection Agency

ADMINISTRATIVE USE ONLY

1. Permit **Approved** ☒ Permit **Denied** ☐
2. Elevation Certificate Attached: ☐ Yes ☒ No
3. As per plan, Lower Floor Elevation: ft.
4. Are additional required permits or certificates attached? ☐ Yes ☐ No
5. Permit Reviewed by: Dalia Alnajar Date: 2/11/26
6. Local Administrator Signature: Date: 2/11/26

CONDITIONS/COMMENTS:

PROFESSIONAL
ENGINEERING
SERVICES

September 30, 2024

Canyon County
Development Services
111 N. 11th Avenue, Room 311
Caldwell, ID 83605

Re: Floodplain Development Permit Application for Riverbend-Parma Gravel Pit Operations
Parcel #R3850500000, 25192 Lemp Lane, Parma, ID
Letter of Intent

Dear Canyon County Development Services,

We are pleased to submit the above referenced Floodplain Development Permit application to accompany the Conditional Use Permit application for the proposed Riverbend-Parma Gravel Pit (hereinafter the "Project") on behalf of our client, Drake Investments, LLC. Included with this Floodplain Development Letter of Intent you will find the required application for the Floodplain Development permit as well as the required documents for the Conditional Use Permit. The applications and supporting documents are intended to provide sufficient information to allow for approval of the proposed sand and gravel mining operations on the subject property.

The project site is a 51-acre parcel located at 25192 Lemp Lane, Parma, Idaho. According to the FEMA floodplain map the entire property is within the AE flood zone. However, based upon the flood elevations provided on the FEMA map, the 15-acres on the bench has ground elevations above the flood elevation. The project will consist of surface mining the sands and gravel out of approximately 26 acres of the lower portion of the property which is entirely within the AE flood zone. Aggregates will be crushed, screened, washed, and stockpiled within the boundary shown on the Site/Operation Plan. The 15-acres of property on the bench will not be impacted by the mining operation. Upon conclusion of the mining activities the area impacted by mining activities will be reclaimed in accordance with the approved Reclamation Plan issued by the Idaho Department of Lands on July 11, 2024. The gravel pit will be allowed to fill with groundwater and become a pond. All areas outside of the pond will be revegetated. A water right has been obtained for the resulting pond and a copy of that water right approval is included with this application package.

Operations in the area will begin with stripping and stockpiling topsoil in the mining area. Topsoil and overburden will be separated and stockpiled for future reclamation. This will help with the re-vegetation of the reclaimed area. A portion of the stockpiled soil will be used for berms along the north boundary of the mining operation area to keep onsite and offsite stormwater separate and to prevent onsite stormwater from entering the waste ditch running on the north side of the site.

Mining will be conducted with heavy equipment such as hydraulic excavators, dozers, front end loaders, and crushing and screening equipment. Gravel extraction will begin on the east end of the proposed mining area and will continue westward. Superior Construction will construct a temporary

onsite haul road across the 26-acre gravel pit site. This temporary haul road will be gradually abandoned as mining operations move west across the site. The mining operation will be completed in one phase. The site will be mined to an estimated depth of 25 feet below the existing ground surface. Operation slopes on the mine walls will be at a maximum of 2:1. The material will be crushed, screened, washed and stockpiled at the mining site. This mining operation is planned to begin upon approval and is expected to be in operation for a maximum of twenty (20) years.

All reclamation will be completed in accordance with the approved Reclamation Plan No. S603013 issued by the Idaho Department of Lands and in accordance with the Idaho Surface Mining Act and Administrative Rules. The gravel pit on this site will become a pond fed by groundwater when mining of the area is complete. A water rights permit (#63-35547) has been granted by Idaho Department of Water Resources for this water use.

Any remaining haul roads within the permit boundary will be reclaimed and seeded to match the surrounding vegetation and topography. Sediment ponds will be filled in at the time of reclamation.

Equipment on site and within the AE flood zone will include a truck scale, a mobile storage fuel container, portable rock crusher, portable rock screens, material conveyors, and heavy equipment used to mine the sand and gravel. Mitigation to prevent the displacement of equipment on site will be provided in accordance with Canyon County Code and FEMA regulations.

All of the crushing and screening equipment as well as the mobile storage fuel container is portable and can be moved from the site in the event of flooding. In addition, the crushing and screening equipment has sufficient weight to prevent displacement in the event of flooding.

Please contact me if you require additional information for this Floodplain application.

Very truly yours,

Mary B. Wall, PE
Principal

Enclosure: Floodplain Development Application

CC:

Exhibit 3B12.1:

Floodplain Development Permit

Development Services Department
111 North 11th Ave., Suite 310
Caldwell, ID 83605
Office: (208) 454-7458
For Inspections Call: (208) 454-7460
Fax: (208) 454-6633

Permit Number:
DP2024-0035

Date:
10/18/2024

Project Name: RIVERBEND - PARMA GRAVEL PIT

Parcel Number: 38505000 0
Latitude:
Longitude:
Section:
Township:
Range:
Parcel Acreage: 50.20

Site Address: 25192 LEMP LN
Parma ID 83660

Project Flood Zone:
Parcel Flood Zone:

Property Owner:	Applicant:	Contractor:
DRAKE INVESTMENTS LLC 1125 W TWO RIVERS LN EAGLE ID 83616	DRAKE INVESTMENTS LLC 1125 W TWO RIVERS DR EAGLE ID 83616	DRAKE INVESTMENTS LLC 1125 W TWO RIVERS DR EAGLE ID 83616

Comments: If any work is in the regulatory floodway

NFIP rules require the community to prohibit encroachments in the floodway unless it's demonstrated (via hydrologic/hydraulic analysis using standard engineering practice) that the project will cause no increase in flood levels ("no-rise")

Standard Zoning / Building Condition(s)

✓ Reclamation Plan

Fees

Date	Fee Item	Amount
10/18/2024	Flood Plain Development Permit (Engineering Fees May Also Apply)	$80.00
		$80.00

Receipts

Date	Recipt Number		Amount
10/21/2024	83904		$80.00
		Total Paid:	**$80.00**

Document ID: 29893e0044330db32383e9b45422ef2bbee3bf8f66d22398f59e6d4437934ea3

The degree of flood protection required by Canyon County Code of Ordinance Chapter 7 and the Development Permit is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Issuance of this permit shall not create liability on the part of Canyon County or any officer or employee thereof for any flood damages that result from reliance on this permit or any administrative decision. This Development Permit is only valid for the proposed development associated with the Building Permit identified above. Any changes to or amendments made to the proposed development may nullify this permit.

There may be additional State and Federal guidelines and permits required in addition to this Development Permit. It is highly recommended that you verify any additional requirements with your flood insurance provider prior to initiating the proposed development.

Applicant's Signature: _____ Date: 02/11/2026 PST

Signer ID: T4FPR7YD12...

DSD Staff Accepting Application: DALIA Date: February 11, 2026

DSD Flood Plain Administrator: _____ Date: 2/11/26

Document ID: 29893e0044330db32383e9b45422ef2bbee3bf8f66d22398f59e6d4437934ea3

Signature Certificate

Envelope Ref:52659de735c54237a1fb0952b1a88ef8507d5f11

Author:	Randy Wall	Creation Date:	11 Feb 2026, 13:32:36, PST	Completion Date:	11 Feb 2026, 14:05:25, PST

Document Details:



Name:	DOC130
Type:	
Document Ref:	29893e0044330db32383e9b45422ef2bbee3bf8f66d22398f59e6d4437934ea3
Document Total Pages:	2

Document Signed By:

Name:	Robert Burnett
Email:	invest1977@yahoo.com
IP:	2600:100e:b32b:d090:55f5:c4c5:44c0:36ca
Location:	MERIDIAN, ID (US)
Date:	11 Feb 2026, 14:05:24, PST
Consent:	eSignature Consent Accepted
Security Level:	Email



Signer ID: T4FPR7YD12...

Document History:

Envelope Created	Randy Wall created this envelope on 11 Feb 2026, 13:32:36, PST
Invitation Sent	Invitation sent to Robert Burnett on 11 Feb 2026, 13:35:44, PST
Invitation Accepted	Invitation accepted by Robert Burnett on 11 Feb 2026, 14:05:17, PST
Signed by Robert Burnett	Robert Burnett signed this Envelope on 11 Feb 2026, 14:05:24, PST
Executed	Document(s) successfully executed on 11 Feb 2026, 14:05:25, PST
Signed Document(s)	Link emailed to invest1977@yahoo.com
Signed Document(s)	Link emailed to randy@pe-services.biz

Foxit ESIGN

Exhibit 3B13:

DESERT EDGE
COMMERCIAL

BUILD BEYOND THE HORIZON

Riverbend- Parma Gravel Pit
Canyon County Planning & Zoning
March 19, 2026

TABLE OF CONTENTS

01 Site Location

02 Project Outline

03 Site Operation Plan

04 Compatibility with comprehensive plan

05 Stakeholder Coordination & Impact Mitigation Planning

06 Utility & Infrastructure Requirements

07 Completed Gravel Extraction & Reclamation Project

DESERT EDGE
COMMERCIAL



SITE LOCATION

- 25192 Lemp Lane
- 50.2 acres
- Agricultural zoning
- approx. 2.5 miles northwest of Notus

DESERT EDGE
COMMERCIAL

PROJECT OUTLINE

Sand & Gravel Extraction Area:
≈26 Acres

Operating Hours:
7:00 AM – 7:00 PM
(7 Days / Week During Peak Activity)

Estimated Workforce:
≈6 Employees

Truck Traffic at Peak:
≈50 Loads / Day

Permit Duration:
Up To 20 Years

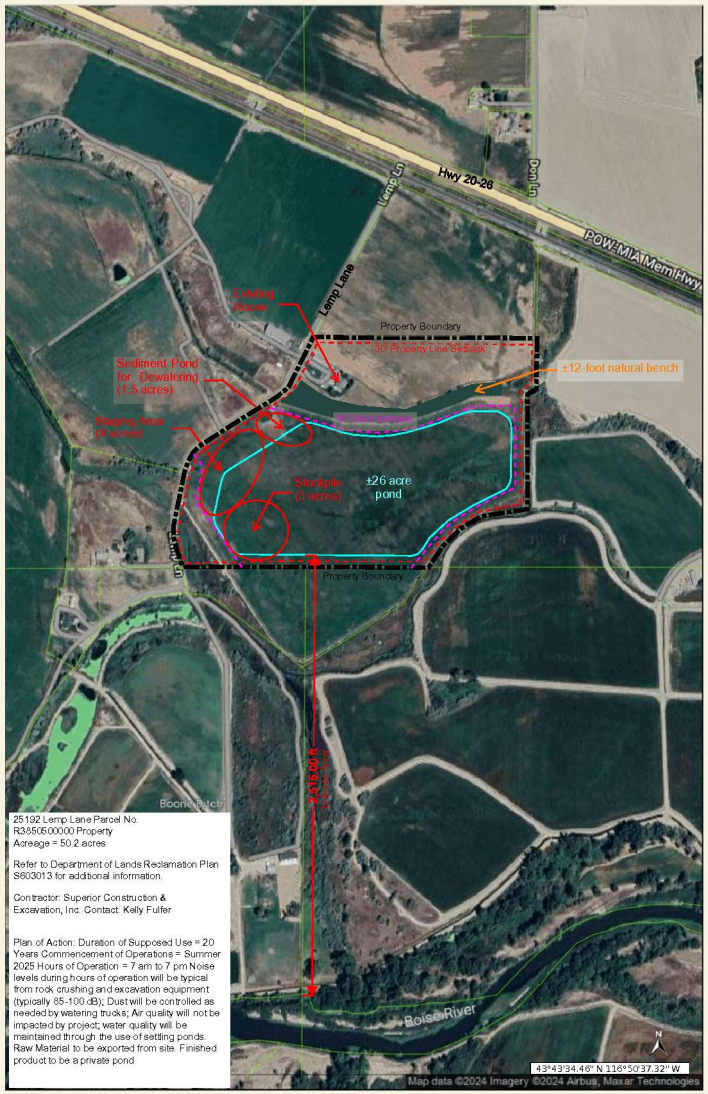
Post-Operation Use:
Reclaimed Groundwater-Fed Pond

DESERT EDGE
COMMERCIAL



landproDATA

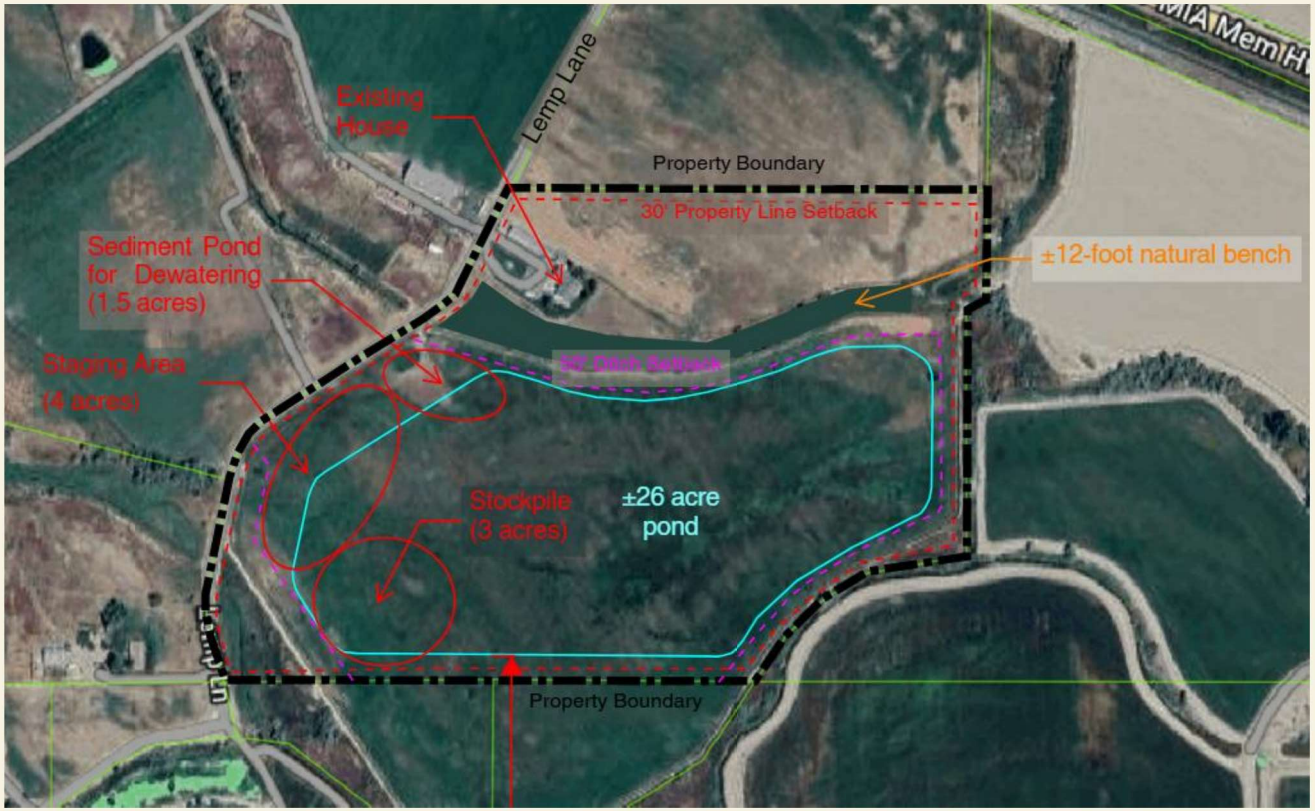
Site/Operations Plan
Riverbend - ParmaGravelPit



Aug 20, 2024 - landproDATA.com
Scale: 1 inch approx 400 feet

The materials available at this website are for informational purposes only and do not constitute a legal document.

Enlarged Detail



CONSISTENCY WITH THE CANYON COUNTY COMPREHENSIVE PLAN & GOALS

✓ Allowed Use in Agricultural Zoning

Mineral extraction is conditionally permitted within the A–Agricultural zone

✓ Supports Regional Growth Needs

Provides construction aggregate for:

- Infrastructure
- Housing
- Future Development

Creates Local Employment

✓ Appropriate Use of Limited Agricultural Soils

Located on Class IV–V soils with severe agricultural limitations

✓ Compatible with Rural Character

Designed to avoid conflicts with:

- Adjacent agricultural operations
- Irrigation infrastructure
- Boise River corridor

Final reclamation results in permanent pond

DESERT EDGE
COMMERCIAL

STAKEHOLDER COORDINATION & IMPACT MITIGATION PLANNING

Potential Impact Area	Coordination Completed
Irrigation Infrastructure	Irrigation District + Adjacent Owners
Floodplain Conditions	No Mining in Floodway
Site Reclamation	ID Dept. of Lands Approved Plan
Water Resources	IDWR Pond Water Right Obtained
Local Road Capacity	Lemp Lane Testing + Improvements
State Highway Access	ITD Encroachment Review
Haul Traffic Safety	Acceleration Lane Proposed
Railroad Crossing	Union Pacific Site Review

DESERT EDGE
COMMERCIAL

UTILITY & INFRASTRUCTURE REQUIREMENTS

PUBLIC UTILITIES

- ⊘ Public Water Not Required
- ⊘ Sewer Not Required
- ⊘ Irrigation Facilities Not Required

STORM WATER & ACCESS

- ✓ Stormwater Retained
- ✓ Onsite Existing Roadway Network Utilized

DESERT EDGE
COMMERCIAL

DESERT EDGE
COMMERCIAL

COMPLETED GRAVEL EXTRACTION & RECLAMATION PROJECT

BEFORE



- Accretion Ground
- In the flood way
- Unusable ground at acquisition
- Little to no wildlife habitat due to ground composition

AFTER



- 20-acre lake & 7-acre lake
- 2.8- acres of created wet land and wildlife habitat
- Wild Life on developed property (Bald Eagles, Blue Herron, Deer, Abundance of Waterfowl)

DESERT EDGE
COMMERCIAL

THANK YOU!

ANY Questions?

Exhibit 3C:

EXHIBIT C

Supplemental Documents

Planning & Zoning Commission

Case #: CU2024-023

Hearing Date: March 19, 2026

CANYON COUNTY DEVELOPMENT SERVICES MAKES NO WARRANTY WITH RESPECT T
ACCURACY, COMPLETENESS, OR USEFULNESS OF THIS PARCEL INFORMATION TO

Exhibit 3C1:

R38505 PARCEL INFORMATION REPORT

2/9/2026 2:13:21 PM

PARCEL NUMBER:	R38505
OWNER NAME:	DRAKE INVESTMENTS LLC
CO-OWNER:	
MAILING ADDRESS:	1125 W TWO RIVERS LN EAGLE ID 83616
SITE ADDRESS:	25192 LEMP LN
TAX CODE:	1380000
TWP:	5N **RNG:** 4W **SEC:** 29 **QUARTER:** SW
ACRES:	50.20
HOME OWNERS EXEMPTION:	No
AG-EXEMPT:	Yes
DRAIN DISTRICT:	DD4
ZONING DESCRIPTION:	AG / AGRICULTURE
HIGHWAY DISTRICT:	NOTUS-PARMA HWY #2
FIRE DISTRICT:	PARMA FIRE
SCHOOL DISTRICT:	PARMA SCHOOL DIST #137
IMPACT AREA:	NOT In Impact Area
FUTURE LAND USE 2011-2022 :	AG
FLU Overlay Zone Desc 2030:	INTENSIVE AGRICULTURE OVERLAY
FLU RR Zone Desc 2030:	
FUTURE LAND USE 2030:	AGRICULTURE
IRRIGATION DISTRICT:	FARMERS COOPERATIVE DITCH CO
FEMA FLOOD ZONE:	X / AE **FLOODWAY:** NOT In FLOODWAY **FIRM PANEL:** 16027C0201G
WETLAND:	Riverine
NITRATE PRIORITY:	NOTUS
FUNCTIONAL Classification:	NOT In COLLECTOR
INSTRUMENT NO. :	2024001260
SCENIC BYWAY:	NOT In Scenic Byway
LEGAL DESCRIPTION:	29-5N-4W SW TX 24067 IN SWSW & IN GOVT LT 1 IN SEC 30
PLATTED SUBDIVISION:	
SMALL CITY ZONING:	
SMALL CITY ZONING TYPE:	

DISCLAIMER:

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERRIFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.

Exhibit 3C2:

EXHIBIT C2

Case Maps/Reports

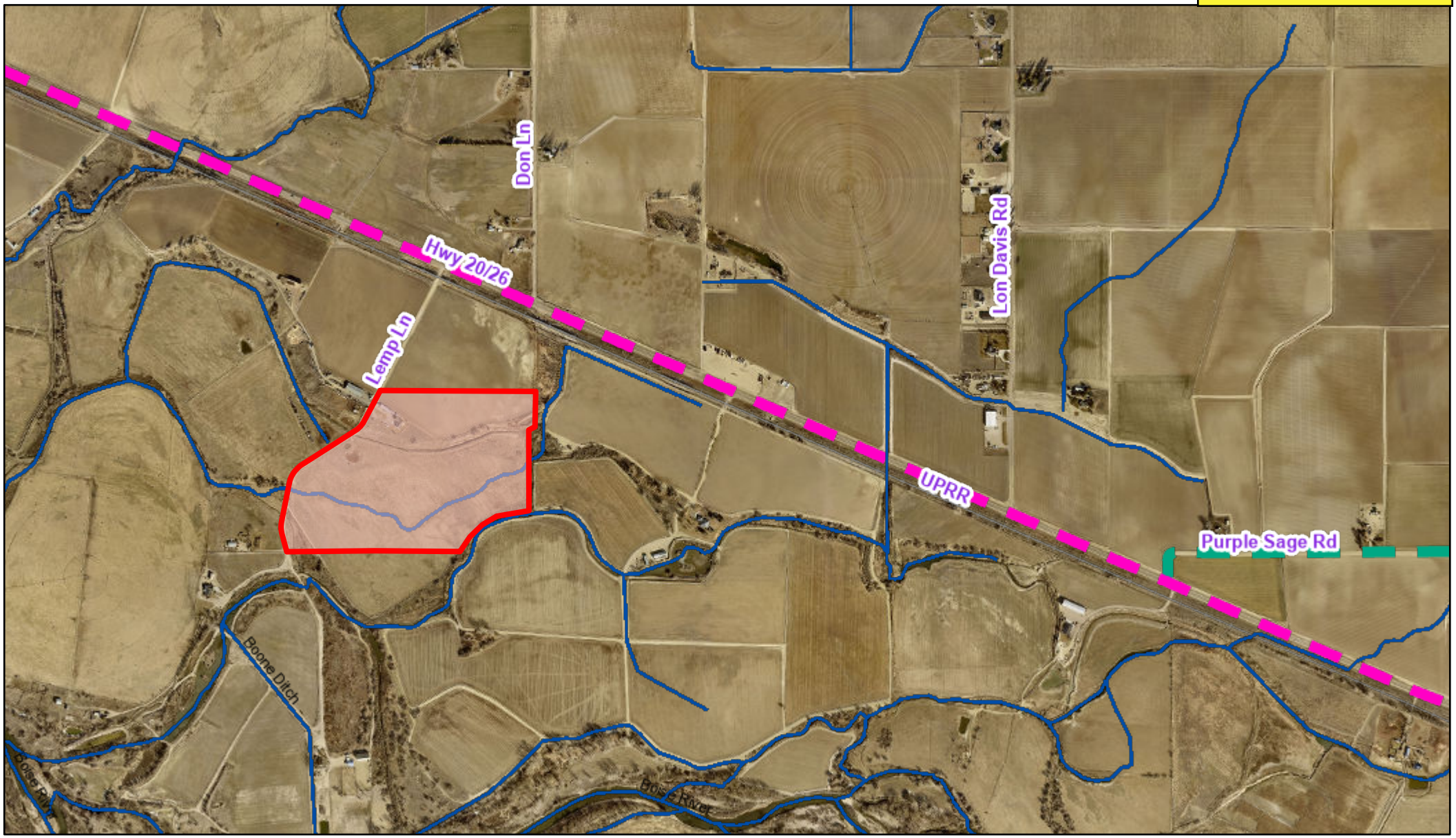
Planning & Zoning Commission

Case #: CU2024-023

Hearing Date: March 19, 2026

Canyon County, ID Web Map

Exhibit 3C2.1:



10/21/2024, 2:58:55 PM

Multiple Parcel Search _Query result

Hydro_NHDFlowline

RAILROAD

ITDFunctionalClassification

Minor Arterial

Other Principal Arterials

Imagery_2022

Red: Band_1

Green: Band_2

Blue: Band_3

1:18,056

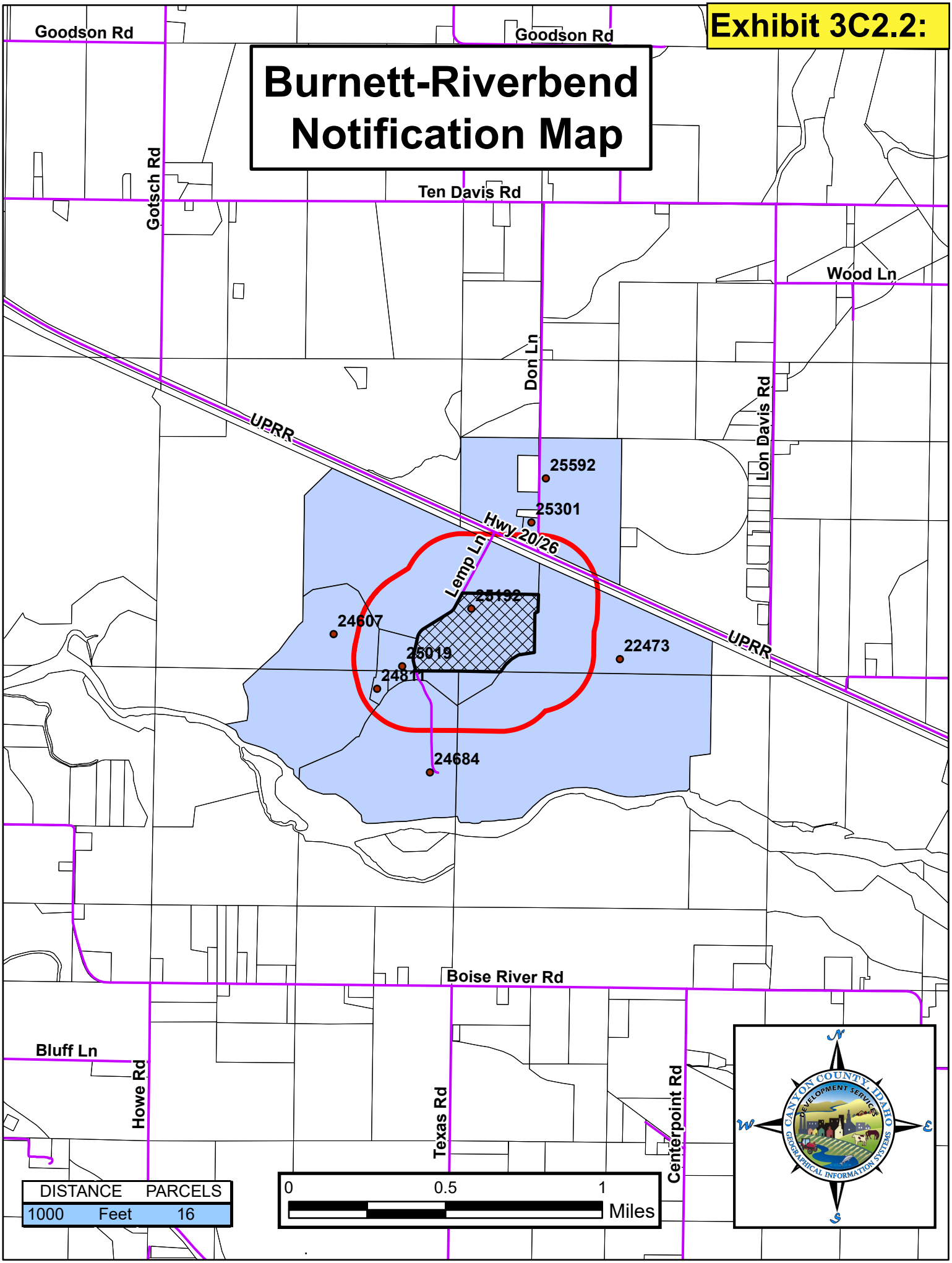
0 0.1 0.2 0.4 mi

0 0.17 0.35 0.7 km

Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA

Canyon County, ID

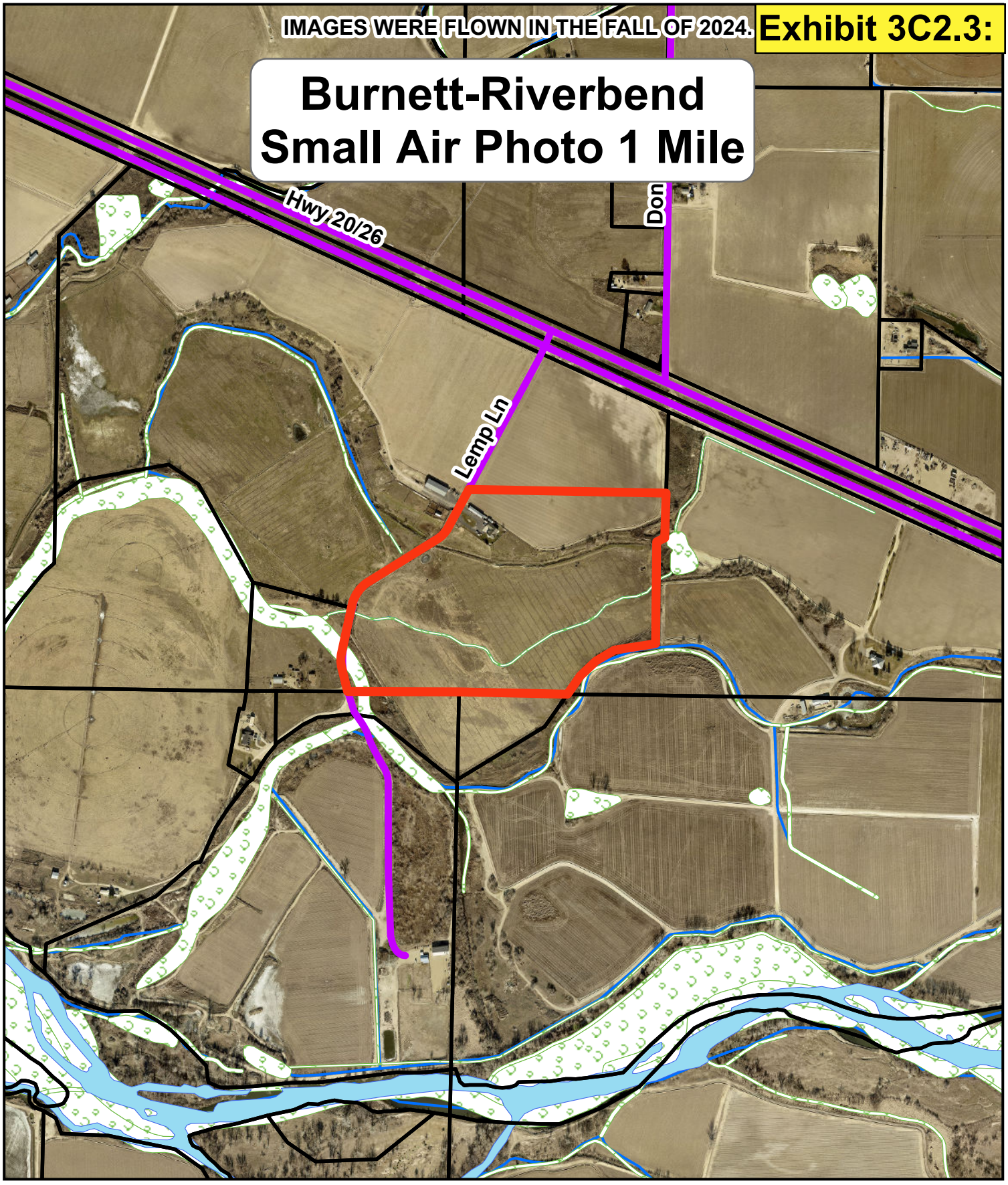
Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA | City of Nampa |


Exhibit 3C2.2:
Burnett-Riverbend Notification Map
Goodson Rd
Goodson Rd
Gotsch Rd
Ten Davis Rd
Wood Ln
Don Ln
Lon Davis Rd
UPRR
UPRR
Hwy 20/26
Lemp Ln
25592
25301
25192
24607
25019
24811
22473
24684
Boise River Rd
Bluff Ln
Howe Rd
Texas Rd
Centerpoint Rd
DISTANCE PARCELS
1000 Feet 16
0 0.5 1
Miles
CANYON COUNTY, IDAHO
DEVELOPMENT SERVICES
GEOGRAPHICAL INFORMATION SYSTEMS
N
W
E
S

IMAGES WERE FLOWN IN THE FALL OF 2024.

Exhibit 3C2.3:

Burnett-Riverbend Small Air Photo 1 Mile



City_Limits

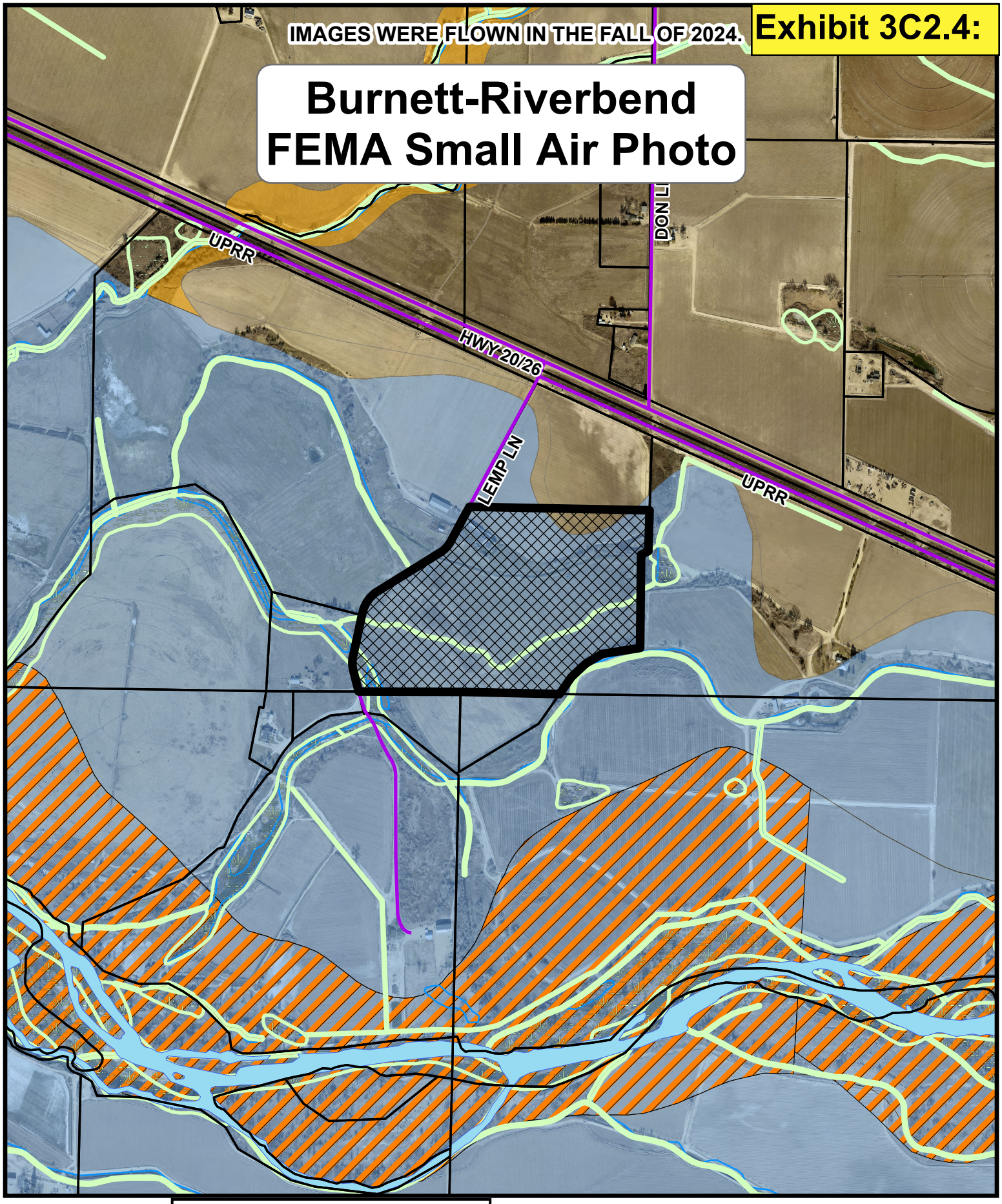
Wetlands

0 0.25 0.5 Miles

IMAGES WERE FLOWN IN THE FALL OF 2024.

Exhibit 3C2.4:

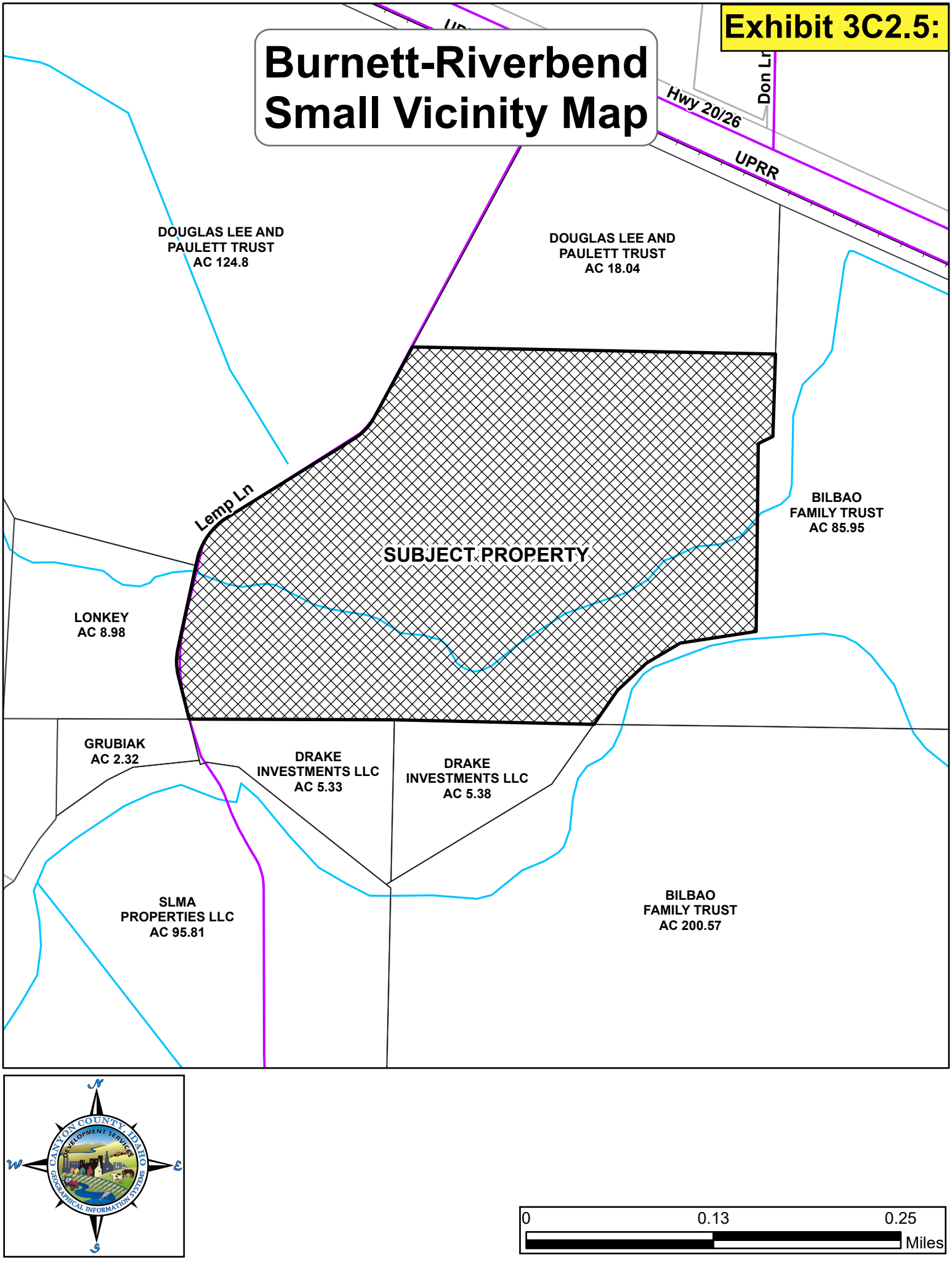
Burnett-Riverbend FEMA Small Air Photo

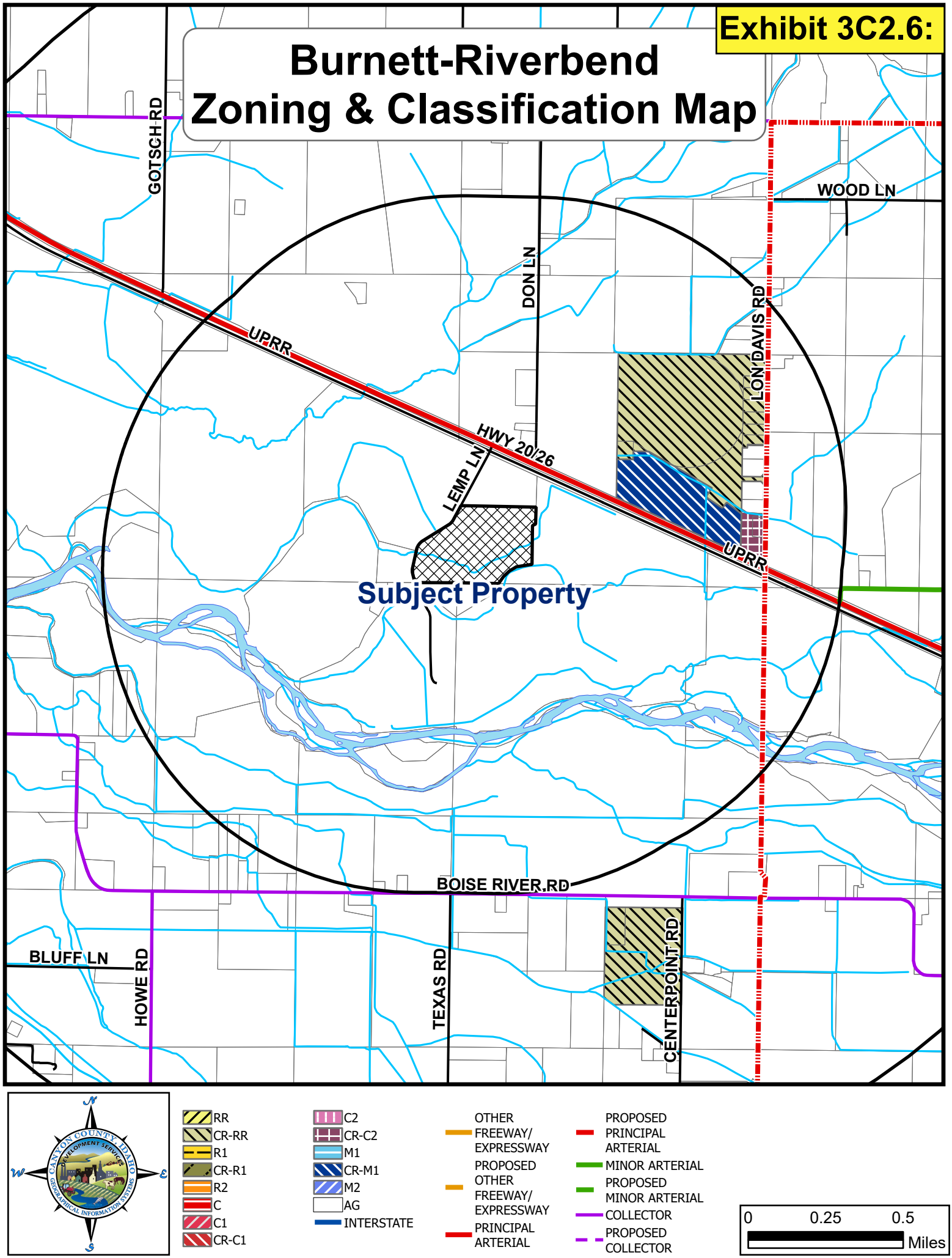


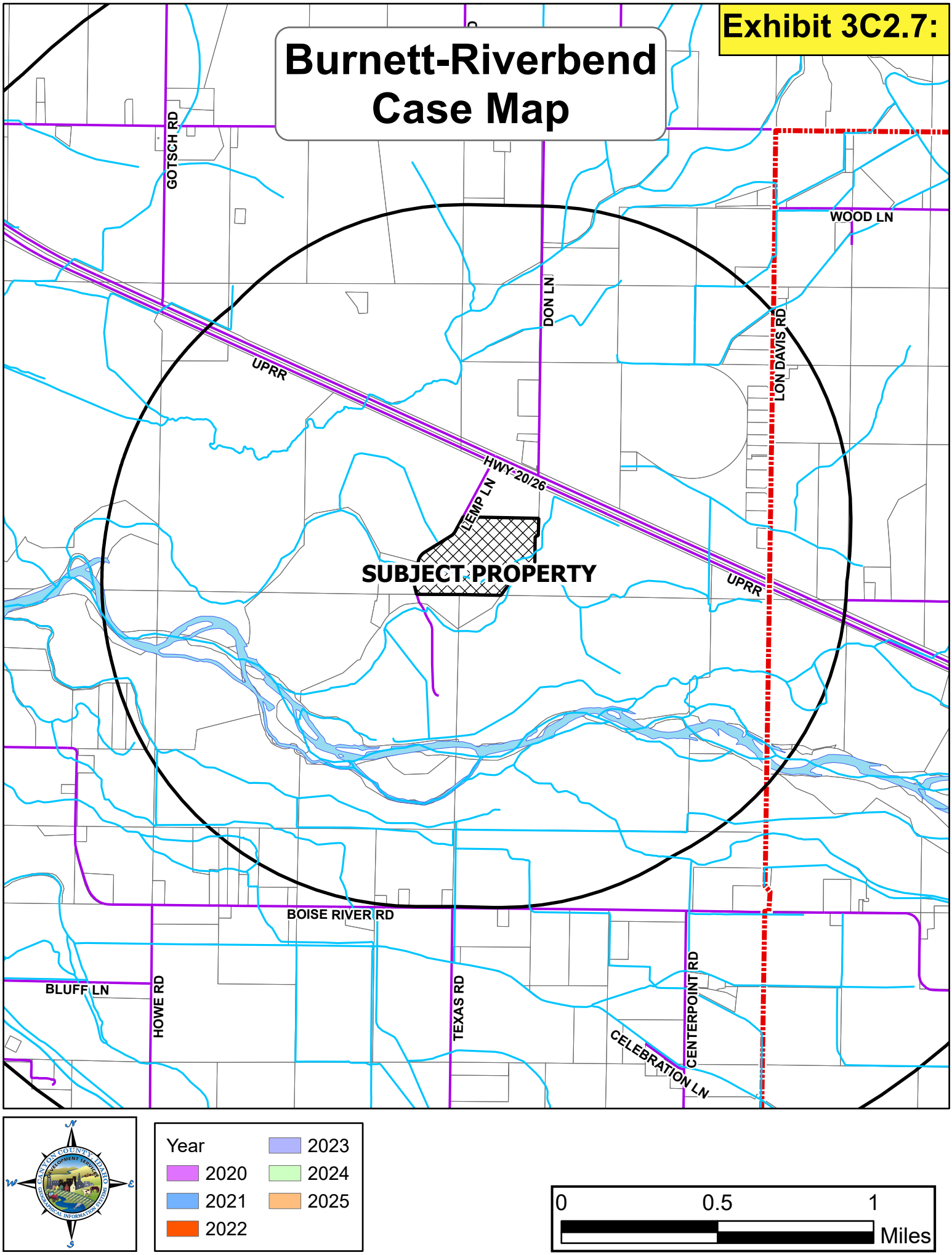
Legend

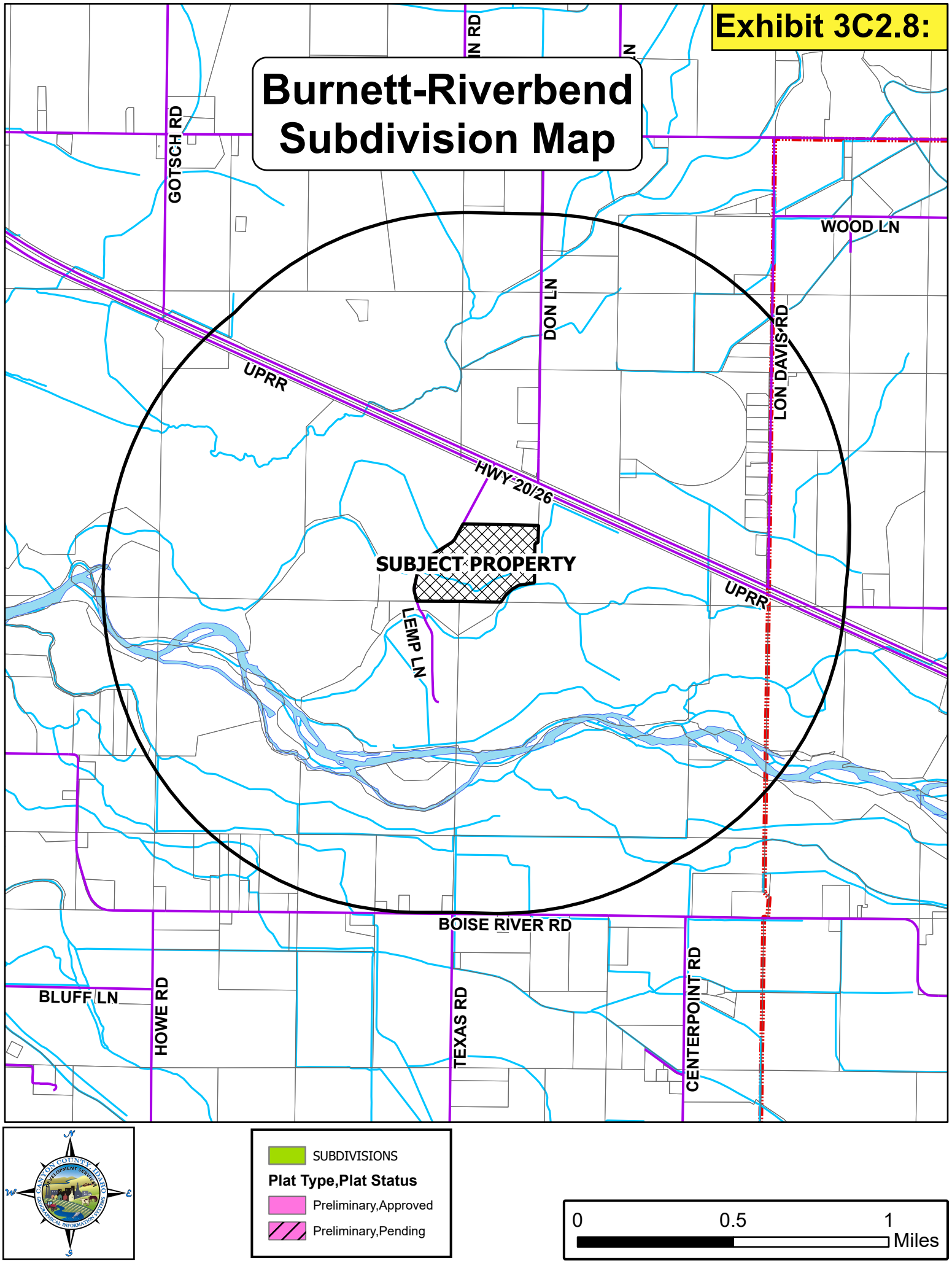
- SUBJECT_PROPERTY
- TAXLOTS
- WETLANDS
- A
- AE
- X

0 0.25 0.5 Miles


Exhibit 3C2.5:
Burnett-Riverbend
Small Vicinity Map
Hwy 20/26
UPRR
Don Ln
DOUGLAS LEE AND
PAULETT TRUST
AC 124.8
DOUGLAS LEE AND
PAULETT TRUST
AC 18.04
Lemp Ln
SUBJECT PROPERTY
BILBAO
FAMILY TRUST
AC 85.95
LONKEY
AC 8.98
GRUBIAK
AC 2.32
DRAKE
INVESTMENTS LLC
AC 5.33
DRAKE
INVESTMENTS LLC
AC 5.38
SLMA
PROPERTIES LLC
AC 95.81
BILBAO
FAMILY TRUST
AC 200.57
N
W
E
S
CANYON COUNTY, IDAHO
DEVELOPMENT SERVICES
GEOGRAPHICAL INFORMATION SYSTEMS
0
0.13
0.25
Miles


Exhibit 3C2.6:
Burnett-Riverbend
Zoning & Classification Map
GOTSCH RD
WOOD LN
DON LN
LONDAVIS RD
UPRR
HWY 20/26
LEMP LN
UPRR
Subject Property
BOISE RIVER RD
BLUFF LN
HOWE RD
TEXAS RD
CENTERPOINT RD
CANYON COUNTY, IDAHO
DEVELOPMENT SERVICES
GEOGRAPHICAL INFORMATION SYSTEMS
RR
CR-RR
R1
CR-R1
R2
C
C1
CR-C1
C2
CR-C2
M1
CR-M1
M2
AG
INTERSTATE
OTHER FREEWAY/ EXPRESSWAY
PROPOSED OTHER FREEWAY/ EXPRESSWAY
PRINCIPAL ARTERIAL
PROPOSED PRINCIPAL ARTERIAL
MINOR ARTERIAL
PROPOSED MINOR ARTERIAL
COLLECTOR
PROPOSED COLLECTOR
0
0.25
0.5
Miles


Exhibit 3C2.7:
Burnett-Riverbend
Case Map
GOTSCH RD
WOOD LN
DON LN
LON DAVIS RD
UPRR
HWY-20/26
LEMP LN
SUBJECT PROPERTY
UPRR
BOISE RIVER RD
BLUFF LN
HOWE RD
TEXAS RD
CENTERPOINT RD
CELEBRATION LN
Year
2020
2021
2022
2023
2024
2025
0
0.5
1
Miles


Exhibit 3C2.8:
Burnett-Riverbend Subdivision Map
GOTSCH RD
IN RD
N
WOOD LN
DON LN
LON DAVIS RD
UPRR
HWY 20/26
SUBJECT PROPERTY
UPRR
LEMP LN
BOISE RIVER RD
BLUFF LN
HOWE RD
TEXAS RD
CENTERPOINT RD
SUBDIVISIONS
Plat Type,Plat Status
Preliminary,Approved
Preliminary,Pending
0
0.5
1
Miles

SUBDIVISION & LOT REPORT

NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE
0			

NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE
0			

NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM	MAXIMUM
16	51.43	41.34	2.32	200.57

NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM
0				

PLATTED SUBDIVISIONS

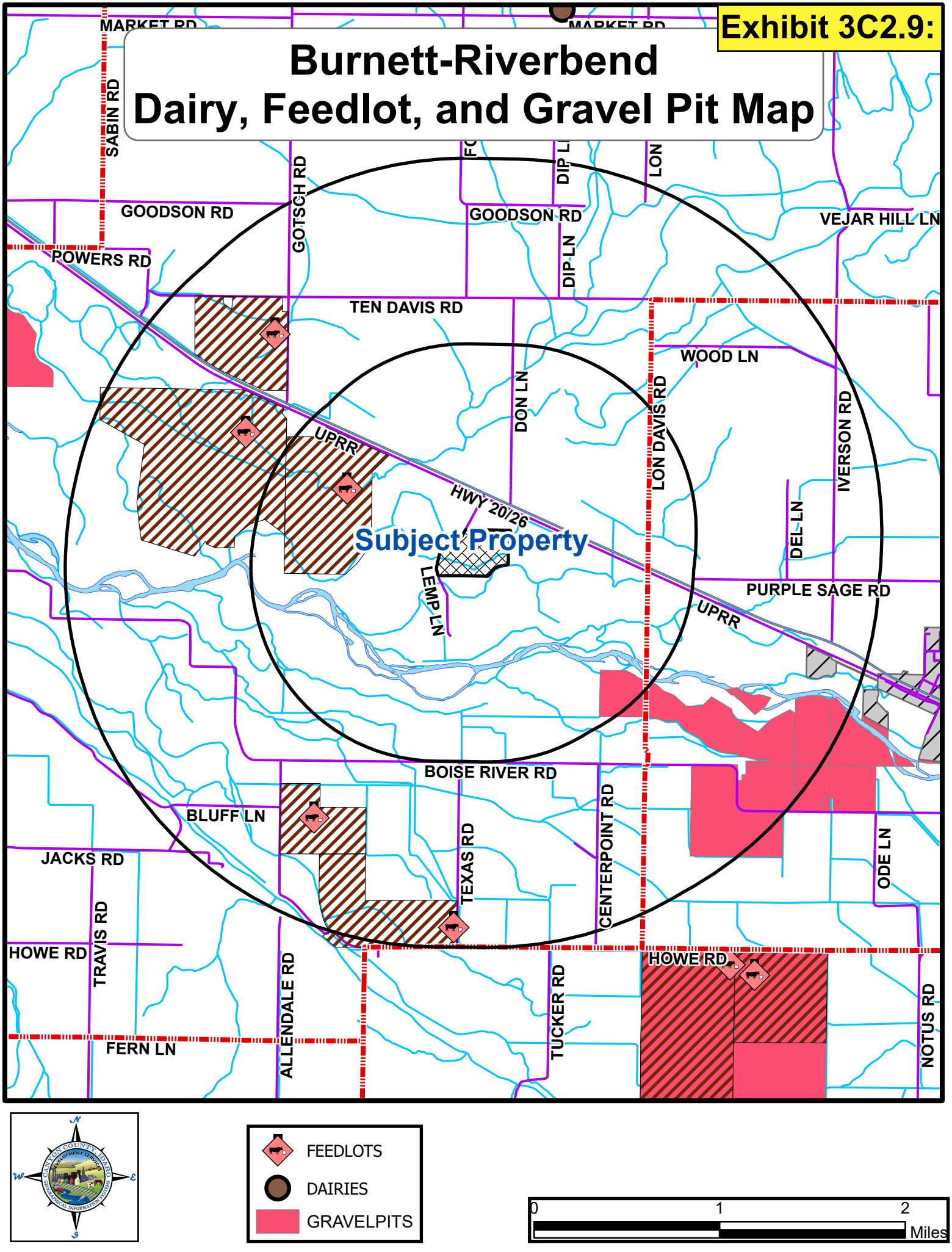
SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF…	Year

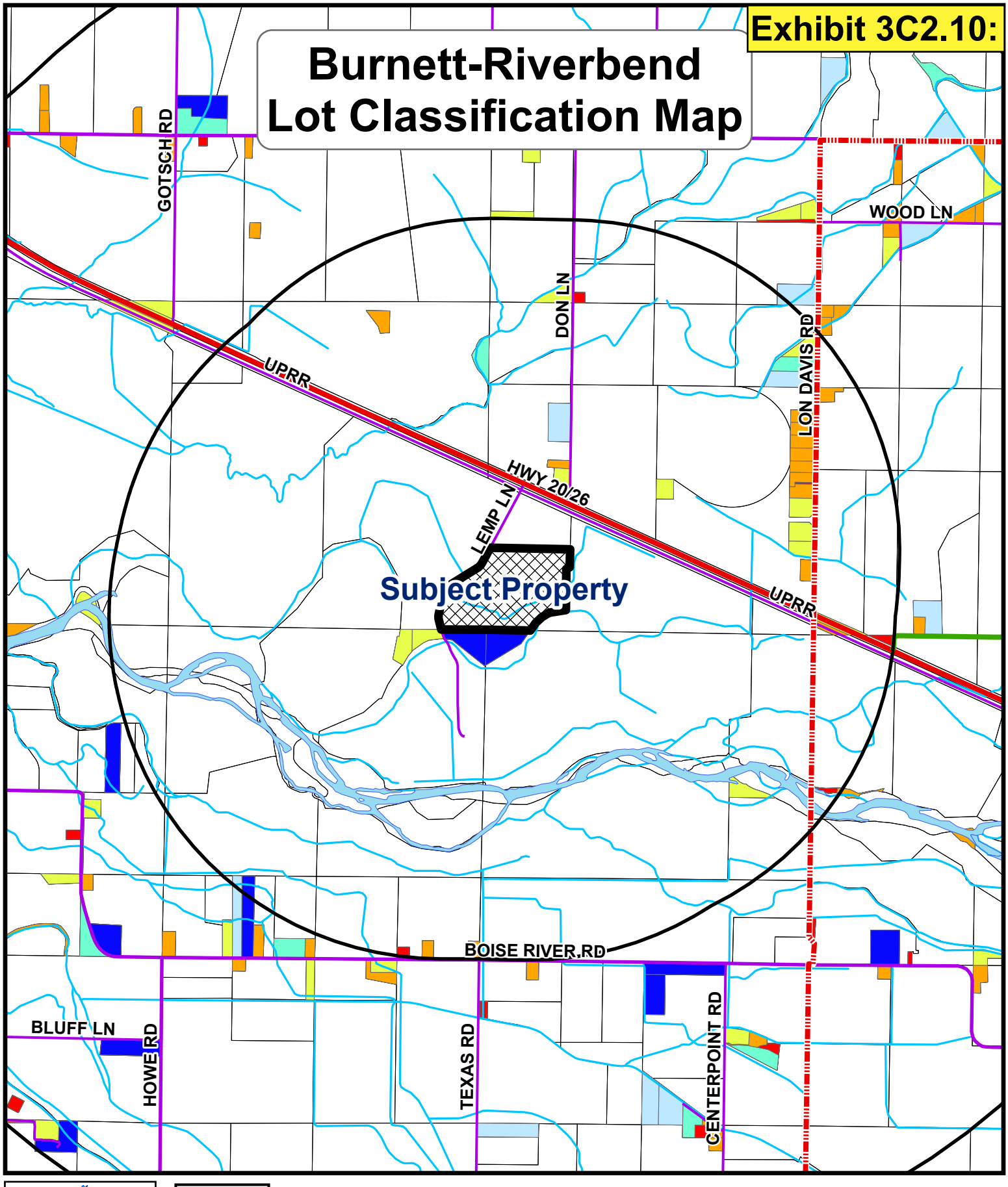
SUBDIVISIONS IN PLATTING

SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE

MOBILE HOME & RV PARKS

SUBDIVISION NAME	SITE ADDRESS	ACRES	NO. OF SPACES	UNITS PER ACRE	CITY OF…

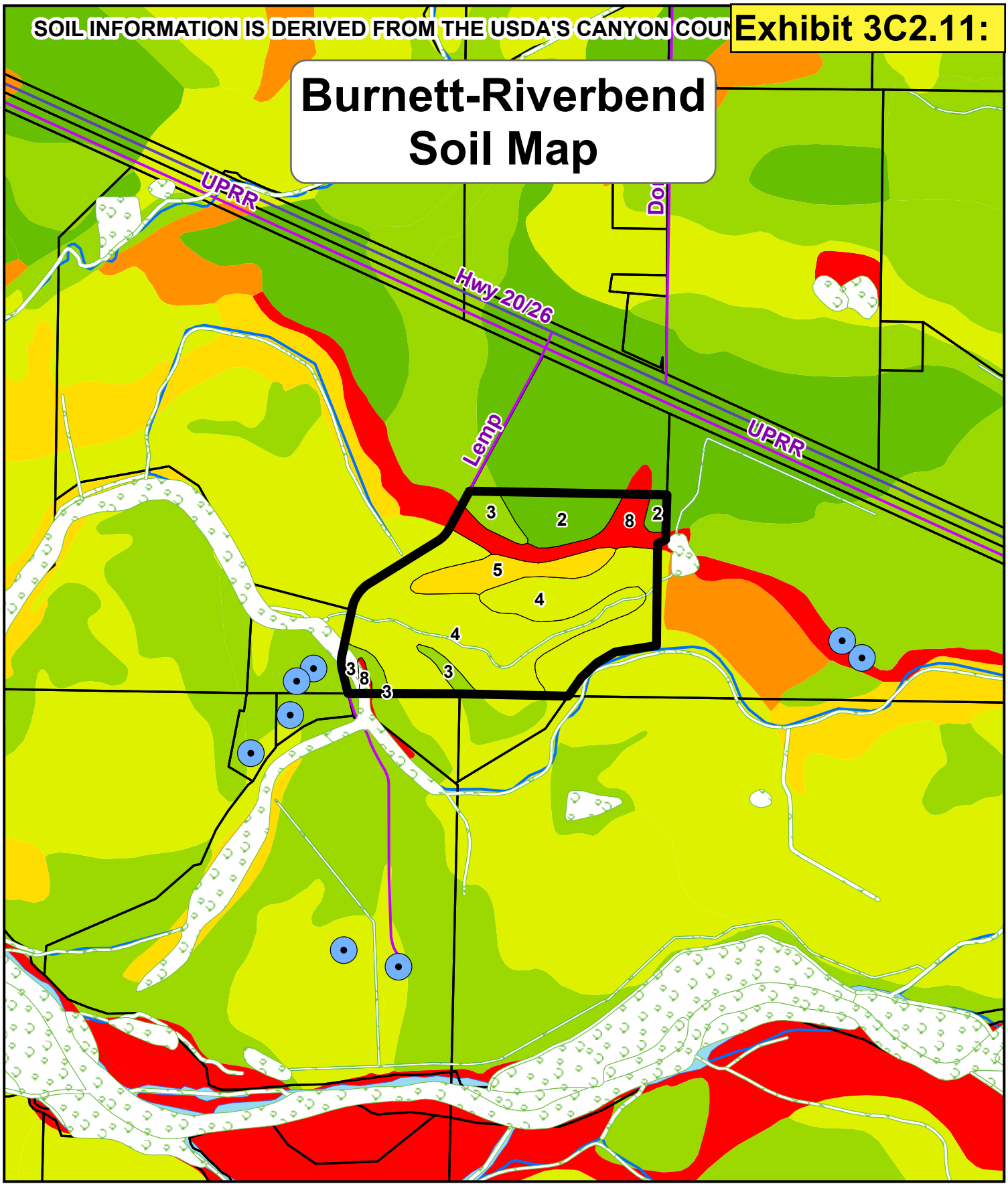

Exhibit 3C2.9:
Burnett-Riverbend
Dairy, Feedlot, and Gravel Pit Map
MARKET RD
SABIN RD
GOODSON RD
POWERS RD
GOTSCH RD
TEN DAVIS RD
UPRR
HWY 20/26
Subject Property
LEMP LN
DON LN
DIP LN
LON
VEJAR HILL LN
WOOD LN
LON DAVIS RD
IVERSON RD
DEL LN
PURPLE SAGE RD
BOISE RIVER RD
BLUFF LN
JACKS RD
TRAVIS RD
HOWE RD
TEXAS RD
CENTERPOINT RD
ODE LN
ALLENDALE RD
FERN LN
TUCKER RD
NOTUS RD
FEEDLOTS
DAIRIES
GRAVELPITS
0
1
2
Miles


Exhibit 3C2.10:
Burnett-Riverbend
Lot Classification Map
GOTSCH RD
WOOD LN
DON LN
LON DAVIS RD
UPRR
HWY 20/26
LEMP LN
Subject Property
UPRR
BOISE RIVER RD
BLUFF LN
HOWE RD
TEXAS RD
CENTERPOINT RD
Legend
0.0 - 1.0
1.1 - 2.0
2.1 - 3.0
3.1 - 4.0
4.1 - 5.0
5.1 - 6.0
CompassFunctionalClassification
INTERSTATE
OTHER FREEWAY/EXPRESSWAY
PROPOSED OTHER FREEWAY/EXPRESSWAY
PRINCIPAL ARTERIAL
PROPOSED PRINCIPAL ARTERIAL
MINOR ARTERIAL
PROPOSED MINOR ARTERIAL
COLLECTOR
PROPOSED COLLECTOR
0
0.25
0.5
Miles

SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COU

Exhibit 3C2.11:

Burnett-Riverbend Soil Map



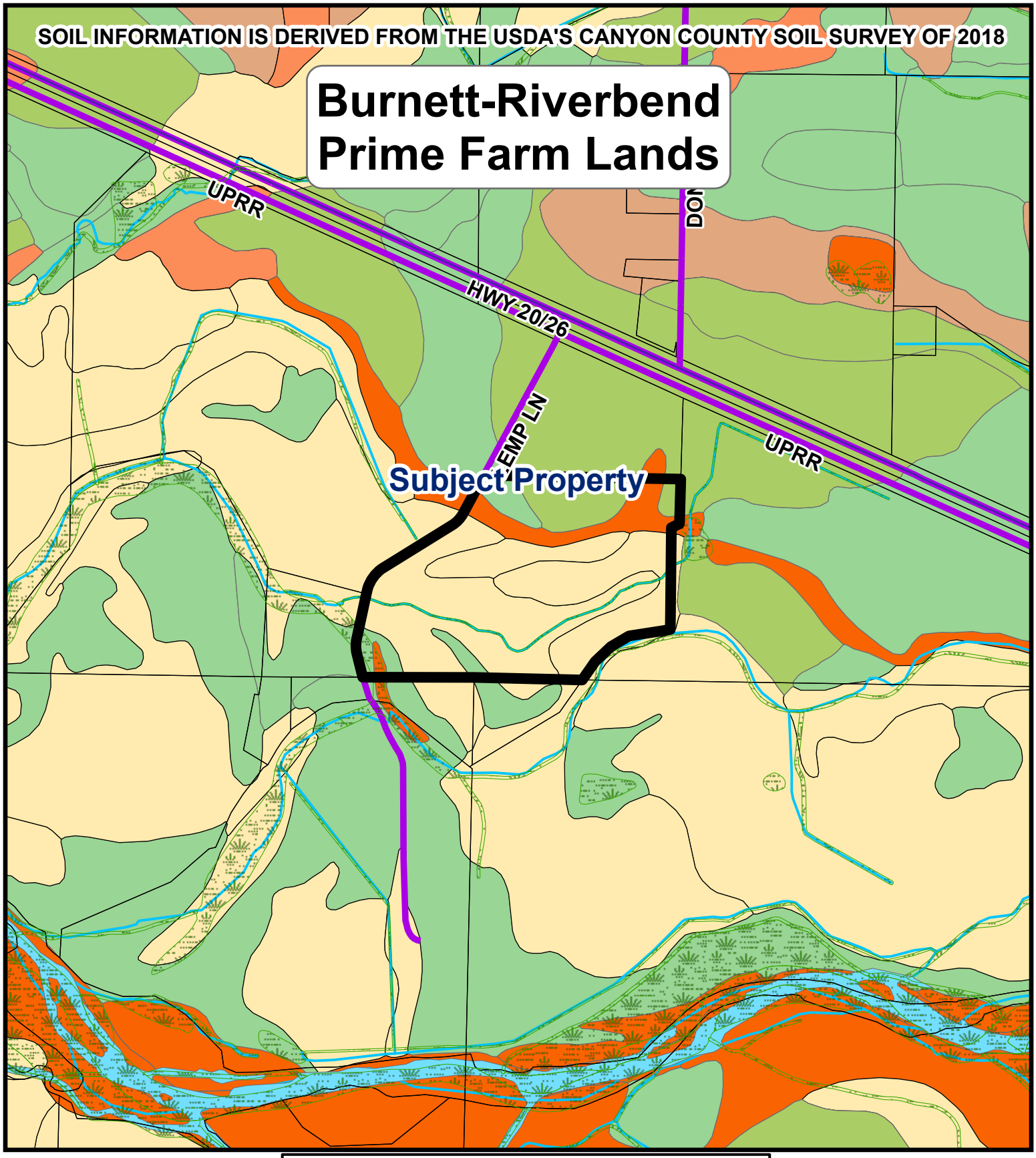
Nitrate Priority Wells

- 0.005000 - 2.000000
- 2.000001 - 5.000000
- 5.000001 - 10.000000
- 10.000001 - 49.800000

IDWR_2C_Geothermal_

Wetlands

0 0.25 0.5 Miles


SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018
Burnett-Riverbend
Prime Farm Lands
UPRR
HWY 20/26
EMP LN
UPRR
Subject Property
TAXLOTS
City_Limits
WETLANDS
2C_Hydro
FARMLAND
Farmland of statewide importance
Farmland of statewide importance, if irrigated
Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
Not prime farmland
Water/Gravel Pit/ Rock outcrop/ Riverwash/ Terrace Escarpments
Prime farmland if irrigated
Prime farmland if irrigated and drained
Prime farmland if irrigated and reclaimed of excess salts and sodium
0
0.125
0.25
Miles

SOIL REPORT

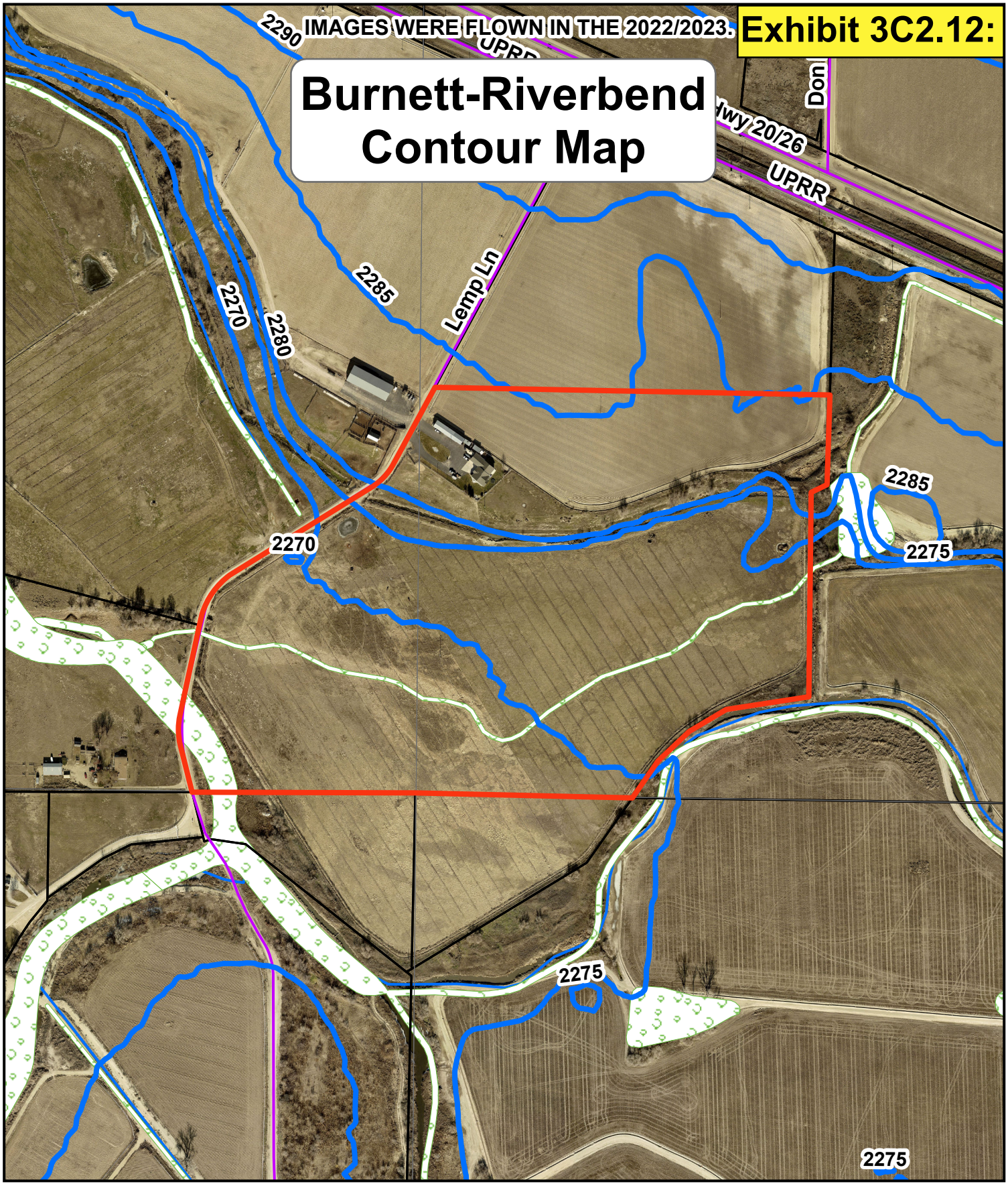
SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
2	BEST SUITED SOIL	236648.26	5.43	10.82%
3	MODERATELY SUITED SOIL	1062.13	0.02	0.05%
3	MODERATELY SUITED SOIL	74144.86	1.70	3.39%
3	MODERATELY SUITED SOIL	57595.21	1.32	2.63%
3	MODERATELY SUITED SOIL	36841.59	0.85	1.68%
4	MODERATELY SUITED SOIL	884689.50	20.31	40.46%
4	MODERATELY SUITED SOIL	485339.20	11.14	22.20%
5	LEAST SUITED SOIL	193679.69	4.45	8.86%
8	LEAST SUITED SOIL	14669.09	0.34	0.67%
8	LEAST SUITED SOIL	202032.61	4.64	9.24%
		2186702.15	50.20	100%

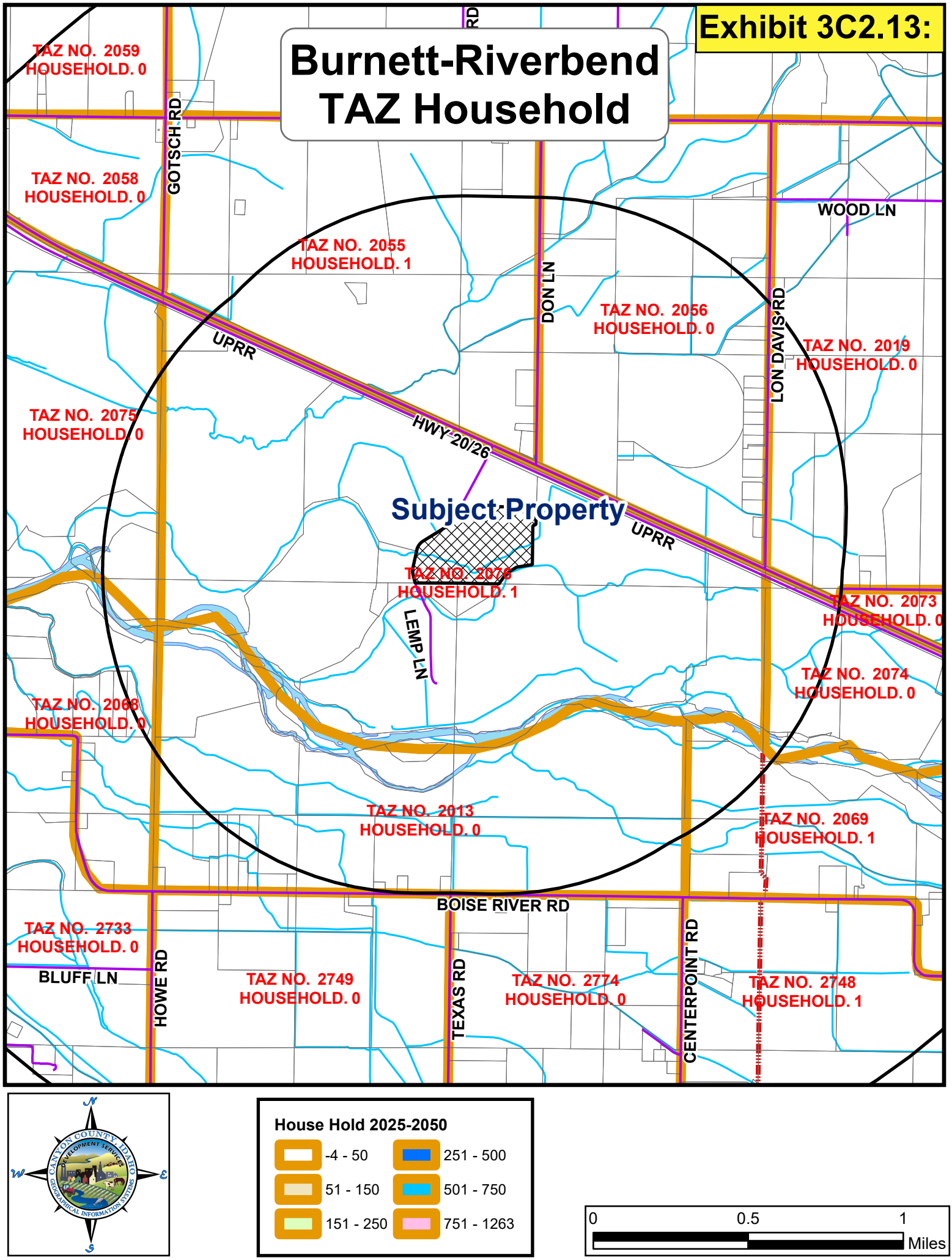
FARMLAND REPORT

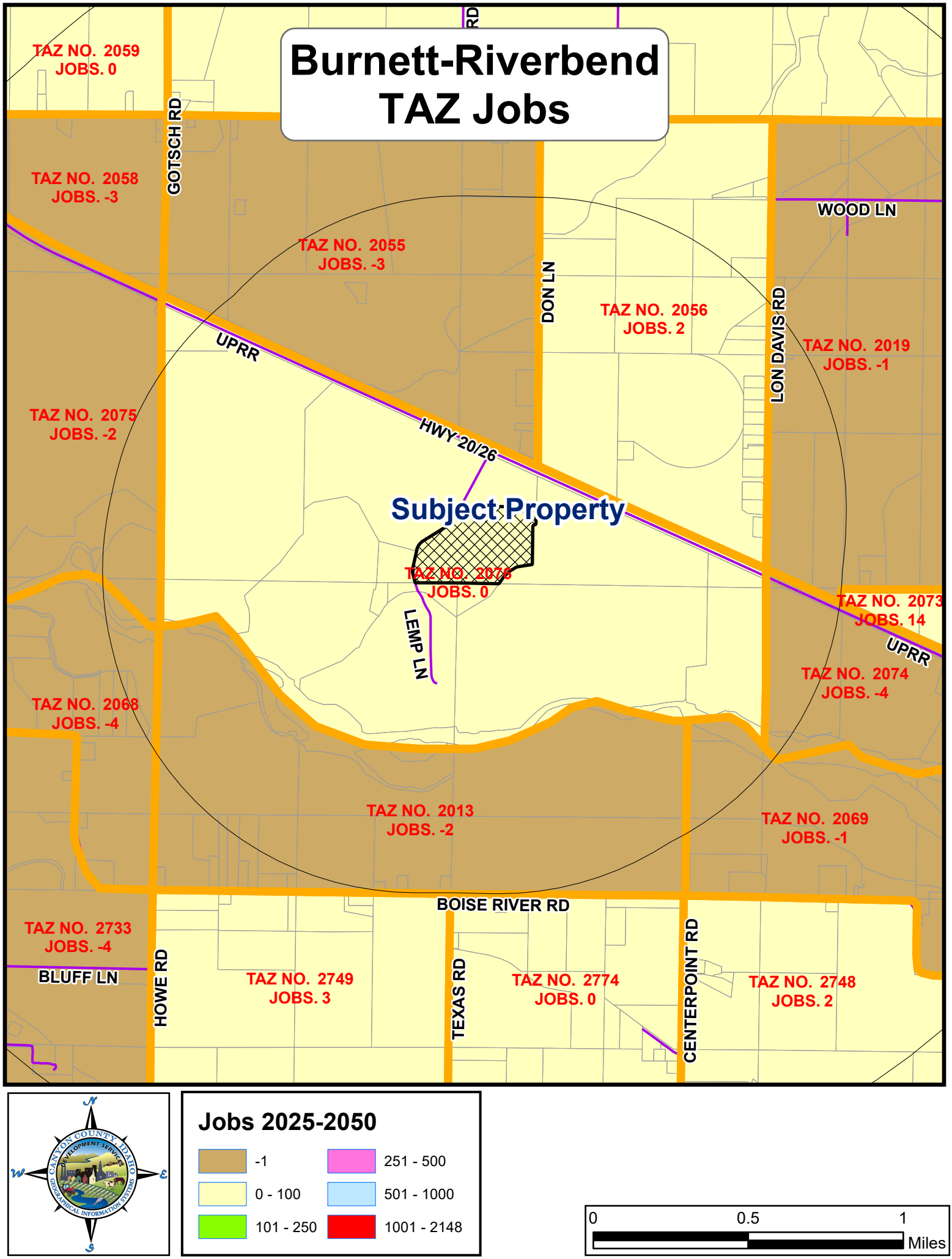
SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
BrA	Prime farmland if irrigated and reclaimed of excess salts and sodium	236648.26	5.43	10.82%
No	Prime farmland if irrigated	1062.13	0.02	0.05%
LvB	Prime farmland if irrigated	74144.86	1.70	3.39%
FaA	Prime farmland if irrigated	57595.21	1.32	2.63%
No	Prime farmland if irrigated	36841.59	0.85	1.68%
MuA	Prime farmland if irrigated and drained	884689.50	20.31	40.46%
MtA	Prime farmland if irrigated and drained	485339.20	11.14	22.20%
Ch	Prime farmland if irrigated and drained	193679.69	4.45	8.86%
W	Water	14669.09	0.34	0.67%
Tc	Terrace escarpments	202032.61	4.64	9.24%
		2186702.15	50.20	100%

SOIL INFORMATION IS DERIVED FROM THE USDA's CANYON COUNTY SOIL SURVEY OF 2018

GRADE	SOILTYPE
1	BEST SUITED SOIL
2	BEST SUITED SOIL
3	MODERATELY SUITED SOIL
4	MODERATELY SUITED SOIL
5	LEAST SUITED SOIL
6	LEAST SUITED SOIL
7	LEAST SUITED SOIL
8	LEAST SUITED SOIL
9	LEAST SUITED SOIL


IMAGES WERE FLOWN IN THE 2022/2023.
Exhibit 3C2.12:
Burnett-Riverbend
Contour Map
2290
UPRR
Don
Hwy 20/26
UPRR
2285
Lemp Ln
2270
2280
2285
2270
2285
2275
2275
2275
Legend
SUBJECT_PROPERTY
SectionContours
TaxParcels
Wetlands
0
200
400
600
Feet


Exhibit 3C2.13:
Burnett-Riverbend
TAZ Household
TAZ NO. 2059
HOUSEHOLD. 0
TAZ NO. 2058
HOUSEHOLD. 0
TAZ NO. 2055
HOUSEHOLD. 1
TAZ NO. 2056
HOUSEHOLD. 0
TAZ NO. 2019
HOUSEHOLD. 0
TAZ NO. 2075
HOUSEHOLD. 0
TAZ NO. 2076
HOUSEHOLD. 1
TAZ NO. 2073
HOUSEHOLD. 0
TAZ NO. 2074
HOUSEHOLD. 0
TAZ NO. 2068
HOUSEHOLD. 0
TAZ NO. 2013
HOUSEHOLD. 0
TAZ NO. 2069
HOUSEHOLD. 1
TAZ NO. 2733
HOUSEHOLD. 0
TAZ NO. 2749
HOUSEHOLD. 0
TAZ NO. 2774
HOUSEHOLD. 0
TAZ NO. 2748
HOUSEHOLD. 1
GOTSCH RD
WOOD LN
DON LN
LON DAVIS RD
UPRR
HWY 20/26
Subject Property
LEMP LN
BOISE RIVER RD
BLUFF LN
HOWE RD
TEXAS RD
CENTERPOINT RD
House Hold 2025-2050
-4 - 50
51 - 150
151 - 250
251 - 500
501 - 750
751 - 1263
0
0.5
1
Miles


Burnett-Riverbend
TAZ Jobs
TAZ NO. 2059
JOBS. 0
GOTSCH RD
TAZ NO. 2058
JOBS. -3
TAZ NO. 2055
JOBS. -3
DON LN
TAZ NO. 2056
JOBS. 2
WOOD LN
LON DAVIS RD
TAZ NO. 2019
JOBS. -1
UPRR
TAZ NO. 2075
JOBS. -2
HWY 20/26
Subject Property
TAZ NO. 2076
JOBS. 0
LEMP LN
TAZ NO. 2073
JOBS. 14
UPRR
TAZ NO. 2074
JOBS. -4
TAZ NO. 2068
JOBS. -4
TAZ NO. 2013
JOBS. -2
TAZ NO. 2069
JOBS. -1
BOISE RIVER RD
TAZ NO. 2733
JOBS. -4
BLUFF LN
HOWE RD
TAZ NO. 2749
JOBS. 3
TEXAS RD
TAZ NO. 2774
JOBS. 0
CENTERPOINT RD
TAZ NO. 2748
JOBS. 2
Jobs 2025-2050
-1
0 - 100
101 - 250
251 - 500
501 - 1000
1001 - 2148
0
0.5
1
Miles

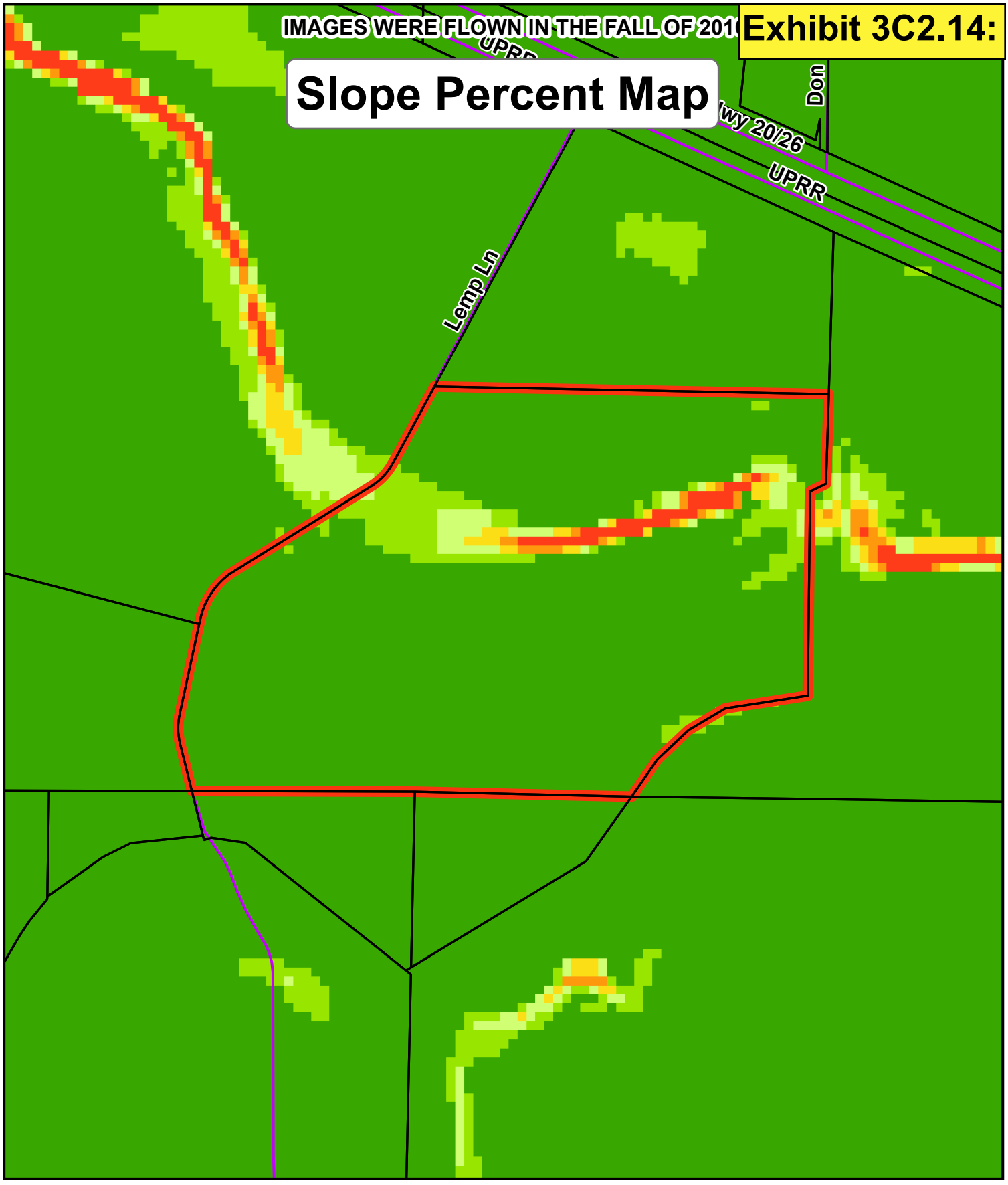
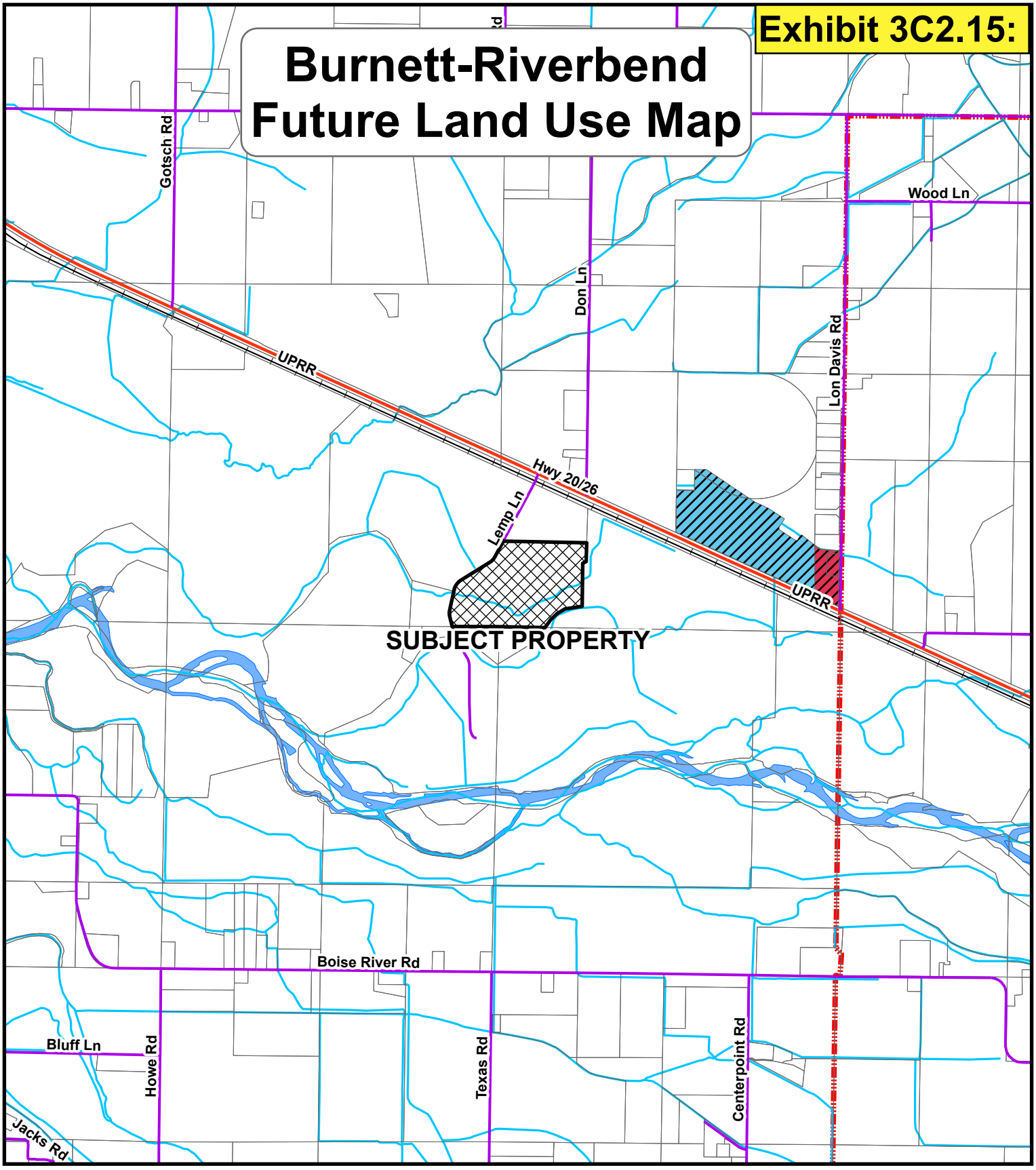

IMAGES WERE FLOWN IN THE FALL OF 201
Exhibit 3C2.14:
Slope Percent Map
UPRR
Don
Hwy 20/26
UPRR
Lemp Ln
Slope Percent
0.001 - 3
3.001 - 6
6.001 - 9
9.001 - 12
12.001 - 14.999
15 - 202.718
0
200
400
600
Feet

Exhibit 3C2.15:

Burnett-Riverbend Future Land Use Map



CANYON COUNTY, IDAHO
DEVELOPMENT SERVICES
GEOGRAPHICAL INFORMATION SYSTEMS

Legend

Future Land Use 2030

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL

0 0.5 1 Miles

Exhibit 3D:

EXHIBIT D

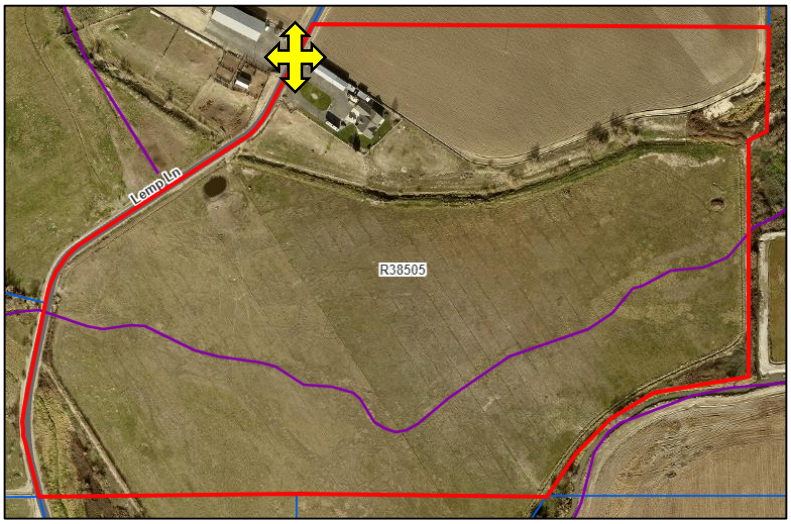
Site Visit Photos: June 4, 2025

Planning & Zoning Commission

Case #: CU2024-0023

Hearing Date: March 19, 2026

Site Photos: Taken June 4, 2025



Photos 1-7: Taken on Lemp Lane from the parcels' approach.



Photo 1: Facing north from the subject property.



Photo 2: Facing east from the subject property facing towards the onsite residence.



Photo 3: Facing southeast from the subject property.



Photo 4: Facing south from the subject property.



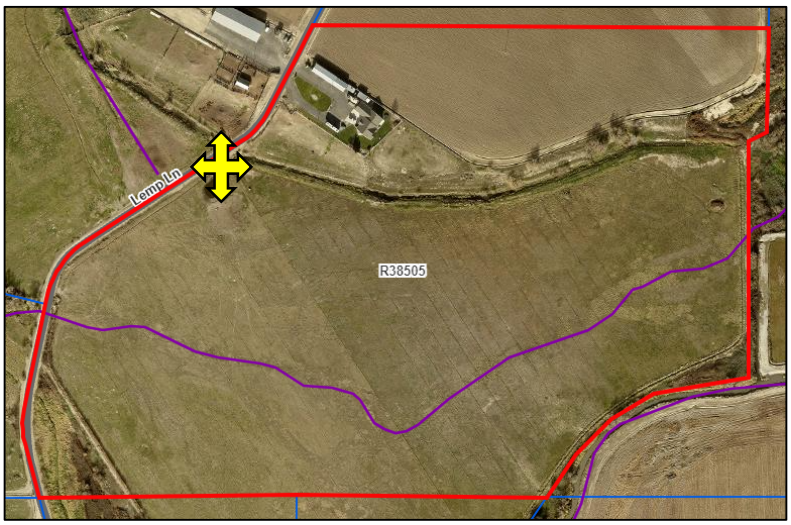
Photo 5: Facing southwest from the subject property.



Photo 6: Facing west from the subject property.



Photo 7: Facing northwest from the subject property.



Photos 8-13: Taken on Lemp Lane.



Photo 8: Facing east towards the proposed gravel pit.



Photo 9: Facing northeast towards the proposed gravel pit. In this photo you can see the onsite residence.



Photo 10: Facing southeast towards the proposed gravel pit.



Photo 11: Facing south towards the proposed gravel pit.



Photo 12: Facing northeast towards the proposed gravel pit.

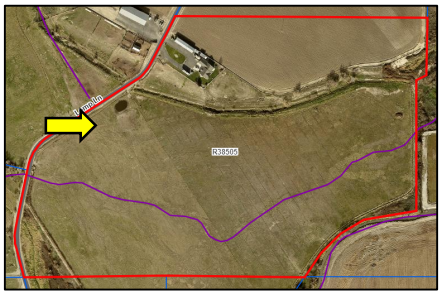
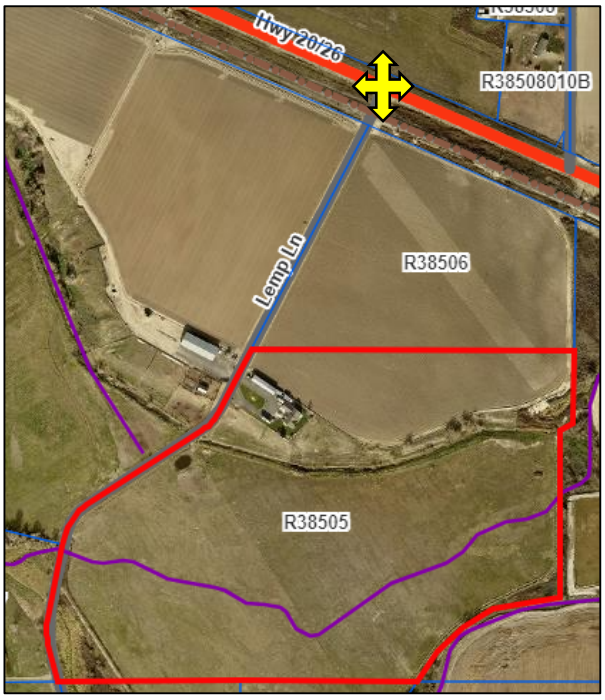




Photo 13: Facing east towards the proposed gravel pit.



Photos 14-19: Taken on Hwy 20/26.



Photo 14: Facing north from Hwy 20/26 and Lemp Lane.



Photo 15: Facing east from Hwy 20/26 and Lemp Lane.



Photo 16: Facing south from Hwy 20/26 and Lemp Lane.



Photo 17: Facing southwest from Hwy 20/26 and Lemp Lane.



Photo 18: Facing west from Hwy 20/26 and Lemp Lane.



Photo 19: Facing northwest from Hwy 20/26 and Lemp Lane.

Exhibit 3E:

EXHIBIT E

Agency Comments Received by: March 9, 2026

Planning & Zoning Commission

Case #: CU2024-0023

Hearing Date: March 19, 2026

Exhibit 3E1:

Archived: Monday, February 9, 2026 2:28:15 PM
From: Anthony Lee
Mail received time: Mon, 5 May 2025 15:09:01
Sent: Mon, 5 May 2025 21:08:54
To: Amber Lewter Amber Lewter
Subject: [External] RE: Agency Notice CU2024-0023 / Burnett
Importance: Normal
Sensitivity: None

Hi Amber,

1. Will a Nutrient Pathogen Study be required? **This project does not require a Nutrient Pathogen Study.**
2. Will adequate sanitary systems be provided to accommodate the use? **Subsurface sewage disposal systems were not proposed for his project.**
3. Any concerns about the use or request for rezoning? If so, are there any conditions or mitigation measures recommended to ensure the use or requested rezone minimizes potential impacts to the surrounding area and the nearby city? **There are no concerns with the use or request for rezoning if the applicant meets all SWDH requirements.**

Please let me know if you have any questions.

Thank you,

SOUTHWEST DISTRICT HEALTH

Check out our new online self-service portal here! PORTAL

Anthony Lee, RS/BS | Land Development Senior
o 208.455.5384 | c 208.899.1285 | f 208.455.5300
anthony.lee@swdh.id.gov | SWDH.org
13307 Miami Ln., Caldwell, ID 83607

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Monday, May 5, 2025 8:39 AM
To: 'tkelly@parmaschools.org' <tkelly@parmaschools.org>; 'Jeff@parmafire.us' <Jeff@parmafire.us>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'gwatkins@nphd.net' <gwatkins@nphd.net>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'arobins@idahopower.com' <arobins@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'Contract.Administration.Bid.Box@ziply.com' <Contract.Administration.Bid.Box@ziply.com>; 'fcdc1875@gmail.com' <fcdc1875@gmail.com>; Mitch Kiester <Mitch.Kiester@swdh.id.gov>; Anthony Lee <Anthony.Lee@swdh.id.gov>; 'D3Development.services@itd.idaho.gov' <D3Development.services@itd.idaho.gov>; 'niki.benyakhlef@itd.idaho.gov' <niki.benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; christine.wendelsdorf@canyoncounty.id.gov; Michael Stowell <mstowell@ccparamedics.com>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Eric Arthur <Eric.Arthur@canyoncounty.id.gov>; Kathy Husted <Kathleen.Husted@canyoncounty.id.gov>; GIS and Addressing Division <GISAddressing@canyoncounty.id.gov>; 'middletown.rich@gmail.com' <middletown.rich@gmail.com>; 'cenww-rd-boi-tv@usace.army.mil' <cenww-rd-boi-tv@usace.army.mil>; 'edward_owens@fws.gov' <edward_owens@fws.gov>; jlunders@2cmad.org; 'MGRodriguez@usbr.gov' <MGRodriguez@usbr.gov>; 'BRO.Admin@deq.idaho.gov'

Exhibit 3E2:

1445 N Orchard St
Boise, ID 83706 • (208) 373-0550

Brad Little, Governor
Jess Byrne, Director

May 12, 2025

Amber Lewter, Planner
111 North 11th Ave.
Ste. 310
Caldwell, Idaho, 83605
amber.lewter@canyoncounty.id.gov

Subject: Agency Notice CU2024-0023 / Burnett

Dear Ms. Lewter:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: *https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/*.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), and trade waste burning (58.01.01.600-617).
- For questions, contact David Luft, Air Quality Manager, at 373-0550.
- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.
- Rock crushers, concrete batch plants, and hot mix asphalt plants are subject to DEQ air quality permitting requirements. Please see the following web site for additional information: https://www2.deq.idaho.gov/admin/LEIA/api/document/download/5204
  For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.
- DEQ recommends the city/county require the development and submittal of a dust prevention and control plan to the city/county for incorporation into the conditional use permit. Dust prevention and control plans incorporate appropriate best management practices to control fugitive dust that may be generated at sites.

2. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss the potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for planning development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: https://www.deq.idaho.gov/water-quality/drinking-water/. For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells are included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of groundwater resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for planning development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Multi-Sector General Permit from DEQ may be required for facilities that have an allowable discharge of storm water or authorized non-storm water associated with the primary industrial activity and co-located industrial activity. For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate the best construction management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

  For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservations and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material released to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

  For questions, contact Matthew Pabich, Waste & Remediation Manager, at (208) 373-0550.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/ for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,



Troy Smith
Regional Administrator

Exhibit 3E3:

Your Safety • Your Mobility
Your Economic Opportunity

IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028 • Boise, ID 83707-2028
(208) 334-8300 • itd.idaho.gov

May 27, 2025

Amber Lewter, Planner
Canyon County Development Services
111 North 11th Ave, #310
Caldwell, Idaho 83605

VIA EMAIL

Development Application	**2024-0023**
Project Name	**Burnett**
Project Location	US-20/26 Approximate MP 13.4 right
Project Description	Long-term mineral extraction for surface mining
Applicant	Brian Burnett

The Idaho Transportation Department (ITD) reviewed the referenced application(s) and has the following comments:

1. This location does not abut the state highway system.
2. ITD recommends repaving the approach to US-20/26 to minimize truck off-tracking and reduce the potential for debris entering the state highway system.
3. ITD also recommends conducting a structural analysis of the intended intersection to ensure the existing pavement and concrete can support the anticipated increase industrial truck traffic without accelerating deterioration.

If you have questions regarding this application, you may contact Niki Benyakhlef at Niki.Benyakhlef@itd.idaho.gov or (208)334-8337.

Sincerely,

Niki Benyakhlef

Niki Benyakhlef
Development Services Coordinator
ITD District 3
Niki.Benyakhlef@itd.idaho.gov

Exhibit 3E4:



Canyon County, 111 North 11th Avenue, #310, Caldwell, ID 83605

▪ Engineering Division ▪

May 28, 2025

RE: Engineering Review of Conditional Use Permit (CUP) – Case No. CU2024-0023
Mineral Extraction Request – Riverbend (Parma Gravel Pit)

Dear Amber,

Thank you for notifying us of the application for Conditional Use Permit (CUP) Case No. CU2024-0023. The Engineering Department has reviewed the CUP and highlights the following key requirements, particularly regarding its location within Flood Zones AE/X.

Based on the materials submitted, the proposed gravel pit operation lies near a mapped flood hazard area. However, the site plan (Exhibits 5–8) clearly demonstrates that all drainage will be contained on-site through the use of berms, internal sloping, and sediment control structures. As currently shown, no grading, fill, or development activity is proposed within a designated FEMA floodway. Additionally, obtaining the Floodplain Development Permit (FDP) may require securing additional local permits. We recommend that these requirements be fully addressed before approval. Our department is available for technical review and assistance as needed.

Conditions of Approval for CU2024-0023:

1. Floodplain Development Permit (FDP)

- Required before any ground disturbance begins
- Must be obtained from Canyon County per Zoning Ordinance 07-10A-09
- No development can commence in the Special Flood Hazard Area (SFHA) without this permit

2. Drainage Control Requirements

- All drainage must be contained on-site through:
  - Berms (shown in green on the drainage control map)
  - Internal sloping toward the mining area
  - Sediment control structures

- No surface water can leave the site
- Any changes to drainage or grading plans require resubmission to County Engineering

3. No-Rise Certification

- If any project activities affect a mapped floodway, a No-Rise Certification must be submitted
- This demonstrates that the project won't increase flood elevations

4. Agency Approvals

- Permits from Idaho Department of Water Resources (IDWR)
- FEMA approvals if applicable
- Any other relevant agency permits must be obtained before final County approval

Please ensure that these conditions are addressed prior to issuance of the Floodplain Development Permit or commencement of operations. Our department remains available for technical assistance and review throughout the application process.

Sincerely,

Dalia Alnajjar
Engineering Supervisor
Canyon County Development Services
P(208) 454-7459
F(208) 454-6633
E: dalia.alnajjar@canyoncounty.id.gov

Exhibit 3E4.1:

Floodplain Development Permit

Development Services Department
111 North 11th Ave., Suite 310
Caldwell, ID 83605
Office: (208) 454-7458
For Inspections Call: (208) 454-7460
Fax: (208) 454-6633

Permit Number:
DP2024-0035

Date:
10/18/2024

Project Name: RIVERBEND - PARMA GRAVEL PIT

Parcel Number: 38505000 0
Latitude:
Longitude:
Section:
Township:
Range:
Parcel Acreage: 50.20

Site Address: 25192 LEMP LN
Parma ID 83660

Project Flood Zone:
Parcel Flood Zone:

Property Owner:	Applicant:	Contractor:
DRAKE INVESTMENTS LLC 1125 W TWO RIVERS LN EAGLE ID 83616	DRAKE INVESTMENTS LLC 1125 W TWO RIVERS DR EAGLE ID 83616	DRAKE INVESTMENTS LLC 1125 W TWO RIVERS DR EAGLE ID 83616

Comments: If any work is in the regulatory floodway

NFIP rules require the community to prohibit encroachments in the floodway unless it's demonstrated (via hydrologic/hydraulic analysis using standard engineering practice) that the project will cause no increase in flood levels ("no-rise")

Standard Zoning / Building Condition(s)

✓ Reclamation Plan

Fees

Date	Fee Item	Amount
10/18/2024	Flood Plain Development Permit (Engineering Fees May Also Apply)	$80.00
		$80.00

Receipts

Date	Recipt Number		Amount
10/21/2024	83904		$80.00
		Total Paid:	**$80.00**

Document ID: 29893e0044330db32383e9b45422ef2bbee3bf8f66d22398f59e6d4437934ea3

The degree of flood protection required by Canyon County Code of Ordinance Chapter 7 and the Development Permit is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Issuance of this permit shall not create liability on the part of Canyon County or any officer or employee thereof for any flood damages that result from reliance on this permit or any administrative decision. This Development Permit is only valid for the proposed development associated with the Building Permit identified above. Any changes to or amendments made to the proposed development may nullify this permit.

There may be additional State and Federal guidelines and permits required in addition to this Development Permit. It is highly recommended that you verify any additional requirements with your flood insurance provider prior to initiating the proposed development.

Applicant's Signature: _____ Date: 02/11/2026 PST

Signer ID: T4FPR7YD12...

DSD Staff Accepting Application: DALIA Date: February 11, 2026

DSD Flood Plain Administrator: _____ Date: 2/11/26

Document ID: 29893e0044330db32383e9b45422ef2bbee3bf8f66d22398f59e6d4437934ea3

Signature Certificate

Envelope Ref:52659de735c54237a1fb0952b1a88ef8507d5f11

Author:	Randy Wall	Creation Date:	11 Feb 2026, 13:32:36, PST	Completion Date:	11 Feb 2026, 14:05:25, PST

Document Details:



Name:	DOC130
Type:	
Document Ref:	29893e0044330db32383e9b45422ef2bbee3bf8f66d22398f59e6d4437934ea3
Document Total Pages:	2

Document Signed By:

Name:	Robert Burnett
Email:	invest1977@yahoo.com
IP:	2600:100e:b32b:d090:55f5:c4c5:44c0:36ca
Location:	MERIDIAN, ID (US)
Date:	11 Feb 2026, 14:05:24, PST
Consent:	eSignature Consent Accepted
Security Level:	Email



Signer ID: T4FPR7YD12...

Document History:

Envelope Created	Randy Wall created this envelope on 11 Feb 2026, 13:32:36, PST
Invitation Sent	Invitation sent to Robert Burnett on 11 Feb 2026, 13:35:44, PST
Invitation Accepted	Invitation accepted by Robert Burnett on 11 Feb 2026, 14:05:17, PST
Signed by Robert Burnett	Robert Burnett signed this Envelope on 11 Feb 2026, 14:05:24, PST
Executed	Document(s) successfully executed on 11 Feb 2026, 14:05:25, PST
Signed Document(s)	Link emailed to invest1977@yahoo.com
Signed Document(s)	Link emailed to randy@pe-services.biz

Foxit ESIGN

Exhibit 3E5:

J·U·B ENGINEERS, INC.

J-U-B COMPANIES | THE LANGDON GROUP | GATEWAY MAPPING INC.

June 5, 2025

Amber Lewter
amber.lewter@canyoncounty.id.gov
111 North 11th Ave., Ste. 310
Caldwell, ID 83605

RE: **CU2024-0023, BRIAN BURNETT, 25192 LEMP LANE, PARMA, ID.**

Dear Amber:

On behalf of the Notus Parma Highway District No. 2 (NPHD), I have reviewed the application dated 05/05/2025, for the property located at 25192 Lemp Lane, Parma, ID for the subject Parcel #R3850500000.

Lemp Lane from the subject parcel north to State Highway US 20/26 is under the jurisdiction of the NPHD. The functional classification for Lemp Lane per NPHD's 2017 Transportation Plan is a Local Roadway. Existing right-of-way (R/W) at the subject parcel and along the centerline of Lemp Lane appears to be a 50-ft wide prescriptive easement (25-ft each side of roadway centerline).

Legal access to the subject parcel does not currently exist for the intended use. The applicant will be required to submit an approach application that meets the current Association of Canyon County Highway District Standards.

At this time and based upon said written information provided with the application, the following Conditions of Approval apply:

1. Application requirements shall meet 2020 ACCHD Standards.
2. A Traffic Impact Study (TIS) is required per ACCHD Section 2010 Land Use Applications. The P&Z hearing should be delayed until the TIS is complete.
3. The TIS will determine mitigation of traffic impacts from the proposed Sand and Gravel Pit. Details of the TIS scope will be determined at a scoping meeting with the Applicant, their traffic engineer, and the NPHD. The TIS shall include the following:
    a. Trip generation by the facility operations
    b. Site access including potential turn lanes
    c. Designated route to State Highway
    d. Proposed secondary access (if any)
    e. Analysis of roadway geometric vs. truck size (vehicle off tracking to identify impacts at tight intersections and curves)
    f. Intersection operation and level of service along said route
    g. Structural capacity of Lemp Lane and designated route
    h. Calculation of proportionate share of costs by the Applicant for mitigation improvements and roadway reconstruction.

4. Completion of the TIS for the required improvements (yet to-be-determined) shall be listed as a specific Condition of Approval in the event the Conditional Use Permit (CUP) is approved.
5. TIS mitigation improvements by the Applicant shall require a separate engineering plan approval and construction permits from the NPHD for Lemp Lane.
6. NPHD requires 60-ft width (30-ft half width) ultimate R/W dedicated from the centerline of a local rural road or the Section/Quarter Section Line, whichever is greater, from the applicant per ACCHD Section 3030 Right of Way.
7. Rural Roadway Spacing or Rural Roadway Driveway Spacing shall be per ACCHD Section 3061 Intersection and Approach Policy per the intended use.
8. The Applicant shall secure a Commercial Approach Permit from NPHD for the proposed access road into the site. All commercial approaches shall meet ACCHD Standard Drawing 106 and be paved 20-ft from the existing edge of pavement or to the right of way line whichever is greater per ACCHD Section 3061.
9. Lemp Lane from the subject parcel north to State Highway US 20/26 will need to be reconstructed to a Two-Lane Rural Roadway Section per Standard Drawing ACCHD-101.
10. A pre-diagnostic meeting will need to be held with Benesch to determine necessary railroad crossing improvements and permitting requirements.
11. Applicant will be required to submit a Right of Way permit application to the Idaho Transportation Department District 3 to determine necessary improvements to the approach onto State Highway US 20/26.

NPHD reserves the right to provide amended comments/conditions of approval in the event of application revision or when additional information becomes available.

NPHD requests Canyon County Development Services incorporate these comments into proposed Conditions of Approval for consideration/approval by the Planning & Zoning Commission and the Canyon County Commissioners in the event the CUP is approved.

Respectfully,

J-U-B ENGINEERS, Inc.

Timothy Blair, P.E. (ID, OR)
Area Manager - Meridian

CC:

- Lynn Troxel, NPHD#2 Director of Highways
- Jay Kiiha, White Peterson

Exhibit 3E5.1:

J·U·B ENGINEERS, INC.

J-U-B COMPANIES | THE LANGDON GROUP | GATEWAY MAPPING INC.

September 9, 2024

Amended: July 30/2025 – see below in red.

Mary B. Wall
Professional Engineering Services
mary@pe-services.biz

RE: **RIVERBEND SAND AND GRAVEL PIT, 25192 LEMP LANE, PARMA, ID.**

Dear Mary:

On behalf of the Notus Parma Highway District No. 2 (NPHD), I have reviewed the application dated 07/26/2024, for the property located at 25192 Lemp Lane, Parma, ID for the subject Parcel #R3850500000.

Lemp Lane from the subject parcel north to State Highway US 20/26 is under the jurisdiction of the NPHD. The functional classification for Lemp Lane per NPHD's 2017 Transportation Plan is a Local Roadway. Existing right-of-way (R/W) at the subject parcel and along the centerline of Lemp Lane appears to be a 50-ft wide prescriptive easement (25-ft each side of roadway centerline).

Legal access to the subject parcel does not currently exist for the intended use. The applicant will be required to submit an approach application that meets the current Association of Canyon County Highway District Standards.

At this time and based upon said written information provided with the application, the following Conditions of Approval apply:

1. Application requirements shall meet 2020 ACCHD Standards.
2. ~~2.~~ A Traffic Impact Study (TIS) is required per ACCHD Section 2010 Land Use Applications. ~~The P&Z hearing should be delayed until the TIS is complete~~. The TIS is required to provide subsurface borings that will include data to determine the existing structural capacity of Lemp Lane and make recommendations for the required improvements to Lemp Lane, as required. This work will not be required prior to scheduling the P&Z hearing so the applicant can avoid incurring costs related to the structural capacity analysis until after the project is approved.
3. The TIS will determine mitigation of traffic impacts from the proposed Sand and Gravel Pit. Details of the TIS scope will be determined at a scoping meeting with the Applicant, their traffic engineer, and the NPHD. The TIS shall include the following:
    a. Trip generation by the facility operations
    b. Site access including potential turn lanes
    c. Designated route to State Highway
    d. Proposed secondary access (if any)
    e. Analysis of roadway geometric vs. truck size (vehicle off tracking to identify impacts at tight intersections and curves)

f. Intersection operation and level of service along said route
g. Structural capacity of Lemp Lane and designated route
h. Calculation of proportionate share of costs by the Applicant for mitigation improvements and roadway reconstruction.

4. Completion of the TIS for the required improvements (yet to-be-determined) shall be listed as a specific Condition of Approval in the event the Conditional Use Permit (CUP) is approved.
5. TIS mitigation improvements by the Applicant shall require a separate engineering plan approval and construction permits from the NPHD for Lemp Lane.
6. NPHD requires 60-ft width (30-ft half width) ultimate R/W dedicated from the centerline of a local rural road or the Section/Quarter Section Line, whichever is greater, from the applicant per ACCHD Section 3030 Right of Way.
7. Rural Roadway Spacing or Rural Roadway Driveway Spacing shall be per ACCHD Section 3061 Intersection and Approach Policy per the intended use.
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9. Lemp Lane from the subject parcel north to State Highway US 20/26 will need to be reconstructed to a Two-Lane Rural Roadway Section per Standard Drawing ACCHD-101.
10. A pre-diagnostic meeting will need to be held with Benesch to determine necessary railroad crossing improvements and permitting requirements.
11. Applicant will be required to submit a Right of Way permit application to the Idaho Transportation Department District 3 to determine necessary improvements to the approach onto State Highway US 20/26.

NPHD reserves the right to provide amended comments/conditions of approval in the event of application revision or when additional information becomes available.

NPHD requests Canyon County Development Services incorporate these comments into proposed Conditions of Approval for consideration/approval by the Planning & Zoning Commission and the Canyon County Commissioners in the event the CUP is approved.

Respectfully,

J-U-B ENGINEERS, Inc.

Timothy Blair, P.E. (ID, OR)
Area Manager - Meridian

CC:

- Lynn Troxel, NPHD#2 Director of Highways
- Jay Kiiha, White Peterson
- Zoninginfo@canyoncounty.id.gov

Exhibit 3E6:

Diagnostic Meeting Minutes – 10/8/2025 at 3 PM MST
Arrowhead & Parma Gravel Pits Project
819302U Lemp Lane (MP 475.41); 819300F Private (MP 474.17) – Huntington Sub (Notus, ID)

Attendees	Agency/Company	Email Address
Nick Petersen	Benesch-UPRR Engineering Consultant	npetersen@benesch.com
Shawn Jefferds	Idaho Transportation Dept.	shawn.jefferds@itd.idaho.gov
Blaine Schwendiman	Idaho Transportation Dept.	Blaine.schwendiman@itd.idaho.gov
Lynn Troxel	Notus Parma Highway District	lynntroxel@nphd.net
Amber Lewter	Canyon County	Amber.lewter@canyoncounty.id.gov
Mary Wall	Professional Engineering Services	mary@pe-services.biz
Jerry Lee	Superior Construction	jerry@superioridaho.com
Kelly Fulfer	Superior Construction	Kelly@superioridaho.com
Brian Burnett	Owner (Drake Investments)	Invest1977@yahoo.com

1. **Job Safety Briefing held by Nick Petersen.**

    - Diagnostic Team members to stay at least 25' away from the tracks
    - Discussion regarding the availability of first aid kits and location of the nearest hospital
    - 911, Runner, and CPR duties assigned; health conditions written on a piece of paper and place in shoe or front pocket.
    - Team members instructed to take phone calls 50' away from the track if necessary and don't walk/talk
    - Watch for slips trips and falls.
    - Expect a train on any track, in any direction, at any time.

2. **Introductions**

3. **Review MUTCD Sections 1D.02 and 8A.01with Diagnostic Team** (This information was relayed on previously held Kickoff Meeting (virtual))

    - *1D.02 The responsibility for the design, placement, operation, maintenance, and uniformity of traffic control devices in compliance with the provisions of this Manual shall rest with the public agency or the official having jurisdiction, or, in the case of site roadways open to public travel, with the private owner or private official having jurisdiction.*

    - *8A.01 Grade crossings and the traffic control devices that are associated with them are unique in that in many cases, the highway agency or authority with jurisdiction, the regulatory agency with statutory authority (if applicable), and the railroad company or transit agency are jointly involved in the development of engineering judgment or the performance of an engineering study. This joint process is accomplished through the efforts of a Diagnostic Team made up of the highway agency with jurisdiction, the regulatory agency with statutory authority (if applicable), and the railroad company and/or transit agency (if applicable).*

    - *The combination of railroad or LRT active traffic control devices used to inform road users at a grade crossing of the approach or presence of rail traffic and the necessary control equipment for the devices are referred to as a "grade crossing warning system."*

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4. **Train/Highway Data:**

    - 11 trains during day; 10 trains during night (21) with max train speed at 70 mph.
    - No traffic analysis was completed per Notus Parma Highway District.
    - 4 blocked crossings noted from 9/2021 to 8/2/2024 (Lemp Lane)
    - Fire related incident on 3/4/2022 (Lemp Lane)
    - Vehicle/traffic accident reported on 5/20/2021 and 9/4/2024 (both non-train related)
    - Currently, there were no private or public crossing agreements identified for these crossings.

5. **Diagnostic Team Observations**

OVERALL

- No planned illumination at crossings but **recommended** due to the amount of train activity at both crossings.
- Both crossings to have auxiliary/acceleration lane for vehicles turning right onto US 20/26. This is to address the short distance between railroad crossing and US 20/26. This will provide vehicles with access to additional storage area before merging onto the highway.
- **Recommend**: Prohibit Left Turn lane movements when turning west onto Hwy 20/26.
- Retroreflective signs and pavement markings to be installed as part of overall crossing improvements at both crossings (to follow MUTCD guidelines).
- Both crossings to be widened to accommodate two, 12 foot lanes, and ensure a 3 foot overhang on the edge of traveled way for the crossing surface. This would require 4 crossing panels. Note: complete crossing replacement required – crossing panels, track panels, ballast, sub ballast, etc.
- White edge lines and double yellow centerline pavement markings to be installed at both crossings (retroreflective). Note: pavement markings to be installed up to crossing panels but NOT on the panels themselves.
- Note: For any utility line identification/modification, please complete an application with UP Real Estate and Utilities – see link here: Real Estate | Union Pacific
- **Required:** Safety Materials to be provided to all gravel pit employees when interacting with railroad crossings. Please include this with eventual crossing agreements.
- **Required:** Ensure plan sets follow UP Engineering Drawings for both Public and Private Crossings.
- **Required:** Ensure plan sets depict 2 foot asphalt buffer on railroad crossing surface. This ensures that any maintenance work is easier to address, rather than having to tear up concrete.
- **Recommend:** 'Do Not Stop on Tracks' signage

819302U Lemp Lane

Immediate Action Items:

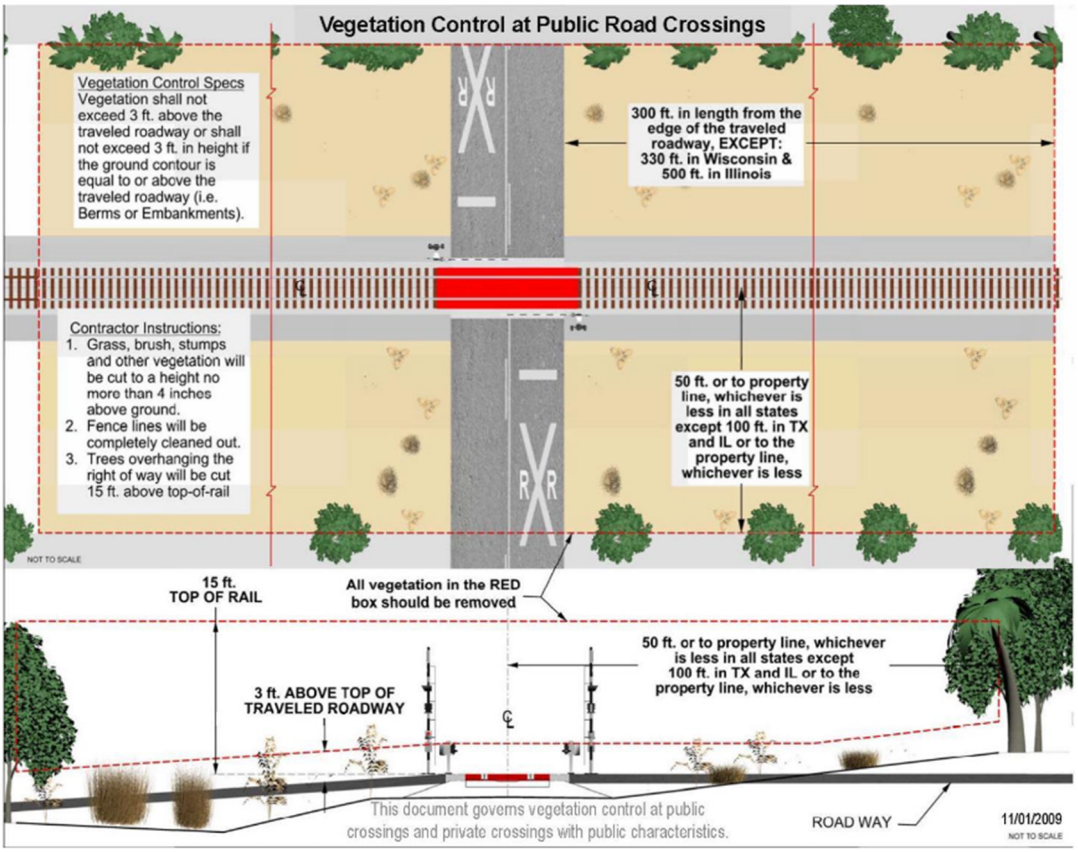
- **Vehicle speed was noted to be 35 mph but no posted speed limit sign present. (Notus Parma Highway District)**
- **Crossbucks for northbound traffic is missing DOT # on Emergency Notification Sign. (UP)**
- **Stop bar was not present for northbound traffic. Please install (please refer to MUTCD for guidance on width and placement. (Notus Parma Highway District)**

819300F Private

- Stop Sign was not present heading onto US 20/26. With the intent to make this private crossing a private commercial crossing (with heavy truck usage stemming from the proposed gravel pit), the Diagnostic Team agreed that a Stop Sign is required.
- It was noted by Kelly Superior Construction) that the approaches are to be filled to adjust for the current slope heading northbound to the crossing.

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- It was noted by Kelly (Superior Construction) that the approaches and the proposed haul road in the vicinity of the railroad crossing and Highway 20/26 are to be paved.
- There is a utility pole that is being planned to be barricaded with each side having one lane for each direction of travel. One lane going southbound (to pit) and another going northbound towards the railroad crossing.
- The Diagnostic Team agreed that safety improvements at the private crossing should include the same as what was recommended for Lemp Lane (public crossing) – retroreflective pavement markings/signage, stop signs/stop bars and advanced warning signs on approaches – this includes W10-2 signage for vehicles turning towards railroad crossing from US 20/26.
- Vegetation overgrowth was witnessed to eventually create a sight distance problem. Plan sets for crossing to include addressing/maintaining vegetation so that sight distance does not become problematic. This condition should also be included in eventual crossing agreements.



- Lift pump culvert to be relocated as part of overall project.
- **Recommend:** Post vehicle speed limit on proposed haul road for 15 mph.
- With the proposed haul road and heavy truck usage, it is a concern that there is no train horn at this location. The Diagnostic Team needs to discuss this component further – on a follow up call.

Next Steps:

1. Diagnostic Meeting Minutes – reviewed by Diagnostic Team for concurrence. Comment period of 14 days and then finalized.
2. Canyon County (Amber Lewter) to take finalized Diagnostic Meeting Minutes to Council Hearing for review/consideration.
3. Should Canyon County approve the project and the improvements needed at both the public and private crossings, then plans can be designed and then sent to UP for review/approval.
4. Follow Up Diagnostic Meeting to ensure Diagnostic Team is on the same page.
    a. Discussion: No Train Horn at Private Crossing. Consider mitigation efforts.

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5. Once plans are approved, estimate requests are made to account for UP force work.
6. Approved plans and estimates are then put into the agreements for both the public and private crossings.
7. Lemp Lane – to likely be a 3 party agreement between UP, Developer, and Notus Parma Highway District.
8. Private Crossing – to be 2 party agreement between UP and Developer.
9. Contractor's Right of Entry Agreement executed and Preconstruction Meeting held.

**Note: It was relayed to the Diagnostic Team that there would be a PM change. Nick Petersen (Benesch) will no longer be managing Public Projects in Idaho and it was mentioned that Lance Kippen (Olsson) would be taking over.

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Exhibit 3E7:

Archived: Friday, March 6, 2026 2:27:54 PM
From: Achziger, Jason K CIV USARMY CENWW (USA)
Mail received time: Tue, 17 Feb 2026 15:58:43
Sent: Tue, 17 Feb 2026 15:58:12
To: Amber Lewter
Cc: Flack,Brandon Meghan Cline aaron.golart@idwr.idaho.gov bujak.charissa@epa.gov
Subject: [External] RE: Agency Notice CU2024-0023 / Burnett-Riverbend
Importance: Normal
Sensitivity: None
Attachments:
30 day AGENCY notice PZ hearing.pdf

Dear Amber Lewter,

Thank you for providing the Corps of Engineers the opportunity to comment. According to information provided, the proposed project is to conduct a sand and gravel mining operation on an approximately 50-acre parcel in Canyon County, Idaho. This has been assigned Department of the Army (DA) file number: NWW-2024-00288. Please refer and/or have the applicant refer to this reference number in all future correspondence with us concerning this project.

The proposed project is located at 25192 Lemp Lane within Section 29 of Township 5 North, Range 4 West in Parma, Canyon County, Idaho.

The DA exerts regulatory jurisdiction over waters of the United States (WOTUS), including wetlands, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Section 404 of the Clean Water Act requires a Department of the Army (DA) permit to be obtained prior to discharging dredged or fill material into WOTUS, including wetlands.

Review of Google Earth aerial imagery and information you furnished shows an unnamed ditch either currently, or historically, bisects the project area, and an unnamed side channel of the Boise River flows along the southern border of the project area. The unnamed ditch and side channel may be considered WOTUS and may be subject to regulation under Section 404 of the Clean Water Act. In order to discern whether these and any other aquatic resources within the project area are WOTUS, the applicant may request a jurisdictional determination. If the proposed project or other future development of the site will result in a discharge of the dredged or fill material within WOTUS, including wetlands, a DA permit may be required. The applicant should be made aware of this and should contact the Corps of Engineers Regulatory Division prior to commencing any such work impacting waters of the United States.

Please be advised that discharges of dredged or fill material under our jurisdiction may include those associated with mechanized land-clearing involving vegetation removal with equipment such as front-end loaders, backhoes, or bulldozers with sheer blades, rakes, or discs, windrowing of vegetation, land leveling, or other soil disturbances in wetlands are activities which result in a discharge of dredged material that destroys or degrades a WOTUS.

The Corps is grateful for this opportunity to provide comment and is prepared to assist the applicant in preparing a DA permit application should they move forward with any work impacting waters of the United States, including wetlands.

For informational purposes this email which includes copies of the IDL Agency Notice, Application and Supplemental Information, is also being sent to the following:

- Brandon Flack, Idaho Department of Fish and Game;
- Meghan Cline, Idaho Department of Environmental Quality;
- Aaron Golart, Idaho Department of Water Resources; and
- Charissa Bujak, Environmental Protection Agency

Exhibit 3E8:

CANYON COUNTY
PARKS, CULTURAL & NATURAL RESOURCES

1115 Albany St., Caldwell, ID 83605
Lake Lowell Office: 208-454-6884
Celebration Park: 208-455-6022
http://canyoncounty.id.gov/parks
www.facebook.com/canyoncountyparks

Re: Comments regarding CU2024-0023

Hello,

Please accept the following comments for consideration regarding Land Use Application CU2024-0023 concerning the conditional use permit for long-term mineral extraction at 25192 Lemp Lane, Parma, ID or Parcel 38505.

Research shows that the main route of Oregon Trail (circa 1840-1869) in Idaho likely crossed the property now identified as Parcel 38505. (Please see the attached map, taken from *Emigrant Trails of Southern Idaho* prepared by the Bureau of Land Management and the Idaho State Historical Society, January 1993. The dashed line represents the path of the Oregon Trail). The Trail represents an important part of Canyon County's history and settlement. As fur traders and Indigenous people traveled along the same route, historic sites along the Oregon Trail also offer information about their lives. While Parcel 38505 and the surrounding area have likely been heavily altered through farming, there is a possibility that historic resources may still exist.

The Historic Preservation Commission recognizes the private ownership of this land and understands that the landowners have the right to do with it as they please. Considering the invaluable nature of these historic resources, we ask the property owners to consider working with the Parks, Cultural & Natural Resources department and the County's Historic Preservation Commission to conduct a professional survey of the area. This process would assist in pinpointing any above ground materials. In addition, should any historical or archaeological materials be found during later excavation of the area, we hope the landowners will be interested in preserving the knowledge that can be gained by such finds.

The Canyon County Parks, Cultural & Natural resources staff, together with the County's Historic Preservation Commission are available to assist with known and/or inadvertent discoveries. This includes securing funding to assist in preservation efforts, to ensure history is saved in perpetuity.
Please reach out to Chelsee Boehm, Historic Preservation Officer, if you have any questions or would like more information. Thank you for your time and consideration.

Sincerely,

The Canyon County Historic Preservation Commission

MAP 48

Known as Lower Boise in 1864, this area was farmed along the river by that time. Notus grew up after railroad transportation and irrigation expansion brought increased population. The Oregon Trail closely parallels a railroad grade and U.S. Highways 20 and 26.

The Middleton Substation is listed in the National Register of Historic Places as are the following properties in Caldwell: Caldwell Odd Fellows Home for the Aged, St. Mary's Catholic Church, A.K. Steunenberg House, U.S. Post Office, Carnegie Library, Blatchley Hall (Albertson College of Idaho), Sterry Hall (Albertson College of Idaho), Carrie Adell Strahorn Memorial Library (Albertson College of Idaho), Thomas K. Little House, North Caldwell Historic District, John C. Rice House, and the Caldwell Historic District.



*Fort Boise, the Hudson's Bay Company post, was sketched by Major Osborne Cross in 1849. (Reproduced from Osborne Cross, **The March of the Mounted Riflemen**, edited by Raymond W. Settle [Glendale, California: The Arthur H. Clark Co., 1940], p. 206.)*



Exhibit 3F:

EXHIBIT F

Public Comments Received by: March 9, 2026

Planning & Zoning Commission

Case #: CU2024-0023

Hearing Date: March 19, 2026

Exhibit 3F1:

Growing Together LLC
301 Warehouse St.
Caldwell, ID 83605

Date: March 9, 2026

Canyon County Planning and Zoning Commission
Canyon County Development Services
111 N. 11th Ave., Suite 203
Caldwell, ID 83605

Re: Opposition to CU2024-0023

Commissioners:

Growing Together LLC respectfully requests denial of CU2024-0023.

Agricultural Protection

This application should be evaluated not only as a request for mineral extraction, but for its foreseeable land-use consequences in an Agricultural area. The County's Agricultural zone is intended to protect viable farmland and farming operations, and the applicant's own materials rely on Comprehensive Plan policies that require the County to maintain a balance between residential growth and agriculture, protect rural character, and discourage incompatible development near agricultural operations. Long-term mineral extraction is not allowed by right in the Agricultural zone; it is a conditional use. That means the Commission must closely examine whether this particular proposal is truly compatible with long-term agricultural protections. (PHM pp. 5-6.)

Purpose of the Agricultural Zone and Long-Term Concern

The Commission should question this application because gravel pits in agricultural areas do not always remain merely temporary uses. Here, the record goes beyond a general concern. In the February 13, 2025 TIS scoping meeting notes included in the public hearing materials, the project overview states: "Longer term, may add houses around lakes, following extraction operations." (PHM p. 72.) That statement matters. It confirms that future residential development around the post-mining lake is not a speculative concern invented by opponents; it appears in the project record itself as a longer-term possibility tied to the extraction proposal.

Consider Post-Mining Use of the Property

That concern is reinforced throughout the application materials. The Letter of Intent states that once mining is complete, the 26-acre pit will be allowed to fill with groundwater to create an "aesthetic pond." The site plan identifies the finished product as a "private pond." The neighborhood meeting notice likewise described the proposal as mining that would result in a pond of approximately 26 acres. In the reclamation materials, the main pit area is also described as a pond fed by groundwater. (PHM pp. 4, 7, 9, 13, 38, 48-49.) Once land is mined, graded, and

converted to a permanent pond rather than restored to productive agriculture, the next argument often becomes that the land is no longer suited for farming and is more appropriate for non-agricultural development. The record here already reflects that kind of future pressure.

Change in the Character of the Area

The Commission should also question whether the applicant has shown true long-term compatibility with surrounding agricultural uses. The applicant cites Policy P4.01.01, which requires the County to maintain a balance between residential growth and agriculture that protects rural character, and Policy P4.07.02, which discourages incompatible development near agricultural businesses that would cause hardship through complaints, traffic, or other complications. But the applicant uses those policies to argue that a future pond will protect rural character. That is not the same as preserving agricultural character. A permanent lake replacing farm ground, followed by the project-team note that houses may later be added around the lakes, points toward a long-term change in character away from agriculture and toward rural residential pressure. (PHM pp. 5-6, 72.)

Traffic and Road Considerations

The traffic impacts remain substantial and unresolved. The application projects 50 gravel truck trips per day at peak operation, or about one truck every 14 minutes during a 12-hour workday, affecting four residences on Lemp Lane and adding traffic to the Lemp Lane/Highway 20-26 intersection. (PHM pp. 6-7.) More importantly, the Notus-Parma Highway District, through J-U-B Engineers, stated that a Traffic Impact Study is required and that the Planning and Zoning hearing should be delayed until the TIS is complete. The highway district also identified the need for possible mitigation, right-of-way dedication, a commercial approach permit, reconstruction of Lemp Lane to a two-lane rural roadway section, railroad crossing review, and ITD permitting for the state highway approach. (PHM pp. 24-25.)

In a previous hearing for a gravel pit, the Planning and Zoning Commission recognized that 07-07-05(7) was not satisfied where there would be undue interference with existing and future traffic patterns; that several approved gravel pits in the area had yet to improve the roads; and that without requested studies, including a Traffic Impact Study for the surrounding area, there was not enough evidence to suggest the proposed use would not interfere with existing or future traffic patterns. That same concern is present here.

Drainage, Irrigation, and Floodplain Concerns

The record also identifies meaningful concerns related to drainage and irrigation infrastructure. The land use worksheet lists the Boise River, unnamed irrigation ditches, and unnamed irrigation waste ditches on or near the property. (PHM p. 10.) The neighborhood meeting notes reflect specific concerns about separation from irrigation laterals and drains, concerns that a lack of maintenance on the drain or waste ditch could back water up on neighboring property, and a neighboring landowner's statement that work might be required on irrigation facilities on his property to help divert waste away from the project area. (PHM pp. 17-18.) In response, the owner later committed in writing to clean and maintain the irrigation surface waterways on the property, and the Farmers' Cooperative Ditch Company conditioned its no-objection letter on retaining and protecting all existing ditches. (PHM pp. 21-22.) Those materials show that irrigation compatibility is not incidental; it is a live issue requiring continuing obligations.

The application is also in the AE flood zone, and a Flood Plain Development Permit is part of the application package. The applicant argues the site is approximately 2,400 feet from the Boise River and will not adversely affect it, but the presence of floodplain review is itself a reason for caution when the proposal would permanently alter the site into a large groundwater-fed pond. (PHM pp. 2-3, 5, 8.)

Noise, Dust, and Industrial Character

The site plan states that noise during hours of operation will be typical of rock crushing and excavation equipment, typically 85 to 100 dB, with dust controlled by watering trucks. The proposed operation would run from 7:00 a.m. to 7:00 p.m., seven days per week, for up to 20 years. (PHM pp. 4, 7, 9, 11.) Those are not minor agricultural impacts. They are long-term industrial impacts in an agricultural area.

Additional Reasons for Denial

In short, the Commission has sound reasons to deny this application:

- It is located in an Agricultural area where the code and Comprehensive Plan emphasize protection of farming operations and rural character. (PHM pp. 5-6.)
- Long-term mineral extraction is conditional, not automatic, so the burden remains on the applicant to prove compatibility here.
- The record expressly contemplates a permanent pond as the post-mining condition rather than restoration to agricultural land. (PHM pp. 4, 7, 9, 13, 48-49.)
- The public hearing materials also contain a project note stating that, longer term, houses may be added around the lakes following extraction operations. (PHM p. 72.)
- Traffic concerns remain unresolved, and the highway district requested that the hearing be delayed until a Traffic Impact Study is completed. (PHM pp. 24-25.)
- The record documents ongoing concerns involving irrigation laterals, drains, waste ditches, and maintenance obligations needed to protect upstream and neighboring properties. (PHM pp. 10, 17-22.)
- Approval would contribute to a long-term change in the character of the area from protected agricultural land toward pond-based and potentially residential development.

For these reasons, Growing Together LLC respectfully requests that the Planning and Zoning Commission deny CU2024-0023.

Respectfully submitted,

George Crookham
President
on behalf of Growing Together LLC

Growing Together LLC
Mission Statement: To improve citizens' knowledge of local land use planning and to support good economic land use decisions.

Exhibit 4:

EXHIBIT IV.

Public Comments Received by: July 25, 2026

-

Board of County Commissioners

Case #: CU2024-0023-APL

Hearing Dated: September 3, 2026

Exhibit 4A:

Growing Together LLC
301 Warehouse St.
Caldwell, ID 83605

Date: June 22, 2026

Canyon County Board of County Commissioners
Canyon County Development Services
111 N. 11th Ave., Suite 310
Caldwell, ID 83605

Re: Rebuttal to Appeal of Denial – CU2024-0023 Riverbend-Parma Gravel Pit Operations

Commissioners:

Growing Together LLC respectfully submits this rebuttal to the applicant's appeal of the denial of CU2024-0023 and asks the Board to uphold the Planning and Zoning Commission's decision.

The Commission's denial was supported by substantial evidence in the public hearing record. The applicant had the burden to show that all conditional use permit criteria were satisfied. The Commission found that burden was not met, specifically as to consistency with the Comprehensive Plan, protection of the area's agricultural character, and whether the proposal would unduly interfere with existing or future traffic patterns. The appeal does not cure those deficiencies.

This request is not a minor or short-term use. The applicant seeks approval for long-term mineral extraction on approximately 26 acres of a 50.2-acre agricultural parcel for up to 20 years. The operation would include surface mining, stockpiling, crushing, screening, and hauling sand and gravel from the site. Upon completion, the excavated area would be allowed to fill with groundwater and become an approximately 26-acre pond.

The subject property is designated Agriculture and lies within the Intensive Agriculture Overlay. Growing Together recognizes that the overlay has not been separately implemented as a zoning ordinance. However, it is still part of the adopted 2030 Comprehensive Plan and remains directly relevant to the required Comprehensive Plan consistency analysis. The Commission did not deny the application because the overlay operates as an independent zoning prohibition. It denied the application because the Comprehensive Plan designates this area for Agriculture with an Intensive Agriculture Overlay, and the stated purpose of that overlay is to protect working lands and agricultural operations from incompatible uses. A long-term gravel extraction operation that permanently converts agricultural ground into a pond conflicts with that adopted policy direction.

The applicant argues that the soils are poor and that the area already contains other gravel operations. Those points do not overcome the County's adopted Comprehensive Plan. The question before the Board is not whether extraction may be more profitable than agriculture, or whether other gravel pits exist

nearby. The question is whether this proposal satisfies the County's criteria and protects the long-term agricultural character of this area. The Commission found that it does not.

The record also supports the Commission's concern that the proposed pond would permanently change the character of the property. The request is not limited to temporary extraction; it would remove agricultural ground from production and leave an approximately 26-acre pond after mining is complete. That permanent conversion is directly relevant to the Comprehensive Plan designation, the Intensive Agriculture Overlay, and the Commission's finding that the proposal would negatively change the agricultural character of the area.

Traffic was also unresolved. The record shows that Lemp Lane is a local roadway, that access to Highway 20/26 is constrained by the nearby Union Pacific Railroad crossing, and that heavy gravel trucks may be significantly longer than the distance between the railroad crossing and the highway. The Highway District requested traffic impact and structural capacity information, ITD requested structural analysis of the intended intersection, and Union Pacific identified access-related concerns. The Commission was not required to accept general assurances in place of the requested evidence. Without the studies and information requested, the Commission reasonably found there was not enough evidence to conclude the use would not unduly interfere with traffic patterns.

For these reasons, Growing Together LLC respectfully asks the Board to deny the appeal and uphold the Planning and Zoning Commission's denial of CU2024-0023.

Respectfully submitted on behalf of the Growing Together Advisory Board,

George W Crookham

George Crookham
Growing Together

Exhibit 4B:

Archived: Tuesday, July 28, 2026 2:48:22 PM
From: Julia Miller
Mail received time: Fri, 24 Jul 2026 16:13:09
Sent: Fri, 24 Jul 2026 16:11:36
To: Amber Lewter
Subject: [External] Case No. CU2024-0023-APL
Importance: Normal
Sensitivity: None

Hello Ms. Lewter,

My name is Julia Alman, and I was hoping to contact you about the proposed gravel pit in Parma. We live off of Don Ln across the street. In general, I am in opposition to the proposed project for a few reasons, but the key one is traffic patterns on a two-lane highway. With the appellant's estimation of 50 or more trucks a day - 7 days a week - coming on and off the highway from a small road, I am concerned this creates a bigger danger on an already dangerous highway. Additionally, these trucks will have to back up or wait in the highway when a train passes by which occurs at least 8-10 times during the daylight hours or more. The key point here is that there isn't a left turn lane or an approach onto Highway 20/26. Lastly, the highway already faces a great deal of wear from larger equipment like this that becomes more evident every year. I am concerned this increase would only add to that.

I saw in the documents that NPHD requested several things, but among them was a TIS. Has a TIS been completed? Do locals have the ability to know the results before the hearing? Additionally, I was curious if noise or dust concerns have been raised? If the appellant has provided these things, I would kindly like to know where I can find them.

Thank you very much for taking the time,
Julia Alman

11. Applicant will be required to submit a Right of Way permit application to the Idaho Transportation Department District 3 to determine necessary improvements to the approach onto State Highway US 20/26.

a) The request is for approval of a sand and gravel extraction operation (gravel pit) over approximately 26 acres of the subject property. All mining shall be surface mining. Upon completion of the removal of the sand and gravel the resultant gravel pit will be allowed to fill with groundwater to create a 26-acre aesthetic pond.
It is anticipated that the mining operation will have six (6) employees, operating from 7am to 7pm seven days per week at peak operation. Operations will include the heavy equipment required to mine and stockpile the sand and gravel, crushing and screening equipment to process the sand and gravel, in addition to the trucks that haul the mined materials from the site. During periods of peak operation an average of 50 trucks per day will haul the sand and gravel from the site. The proposed extraction period will not exceed 20 years.

Exhibit 4C:

Gmail

Ryan Upson <upson@brandedroofingsystem.com>

Case Number CU2024-0023

Ryan Upson <upson@brandedroofingsystem.com> Fri, Jul 24, 2026 at 11:13 AM
Draft To: Ryan Upson <upson@brandedroofingsystem.com>

Canyon County Commissioners,

I Ryan Upson and representative for SLMA properties is in opposition to the proposed gravel pit.

See the letter from Idaho Foundation for Parks and Lands. I agree with every Key concern given and that are site specific.

I have provided:
The 7 water rights associated with 24684 Lemp Ln, Parma, ID 83660 property.
Deed of Conservation Easement for the Wetlands is on file with the county: 2012005227.
Strut Ranch Mitigation Bank. Approved by The Army Corps of Engineers and Canyon County.

The gravel pit applicant is adjacent to the Wetland. Mining a gravel pit will disturb the water table at the wetlands, necessitating mitigation between Parks and Lands (the holder of the Deed). Mitigation will involves SLMA properties and Seven water rights. This includes the canal, groundwater, wells, and wildlife. The Wetlands are in a Deed of Trust with The Idaho Foundation for Parks and Lands Forever.

The applicant is in an intense Agricultural zone.
No Studies have been performed for the wetlands through the Army Corps of Engineers or FEMA. The water table at the 100-year flood plain. Endangered species.
Traffic safety, Highway and railroads.

The farm land I own on the lower bench (Same Area) has been producing and profitable for years. Claims that the lands are not suitable for agriculture are false.

I agree with Joe and Holly Grubiak and the Roach family regarding their written and verbal testimony.

Ryan Upson

24684 Lemp Lane Parma, Id 83660

Ryan D Upson

RECEIVED
JUL 24 2026
BY: N.P.O.

From Idaho Foundation for Parks and Lands

Date: July 15th, 2026

Re: Public comment on the proposed gravel pit adjacent to the Strut Ranch wetland conservation easement (Upson 24684 Lemp Lane, Parma, Idaho)

Dear Canyon County Commissioners,

The Idaho Foundation for Parks and Lands submits this formal public comment to express significant concerns about the proposed gravel pit immediately adjacent to a wetland conservation easement near Strut Ranch on Lemp Lane, Parma, Idaho. Based on environmental, legal, and community considerations—and informed by relevant mitigation planning documents associated with Strut Ranch and regional wetlands management—the project poses unacceptable risks to water quality, habitat integrity, and long-term public interests. We urge deferral and a thorough, independent review, prioritizing conservation values and exploring alternatives that do not threaten wetlands or easement commitments.

Key concerns and rationale that are site-specific:

1. Water quality and hydrology risks
- Wetlands provide flood attenuation, nutrient filtration, and groundwater recharge; excavation and associated activities can increase sediment runoff and turbidity, potentially compromising adjacent wetlands and drainage features.
- Disturbances from dewatering, dust, and heavy vehicle traffic may alter hydrology and wetland functions, raising concerns about compliance with state water-quality standards and the easement's conservation objectives.

2. Habitat disruption and biodiversity risk
- Proximity to wetlands supports amphibians, migratory birds, and other wildlife; mining activities—noise, vibration, dust, and altered edge conditions—can disrupt critical life stages and habitat use.
- Sediment inputs and edge degradation can impair vegetation and habitat structure essential for wildlife that rely on these wetlands.

3. Legal and easement compliance risk
- The Strut Ranch wetland easement and any associated legal instruments obligate protection of conservation values. An adjacent gravel operation could raise questions of breach or noncompliance unless robust approvals and explicit alignments with easement terms are demonstrated.
- The project will likely trigger multiple regulatory reviews (stormwater and erosion control, wetlands delineation/impact assessments, endangered species consultations, water rights). Any inconsistency with easement terms may invite appeals or litigation.

4. Community resilience and equity considerations
- Gravel pits near conservation lands can affect public enjoyment, property values, and local quality of life due to noise, dust, and traffic.
- Wetlands contribute to climate resilience; compromising nearby hydrology reduces preparedness for floods and droughts, affecting surrounding communities.

5. Economic considerations and opportunity costs

- Short-term material supply benefits may be outweighed by long-term costs (remediation, monitoring, litigation, and loss of ecosystem services that bolster local recreation, tourism, and quality of life).
- Safer alternatives include sourcing gravel from non-sensitive locations or utilizing recycled aggregates, with potential for habitat restoration partnerships that align with conservation goals.

Kendra Kenyon
Executive Director
Idaho Foundation for Parks and Lands
5657 Warm Springs Ave.
Boise, ID 83716
kendra@idaholands.org

MITIGATION PLAN

Strut Ranch Mitigation Bank

Parma, Idaho

Prepared for

United States Army Corps of Engineers

Prepared by

The Wetlands Group, LLC
Eagle, Idaho



November 16, 2011

Table of Contents

1. EXECUTIVE SUMMARY 1
2. INTRODUCTION/PROJECT DESCRIPTION 2
3. MITIGATION GOALS AND OBJECTIVES 5
3.1 Total Wetland Acreage 5
3.2 Goals for Hydrologic Conditions 5
4. SERVICE AREA 5
5. BANK SITE SELECTION 8
5.1 Watershed Approach 8
5.2 Site Selection 9
6. BASELINE INFORMATION 10
6.1 Existing Wetlands 10
6.2 Topography 11
6.3 Hydrology 11
6.4 Soils 11
6.5 Vegetation 12
6.6 Proximity to Roads/Human Activity 12
6.7 Wildlife and Fish 12
6.8 Threatened and Endangered Species 13
6.9 Cultural Resources 13
6.10 Site Protection 13
7. DETERMINATION OF CREDITS 13
8. MITIGATION WORK PLAN 15
8.1 Proposed Mitigation Design 15
8.2 Targeted Hydrology 15
8.3 Targeted Soils 17
8.4 Planting Plans 17
8.5 Construction Activity Description 20
8.6 Reference Wetland 20
9. MAINTENANCE PLAN 22
10. PERFORMANCE STANDARDS 22
11. MONITORING REQUIREMENTS 23
12. LONG-TERM MANAGEMENT PLAN 24
13. ADAPTIVE MANAGEMENT PLAN 24
14. FINANCIAL ASSURANCES 24

14.1 Construction 24
14.2 Performance 25
14.3 Long Term Maintenance 25
15. REFERENCES 26

Figures

Figure 1: Service Area Map 3
Figure 2: Site Location Map 4
Figure 3: Mitigation Site Plan 7
Figure 4: Grading Plan 16
Figure 5: Typical Cross Section 19
Figure 6: Reference Wetlands 21

Appendices

Appendix A: Jurisdictional Determination
Appendix B: Functions and Values Analyses
Appendix C: Hydrology Data Summary
Appendix D: Affidavit of Legal Interest
Appendix E: Bank -Specific Ledger

1. EXECUTIVE SUMMARY

This mitigation plan for the Strut Ranch Mitigation Bank (Bank) site will restore 15.0 acres of wetlands. The Bank site will provide wetland mitigation credits for impacts to aquatic resources authorized by Nationwide, General, and Individual permits, including after the fact permits granted under Section 404 of the Clean Water Act at a ratio of 1 acre of mitigation credit for 1 acre of impact. Ultimately, compensatory mitigation purchasing from the Bank will contribute positively toward achieving the Federal Wetland Program's "no net loss" goal. The approval of this mitigation plan will fall under the terms agreed to in The Wetlands Bank of Idaho Umbrella Banking Instrument dated January 30, 2009 and approved by the U.S. Army Corps of Engineers (Corps).

The Bank site is located in a Hydraulic Unit Code (HUC) that contains a high degree of historical wetland impacts. The Bank site will be able to successfully replace wetland acres to compensate for future permitted impacts to wetlands in the primary service area which includes HUC 17050114 (Lower Boise) and the smaller adjacent HUC 17050115 (Middle Snake-Payette).

High-quality ecological characteristics of the restored wetlands will provide excellent functions and services as compensatory mitigation. In addition, the location of the Bank and its regional proximity to other existing high-quality habitat and natural resources of importance along the Boise River can create broadened ecological value. Restored aquatic resources will be designed as self-sustaining, functional systems typical of the local and regional aquatic resource ecotypes.

During the site selection process, a high priority is placed on selecting the Bank site based on how it fits within the watershed and how it contributes to the overall watershed function. For this reason, site selection focuses on locations with previously drained or degraded wetlands, disturbed areas and wetlands that have been converted to agricultural uses. This watershed approach considers how the type and location of the compensatory mitigation project will provide desired aquatic resources and will continue to function over time in a changing landscape.

2. INTRODUCTION/PROJECT DESCRIPTION

The Strut Ranch Mitigation Bank will provide wetland credits to compensate for the loss of aquatic resources and wetland habitat. The Bank site is located in southwest Idaho, 2.7 miles west of Notus, Idaho on the north bank of the Boise River, approximately 0.5 miles south of Highway 26 at 24684 Lemp Lane, in Canyon County, Idaho (Figures 1 and 2). The site is bounded on the south by the Boise River, and the west, north, and east by the Baxter Canal and private property.

The Strut Ranch Mitigation Bank site includes 15.0 acres located within the 47.3-acre Strut Ranch Mitigation Bank project area that is predominantly irrigated agricultural land and includes a residence, out buildings and access roads. Portions of the parcel also include upland, wetland and riparian habitat. This mitigation plan consists of restoring palustrine scrub shrub (PSS) communities and palustrine forest overstory communities (PFO) on 15.0 acres of upland abutting an historic Boise River oxbow slough. Existing wetlands in the Strut Ranch Project Area will not be impacted.

The Boise River is immediately adjacent to the site and provides for close proximity to groundwater and diffuse surface hydrology for the site. The site slopes slightly toward the river (south and southwest) and elevations range from 2,268 to 2,275 feet above mean sea level. Due to the site's potential to successfully restore self-sustaining riparian wetland complexes and its location in the watershed, it was selected for this project.

Project location information:

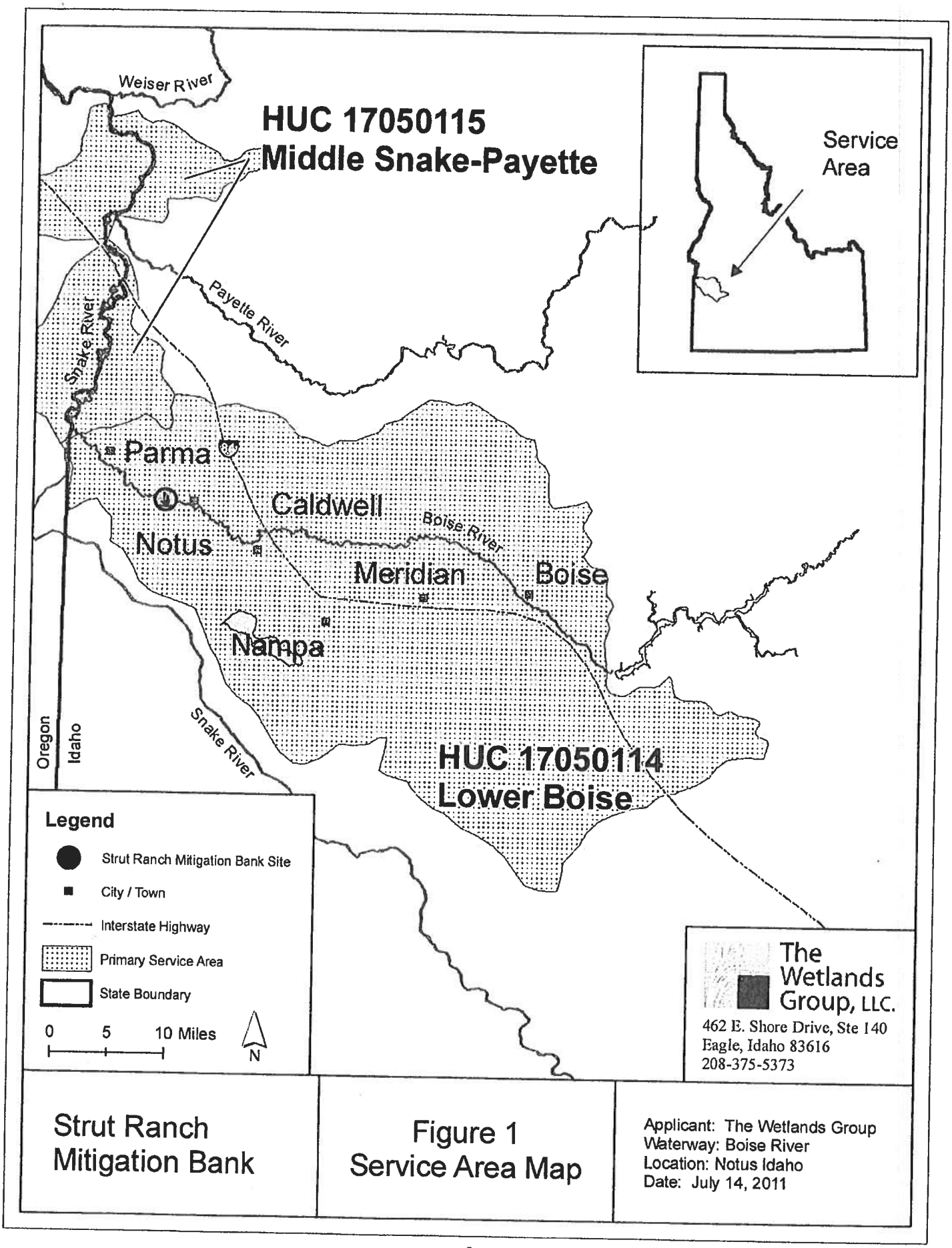
2.7 miles west of Notus, in Canyon County, Idaho

T 5 N, R 4 W, Section 31 and 32

Hydrologic unit 17050114 (Lower Boise)

Latitude/Longitude 43.7301268 N and 116.8565098 W

UTM: Zone 11 511556E 4841909N (WGS84/NAD83)



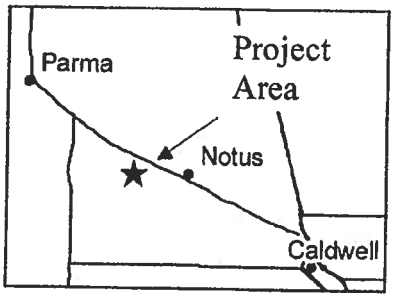
Strut Ranch Mitigation Bank

Figure 1
Service Area Map

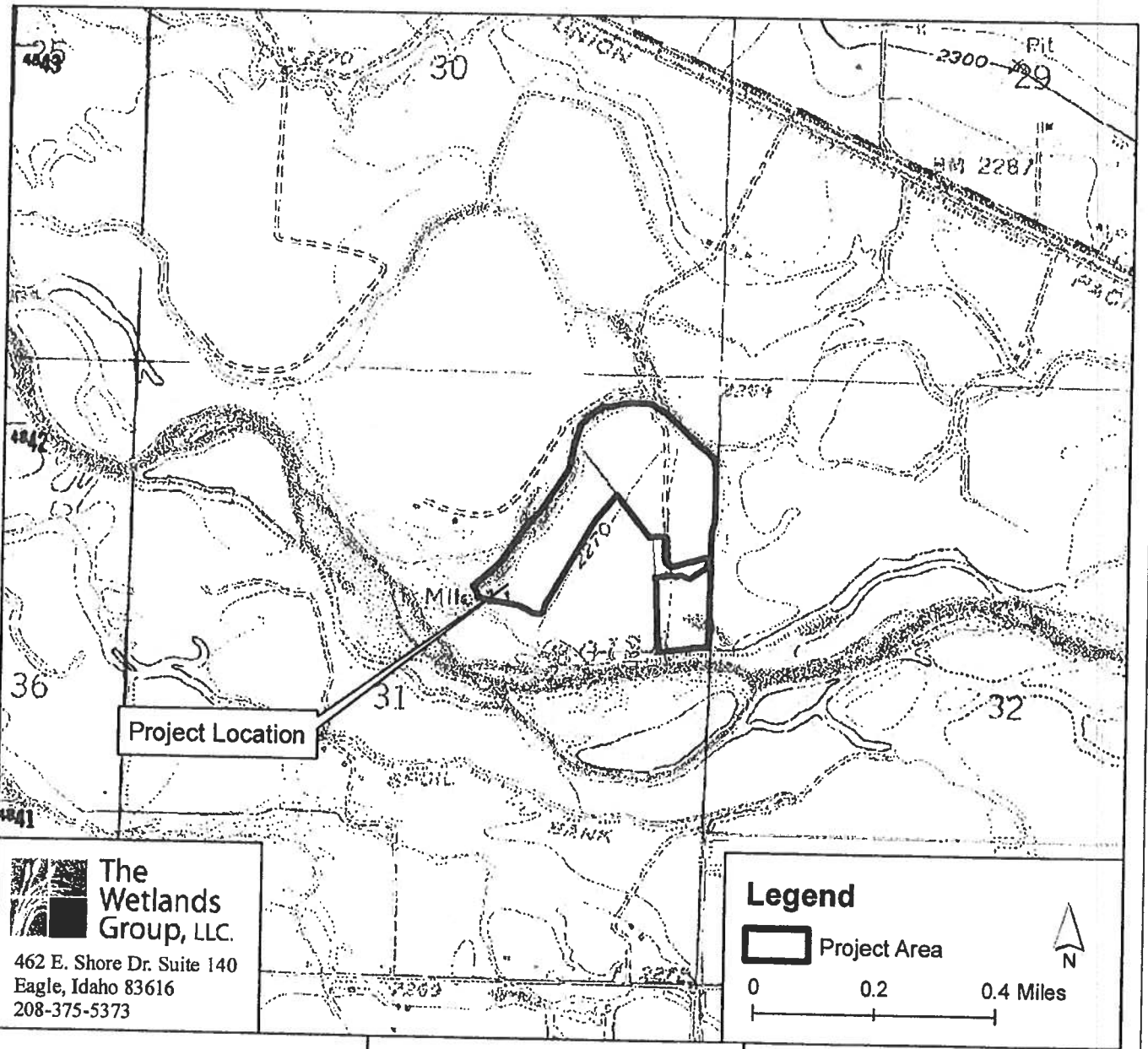
Applicant: The Wetlands Group
Waterway: Boise River
Location: Notus Idaho
Date: July 14, 2011

NOTUS, CANYON COUNTY, IDAHO
T 5 N, R 4 W, Section 31,32

U.S. Geological Survey Map
24K-43116f7







The Wetlands Group, LLC.
462 E. Shore Dr. Suite 140
Eagle, Idaho 83616
208-375-5373

Legend

Project Area

N

0 0.2 0.4 Miles

Strut Ranch Mitigation Bank	Figure 2 Site Location Map	Applicant: The Wetlands Group Waterway: Boise River Location: Notus Idaho Date: July 14, 2011

3. Mitigation Goals and Objectives

3.1 Total Wetland Acreage

The overall mitigation bank plan goal is to create a 15 acre wetland bank by restoring upland areas to wetlands as shown in Figure 3. This will be accomplished by constructing (restoring) PSS and PFO wetlands. The constructed site will ultimately have a greater diversity of habitat and plant species than the existing farmland and upland communities dominated by agricultural crops, grasses and weedy forbs. Once the wetland communities are established, they will connect with adjacent riparian habitats along the Boise River corridor. The new wetland areas will blend with the existing wetlands adjacent to the site and the Boise River riparian corridor to produce a biologically diverse site.

Restoration at the mitigation site will result in 5.0 acres of PSS and 10.0 acres of PFO wetlands along the Boise River corridor. Based on the mitigation site size, connection to the Boise River, and potential for vegetation communities, the restored wetlands will have excellent functions and services to incorporate a sustainable and productive wetland system.

3.2 Goals for Hydrologic Conditions

The goal is to restore wetland areas to an elevation that establishes a wetland riparian area along the oxbow slough located around the perimeter of the project area. The site hydrology was established using Boise River discharge data recorded near Parma, surface water observations during the delineation and groundwater monitoring data collected from test pits. The grading plan will lower ground surface elevations closer to the groundwater table and allow diffused surface water and floodwater to enter the site. This increase in hydrology will allow for the establishment of self-sustaining, high-value riparian wetlands.

4. Service Area

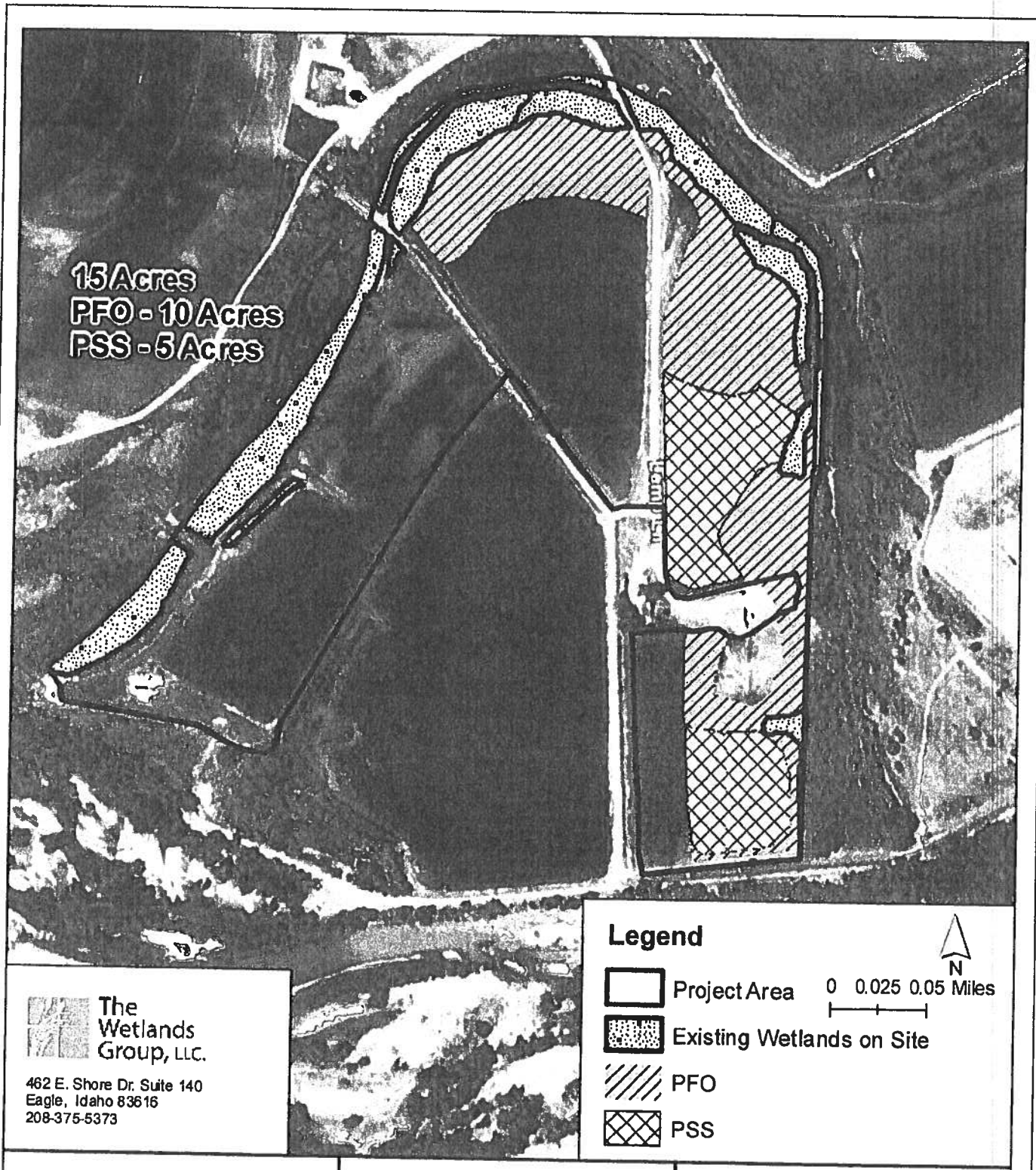
The service area of a bank is the designated area wherein a bank can be reasonably expected to provide appropriate compensation for impacts to wetlands or other aquatic resources. The service area takes into account the sustainability or improvement of aquatic resources in a watershed when determining compensatory mitigation requirements. Accordingly, the primary service area for the Bank is the 8-digit the Lower Boise River watershed, (HUC) 17050114 and the Middle Snake-Payette watershed, HUC 17050115.

The Lower Boise River watershed, HUC 17050114, is located in southwest Idaho (Figure 1). This watershed drains 1,290 square miles of rangeland, forests, agricultural lands, and urban areas. The lower Boise River flows for a 64-mile stretch through Ada and Canyon counties including the cities of Boise and Caldwell, Idaho. The watershed also drains portions of Elmore, Gem, Payette, and Boise counties. The river flows in a northwesterly direction from Lucky Peak Dam to its confluence with the Snake River near Parma, Idaho. Major tributaries include (but are not limited to) Fifteenmile Creek, Mill Slough,

Mason Creek, Indian Creek, Conway Gulch, and Dixie Drain. Beneficial uses that the lower Boise River watershed provides include: agricultural water supply, cold water aquatic life, salmonid spawning, primary contact recreation, secondary contact recreation, and domestic water supply (IDEQ 2011).

The Middle Snake-Payette, HUC 17050115, is located both in southwest Idaho and Oregon (Figure 1). This watershed drains 294 square miles of rangeland, forests, agricultural lands, and urban areas. The HUC includes a 37-mile stretch of the Snake River that flows through Washington, Payette and Canyon counties including the cities of Payette, Weiser, and Fruitland in Idaho and through Mahluer County in Oregon. This section of the Snake River flows in a northly direction from its confluence Boise River near Parma, Idaho to its confluence with the Weiser River near Weiser, Idaho. Major tributaries include the Payette River and Mahluer River. Beneficial uses that the Middle Snake-Payette watershed provides include: Cold water aquatic life, salmonid spawning, primary contact recreation, special resource water and domestic water supply (IDEQ 2011).

Restoration of the riparian wetlands along the Boise River as described in this mitigation plan will provide a variety of the functions and services necessary to meet the compensatory mitigation needs in the Boise River watershed.



Strut Ranch Mitigation Bank

Figure 3: Mitigation Site Plan

Project Name: Strut Ranch Mitigation Bank
Applicant: The Wetlands Group, LLC.
Waterway: Boise River
Location: Notus, Canyon County, ID
Date: Sept. 1, 2011

5. BANK SITE SELECTION

The factors, which are considered in the site selection process, include the Boise River watershed needs and the practicality of establishing ecologically self-sustaining aquatic resources at the Strut Ranch Mitigation Bank.

5.1 Watershed Approach

The needs for protection and restoration of the Boise River Watershed are identified in the development of Total Maximum Daily Loads (TMDL), in local jurisdiction regulations to further protect the resources, and by watershed advisory groups taking active roles in addressing watershed concerns. Only two pollutants, sediment and bacteria, require TMDLs on the Lower Boise River. Pollutant targets are based on existing water quality criteria for bacteria and on a numeric interpretation of the state narrative standard for sediment. Since the lower Boise River is a major tributary to the lower Snake River, phosphorus (total and dissolved) was examined for load and waste load allocations after completion and approval of the Snake River-Hells Canyon TMDL. In 2008, a final Total Phosphorus Implementation Plan identified a TMDL allocation of total phosphorus for the lower Boise River at it's confluence with the Snake River (IDEQ 2011).

Load allocations for temperature are not recommended for the lower Boise River segments since it has been found that atmospheric conditions preclude compliance with cold water aquatic life temperature criteria during particularly during the warmer summer months (IDEQ 2011).

The U.S. Environmental Protection Agency does not consider flow (or lack of flow) to be a pollutant as defined by the Clean Water Act. Since TMDLs are not required for water bodies impaired by pollution but not pollutants, a TMDL was not developed for flow alteration (IDEQ 2011).

The aquatic resources along riparian areas in the lower Boise River watershed are generally dominated by an overstory of black cottonwood, willow, silver maple, and a shrub layer consisting of willows, alder, and false indigo. The river corridor hosts a diversity of wildlife species. Dominant species in the lower Boise River watershed include large ungulates such as mule deer and white-tail deer; small mammals such as beaver, muskrat, river otter, mink, and weasel; birds such as bald eagles, herons, ducks, geese, and numerous songbirds, shorebird, migratory, and residential bird species; as well as reptiles and amphibians typically found in the region. The canopy along the river provides winter roosts for bald eagles and hosts great blue heron rookeries. The lower Boise River also supports a natural and stocked fishery. The stretch from Lucky Peak dam to the confluence with the Snake River is designated for cold water aquatic life, two reaches, Lucky Peak to Star and Star to the mouth, support distinctly different fish. The river upstream of Star is a cold water fishery composed primarily of salmonids, including rainbow trout, brown trout, and mountain whitefish. The stretch downstream of Star is inhabited primarily by small mouth bass, suckers, brown trout, and numerous introduced semi-warm water fishes which indicate that warm water biota also exist in the stretch.

Although these resources are present, the lower Boise River watershed is also the focus of regional environmental concerns that center on the loss and degradation of riparian wetlands and associated aquatic resources caused by development stressors. The watershed is experiencing rapid population growth, which has changed the functions and services remaining in the watershed. Ada County and Canyon County have nearly doubled in population over the past 30 years and growth is expected to continue. Development pressure on wetlands will continue to increase rapidly in urbanizing areas due to less buildable land.

Other landscape pressures, such as flood control and irrigation, have reduced the peak flow events in the watershed, which has modified the riparian corridor. The river has been modified by three existing storage projects: Anderson Ranch, Arrowrock, and Lucky Peak. These reservoirs operate as a system for flood control, irrigation, and recreation and have dramatically altered aquatic resources including the development of black cottonwood forests and riparian wetland habitats along the Boise River. The riparian corridor has also undergone riparian habitat changes as a result of development in the floodplain, the public's demand for flood control, and channelization of the riparian corridor. Presently, limited amounts of floodplain are inundated between the 4,500 and 7,000 cubic feet per second (cfs) discharge event, limiting the hydrology and natural seed distribution necessary to support and regenerate native wetland vegetation in the historical riparian corridor.

The Boise River has been targeted by stakeholders, resource agencies, and wetland experts as a key resource to protect, maintain, and where possible, restore aquatic resource functions and services. As available land around the Boise River and its surrounding population centers continue to expand, the riparian and aquatic resources will likely be encroached upon. A watershed approach has been used to identify this Bank site and restoration of a portion of the site can benefit the watershed and offset the losses of aquatic resource functions and services caused by activities authorized by U.S. Army Corps of Engineers (Corps) permits. The Bank site is located in the HUC that experiences much of this development and provides a spatially nearby location to replace functions and services that may be lost due to future aquatic resource impacts.

5.2 Site Selection

The Bank site was selected to provide valuable aquatic resources that are being lost in the lower Boise River watershed. Besides the availability of the land for restoration adjacent to the Boise River, the presence of existing wetlands and riparian communities makes mitigation site ecologically suitable for the restoration of wetland communities. Restoring the wetland communities can greatly increase the wetland function and services on a reach and watershed scale. The Wetlands Group's success at similar sites along the Boise River demonstrates that wetlands can be restored. The following site-specific criteria were used to select this site as a mitigation bank:

- There is adequate water to provide sufficient hydrology to the mitigation bank.
  - Diffused surface water
  - Proximity to groundwater

- Soils are available that will support wetland and riparian plants.
- There is a potential for converting less desirable cover types and bare ground to those that provide higher quality vegetation, riparian cover, and wildlife habitat.
- The proposed area will be an undeveloped portion of Strut Ranch and will not be directly or indirectly affected by its proximity to roads or development.
- There is potential for preserving and protecting valuable open space along the Boise River riparian corridor.

Following the initial screening and on site review by the Interagency Review Team, the site was determined to meet the selection criteria for compensatory mitigation because it is ecologically suitable to provide the desired wetland and aquatic resource functions.

6. BASELINE INFORMATION

The Strut Ranch Wetland Mitigation Bank site is a mixture of agricultural lands, strips of upland vegetation, the Boise River and associated backwater and floodplain communities. The wetlands will be constructed in upland areas and will provide open space and habitat features including shrub and forested riparian areas.

6.1 Existing Wetlands

Six palustrine emergent (PEM) wetland communities are presently identified within the project area for the Strut Ranch Mitigation Bank Wetland Delineation. Although these wetlands are in the vicinity of the mitigation site, none of these wetlands will be filled by construction of the mitigation bank. Wetlands in the vicinity of the mitigation bank site are shown in Figure 3 and in Appendix A, Figure 2. These wetland communities are dominated by cattails (*Typha latifolia*), bulrushes (*Scirpus acutus*) and reed canarygrass (*Phalaris arundinacea*) and supported hydrologically with high groundwater and flooding from the Boise River. Wetlands constructed for this plan will abut existing wetlands in the project area as shown in Figure 3. The Strut Ranch Mitigation Bank Wetland Determination and wetland locations are included in Appendix A.

The Montana Department of Transportation's (MDT) Wetland Assessment Method (Berglund 2008) was used to assess existing and restored wetland functions and values for wetlands in the Bank. Because this assessment method uses the term "values" instead of "services", when discussing the assessment method the term "values" will be used. Throughout the remainder of this document the term "services" will be used as defined in *Compensatory Mitigation for Losses of Aquatic Resources; Final Rule* (33 CFR Parts 325 and 332 and 40 CFR Part 230), April 10, 2008. The assessment method considers 12 functions and values variables, it rates each variable as low, moderate, or high and gives an overall rating from Category I to Category IV. Category I wetlands have the highest function and value and Category IV the lowest. The MDT assessment rated the existing project area wetlands associated with the oxbow slough, Wetland 1, as Category II wetlands and the remaining wetlands Wetlands 2, 3, 4 and irrigated wetlands 5 and 6 as Category III wetlands. The functions and values assessments for existing wetlands are presented in Appendix B.

The functions and values of wetlands on site are limited by proximity to disturbed upland habitat, lack of structural diversity, and low recreational/educational potential. These wetlands provide low wildlife habitat due to nearby agricultural practices and limited size and structural diversity. The wetlands store seasonal and intermittent floodwaters and may receive some sediments and nutrients via flooding. The wetlands provide biomass production for food/nutrient sources to the food chain (see Appendix B).

6.2 Topography

The site is relatively flat, with topographic breaks between the upland and wetland areas. Elevations on site range from 2,268 to 2,275 feet above mean sea level. The Bank site generally slopes toward the oxbow slough (east and north). Upland areas cover the majority of the site and include an access road, agricultural fields, and the residential area. The existing wetlands in the proposed bank site are located in depressional areas, the oxbow slough or irrigation drainages.

6.3 Hydrology

The Bank site is located adjacent to the Boise River in the lower Boise River watershed. Natural flows in the lower Boise River system have been greatly modified by three existing storage projects: Anderson Ranch, Arrowrock, and Lucky Peak reservoirs along with numerous diversion canals. These reservoirs operate as a system for flood control, irrigation, and recreation. Short reaches of levees have been built along the river by local landowners, Ada County, Canyon County, and local flood control districts to act as an additional defense to normal flood events. The reservoirs and levee systems along the Boise River provide flood control that is well below the 100-year flood event level (Corps 1995).

The Bank site is located adjacent to the Boise River and is influenced by its surface and subsurface flows. Portions of the existing wetlands in the project area flood during high flows as shown in the aerial photograph taken February 26, 1996 when Boise River flows at the Parma USGS station were at 7050 cfs (Appendix C). The surface water present at these flows is attributed to a high diffuse surface flow from the Boise River. The wetlands are located in the topographic depressions on site and are supported by a high groundwater table associated with the Boise River during the summer months.

Surface water and a high groundwater table were observed onsite during the bank site delineation and were used to identify existing wetlands as shown in Figure 3 (TWG 2011). At that time conditions were likely influenced by the unusual high and long runoff season for the Boise River due to a cooler and wetter than average spring. Surface water has also been observed in the wetlands adjacent to the Bank site during the winter months when the Boise River is at low flow.

6.4 Soils

The soils in the project area are a mixture of alluvial soils and river gravels that have been frequently reworked prior to and after construction of Lucky Peak Reservoir. Notus soils are mixed alluvial soils found in fan remnants and terraces. Portions of the site have been excavated and/or filled by agricultural activities over the years. Soils at the Bank site have been mapped and are recorded in the *Soil Survey of Canyon Area Idaho* (SCS

1972) and include Notus soils with a Chance fine sandy loam component, Moulton fine sandy loam, and Riverwash soils. Notus soils and Moulton fine sandy loam with a Chance fine sandy loam component are considered hydric in depression areas with high groundwater. Riverwash is considered hydric in a floodplain if the soils are frequently flooded for long durations or have a high water table during the growing season.

6.5 Vegetation

Three upland herbaceous communities that were identified in the project area border the wetland areas. These communities include agricultural fields and strips of upland vegetation adjacent to these fields dominated by weedy forbs and fescue grass. Upland communities identified during the project survey are described as follows and are shown in Figure 2 of Appendix A.

Agricultural Fields

Four agricultural fields are present in the project area (Figure 2). All of the fields have been used historically and are used presently for growing crops such as corn and wheat. All four fields are flood irrigated and have maintained water supply and return ditches associated with them.

Upland 1 – Weedy Forbs

There are several Upland 1 areas located adjacent to the agricultural fields dominated by weedy forbs including white clover (*Trifolium repens*), broadleaf pepperweed (*Lepidium latifolium*) and poison helmlock (*Conium maculatum*). These upland areas either have been farmed in the past or are located adjacent to the berms. The berms are frequently dominated by kochia (*Kochia scoparium*), grasses and weedy mustard species.

Upland 2-Fescue grass

There are several areas where Fescue grass communities border the wetlands. These communities are monotypic stands of tall fescue with some prickly lettuce and dandelions were present.

6.6 Proximity to Roads/Human Activity

This project site is generally isolated from public roads and human activity. The land is privately owned and surrounded by other privately owned agricultural parcels; wetlands associated with the oxbow slough, the Baxter Levee and the Boise River and associated riparian communities. Lemp Lane provides private access to the property and the single residence on the site.

6.7 Wildlife and Fish

The existing habitat in the Bank site is primarily agricultural land, strips of upland weedy forbs and grasses, small isolated PEM wetlands and irrigation associated PEM wetlands. During the field surveys and site visits some wildlife was observed in the Bank site. Mule deer, upland game birds such as wild turkeys and quail, shorebirds, waterfowl and songbirds have been observed on the site.

Although the Bank site is likely used as food source and incidental cover, it lacks high quality wildlife habitat provided by the riparian forests and wetlands nearby. There is no fish habitat on site.

Comparatively, wildlife was more frequently observed adjacent to the site in the wetlands and riparian forest and along the river. The riparian forest along the Boise River corridor typically provides habitat for a diversity of wildlife species including mule deer, white-tail deer, beaver, muskrat, river otter, mink, weasel, bald eagles, herons, ducks, geese, numerous songbirds, shorebirds, migratory and residential bird species; as well as reptiles and amphibians typically found in the region. The canopy along the river near the site hosts a great blue heron rookery. Herons are commonly observed along the wetlands nearby. Large numbers of waterfowl have been observed in the wetlands and Boise River during the fall and winter months. Bald eagles are known to winter along the Boise River corridor and have been seen near the project area. If construction takes place in the winter, bald eagles will be monitored to ensure no adverse effects occur as defined by the Bald and Golden Eagle Protection Act (1962).

6.8 Threatened and Endangered Species

Five species are listed as proposed Threatened, Endangered, or Candidate Species by the U. S. Fish and Wildlife Service (USFWS) for Canyon County: Columbia spotted frog (*Rana luteiventris*), yellow-billed cuckoo (*Coccyzus americanus*), greater sage grouse (*Centrocercus americanus*), Snake River physa snail (*Haitia (Physa) natricinia*), and slickspot peppergrass (*Lepidium papilliferum*) (USFWS 2011). The Bank site has no documented species observations or existing habitat that would be used by any of the listed species. The project is anticipated to have no adverse effect on any of the Threatened, Endangered, or Candidate Species listed by USFWS for Canyon County.

6.9 Cultural Resources

There has been no cultural survey completed for this site. If any cultural or historic items are encountered during the development of the bank a cultural professional will be consulted prior to resuming the process.

6.10 Site Protection

A Compensatory Mitigation Easement will be obtained for site protection in perpetuity. The easement will be in place prior to release of credits. Additional details on long-term site protection are provided in Section 13. An affidavit of legal interest is included in Appendix D.

7. Determination of Credits

The Bank will restore approximately 15.0 acres including 5.0 acres of PSS wetlands and 10.0 acres of PFO wetlands. For restoration wetlands, one credit will be equal to one acre of restored wetland that is fully functioning and meets the performance standards defined by the Umbrella Mitigation Banking Instrument (Instrument). Credits anticipated for the Strut Ranch Mitigation Bank are shown in Table 1.

Table 1. Anticipated Credits for the Strut Ranch Mitigation Bank.

Wetland Type	Restoration Acreage	Credits
PSS	5.0	5.0
PFO	10.0	10.0
Subtotal	15.0	15.0

The actual credits generated by restoration will be determined by calculating the wetland mitigation acreage that meets the parameters identified in the 1987 Corps of Engineers Wetlands Delineation Manual and the 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West (Version 2.0) and that meets the terms performance standards identified for the project. Credits will be released for sale as specified under credit release schedule (Section 5.2) in the umbrella mitigation banking instrument. A bank-specific crediting ledger has been included as Appendix E

8. Mitigation Work Plan

The mitigation work plan, described below, includes the construction of wetlands from areas that are currently uplands and agricultural fields. No existing wetlands will be filled.

8.1 Proposed Mitigation Design

Restoration

Restoration will include 15.0 acres of wetlands within the boundaries of the grading limits at the mitigation site (Figure 4). This restoration will include 5.0 acres of PSS and 10.0 acres of PFO (Figure 3). These wetland types represent the majority of those that occur locally and within the ecoregion. The Bank site will be restored and developed to provide greater vegetation diversity, and ultimately, greater overall wildlife species diversity throughout the site. Establishing the mitigation site will enhance the narrow wildlife corridor along the Boise River.

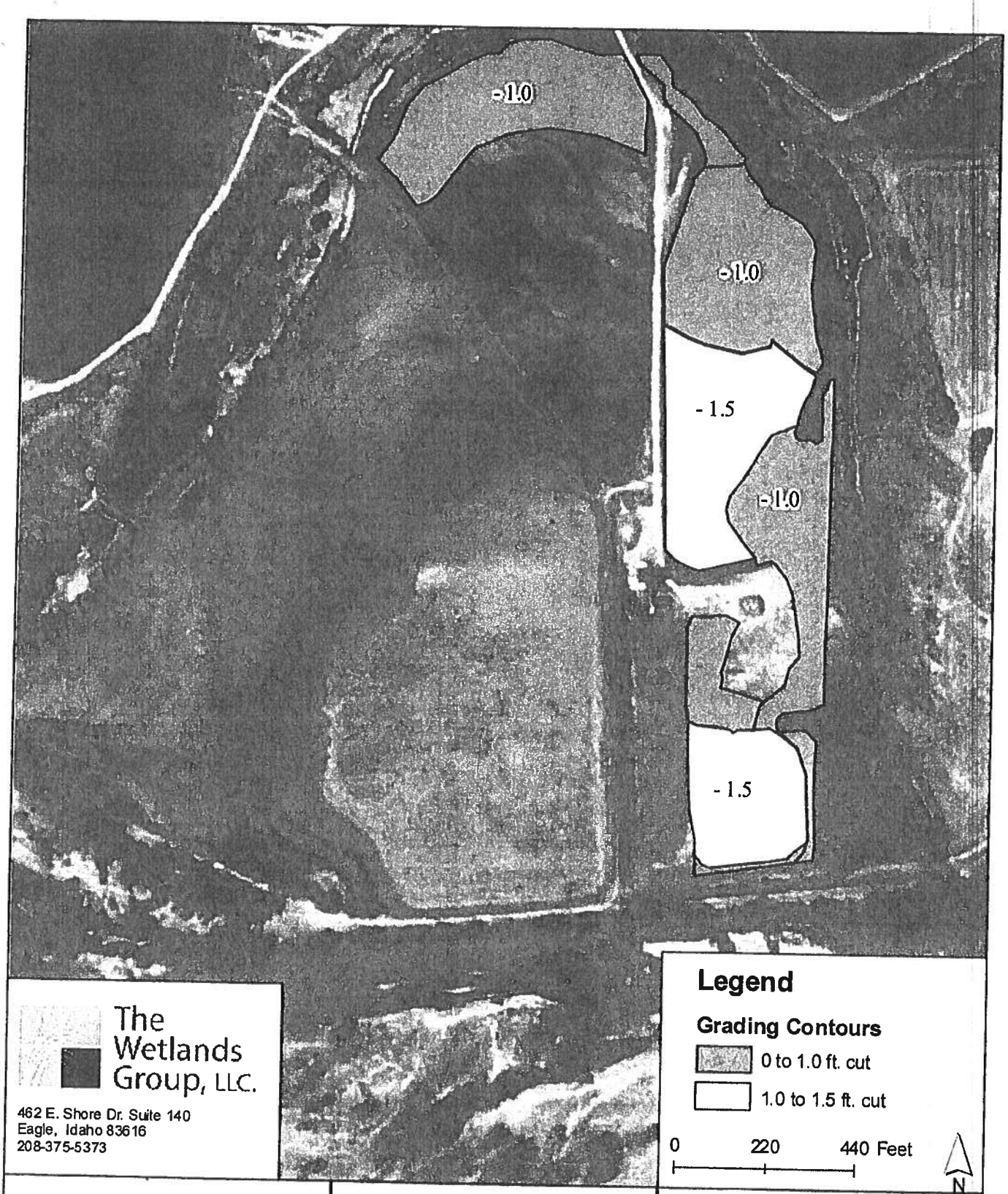
The MDT wetland assessment method estimates that wetland restoration in the Bank site will create Category II wetlands providing greater structural diversity and areas for cottonwood forests along the oxbow slough and Boise River. These Category II wetlands are rated higher than or equal to existing wetlands in the vicinity of the site (Appendix B). See Appendix B for a summary of the functions and services analyses for the proposed wetlands.

8.2 Targeted Hydrology

Hydrology is essential for successful establishment of wetlands on the bank site. Lowering the elevation and creating a basin takes advantage of the diffused surface water flows at the site and provides floodplain storage area. In addition, creating depressions will increase the duration of inundation resulting from the high groundwater table in the area.

The Bank Sponsor proposes to excavate the site to an elevation above the groundwater table where groundwater will saturate the soils and create conditions for a self-sustaining wetland. The proposed surface elevations are shown in the Grading Plan (Figure 4). Elevations shown in the grading plan are based on groundwater measurements taken from the three test pits that were excavated at locations shown in Appendix C. The final grading elevations were further adjusted using topography data, aerial photographs taken during flooding, and hydrophytic vegetation elevations from adjacent wetlands on site. Proposed surface elevations are designed to take advantage of the existing topography at the Bank site.

No Water right for the establishment of wetlands at this site is required as diffused surface water will be utilized to sustain the restored wetlands (IDWR 2001 and 2003).



Strut Ranch Mitigation Bank	Figure 4 Grading Plan Map	Project Name: Strut Ranch Mitigation Bank Applicant: The Wetlands Group, LLC Waterway: Boise River Location: Notus, Canyon County, Idaho Date: September 1, 2011

8.3 Targeted Soils

Soils mapped by the NRCS for the project area consist of a mixture of not hydric, partially hydric and all hydric soils as identified in hydric soils list for Canyon County (NRCS 2006). The alluvial sands and gravels found on site exhibit very little soil development. Soils in lower elevations on site subject to diffuse surface water and high ground water elevations exhibit hydric soil characteristics and wetland vegetation. Soils with high organic matter content that are encountered during site excavation will be stockpiled and used in the re-establishment of the site. Soils will not be stockpiled in or adjacent to wetlands or environmentally sensitive areas.

A Stormwater Pollution Prevention Plan (SWPPP) will be prepared for the mitigation construction activities. Appropriate erosion and sediment control best management practices (BMPs) will be installed according to the approved SWPPP. The Bank site will be covered under the National Pollution Discharge Elimination System (NPDES) General Construction Permit approved for construction.

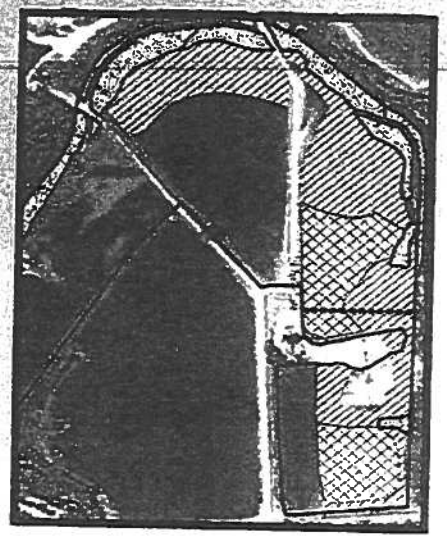
8.4 Planting Plans

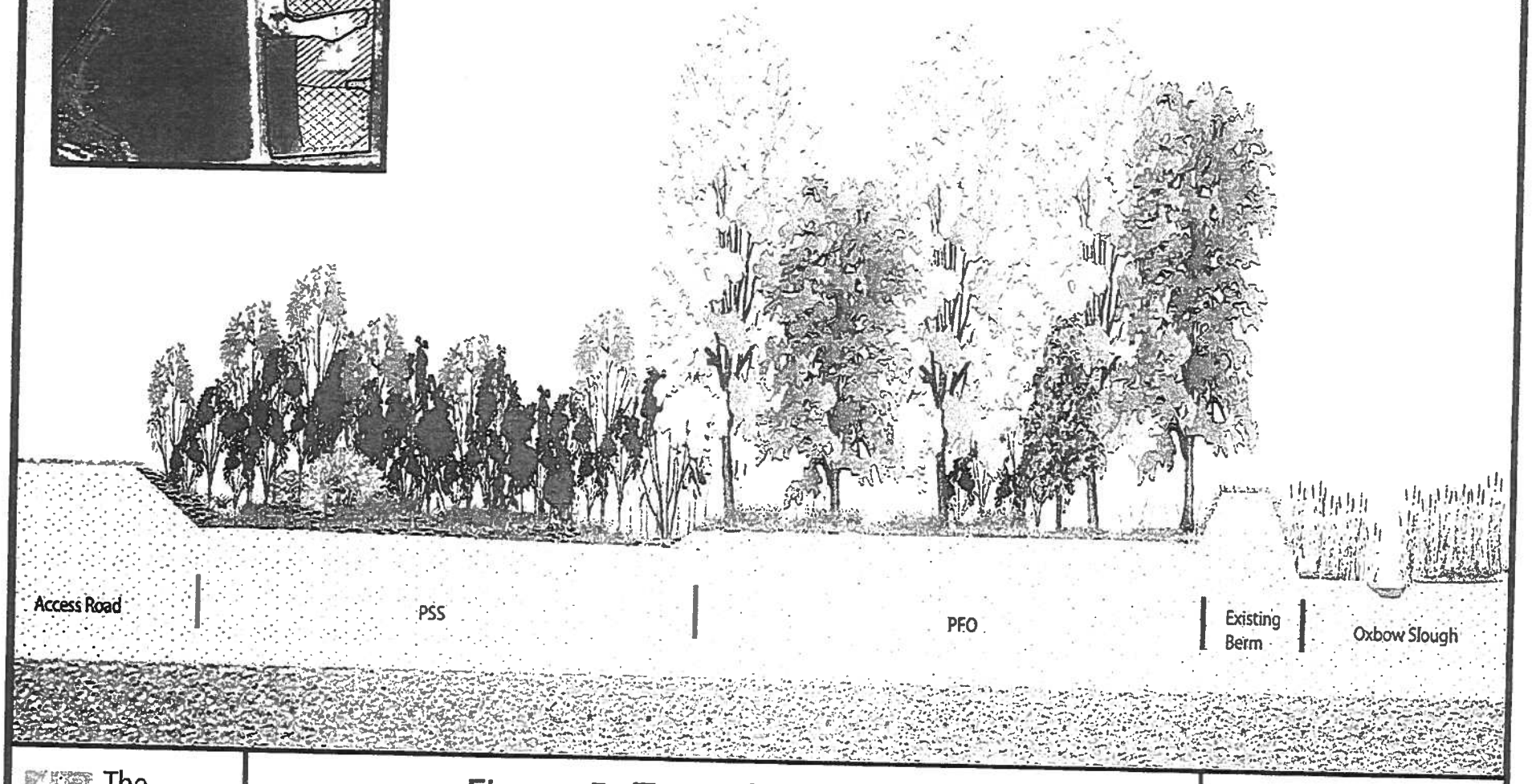
The Bank will feature PSS and PFO wetlands. PSS wetlands will be dominated by native shrub species in areas that receive seasonal flooding or will remain saturated most if not all of the year. The PFO wetlands will be dominated by tree species and will demonstrate seasonal flooding and saturation. The Bank's wetlands communities are shown in Figure 3. A typical cross section of the mitigation bank site is shown in Figure 5.

Native wetland species typically found in wetlands along the Boise River will be planted in the mitigation bank. Trees will be supplied as balled and burlapped, in containers, bare root or black cottonwoods as stakes. Shrubs will be supplied in containers or as bare-root plants. Willows and dogwood may be planted as stakes. Emergent wetland plants will be planted from containers, plugs, or seeded. Trees will typically be planted on 15-foot centers. Shrubs will be planted at a distance ranging from 3 to 5 feet apart. Herbaceous ground cover will be planted from 1 to 3 feet apart or broadcast seeded. Plants will be grouped in copses (thicket/groups) of odd numbers. Wetland plants for this Bank site will be selected from those listed in Table 2.

Table 2: Plant Species and Planting Zones in the Mitigation Site

Common Name	*Scientific Name*	Comments
Herbaceous Groundcover		
Redtop	*Agrostis alba*	Seasonally saturated, FAC
Meadow foxtail	*Alopecurus pratensis*	Seasonal flooding, FACW
Meadow barley	*Hordeum jubatum*	Seasonally saturated, FAC
Nebraska sedge	*Carex nebrascensis*	Seasonally saturated, OBL
Beaked sedge	*Carex utriculata*	Seasonally saturated, OBL
Baltic rush	*Juncus balticus*	Seasonally saturated, FACW
PSS Community		
Red-osier dogwood	*Cornus stolonifera*	Seasonal flooding, FACW
Black cottonwood	*Populus trichocarpa*	Seasonal flooding, FAC
Coyote willow	*Salix exigua*	Seasonal flooding , OBL
Yellow willow	*Salix lutea*	Seasonal flooding ,OBL
PFO Community		
Serviceberry	*Amelanchier alnifolia*	Seasonally saturated to upland, FACU
Douglas hawthorne	*Crataegus douglasii*	Seasonally saturated to upland, FAC
Black cottonwood	*Populus trichocarpa*	Seasonal flooding, FAC
Golden Currant	*Ribes aureum*	Seasonally saturated to upland, FAC
Woods Rose	*Rosa woodsii*	Seasonally saturated to upland, FACU
Coyote willow	*Salix exigua*	Seasonal flooding , OBL
Yellow willow	*Salix lutea*	Seasonal flooding ,OBL
Pacific willow	*Salix lasiandra*	Seasonal flooding ,FACW





The Wetlands Group, LLC.

Figure 5: Typical Cross Section
Strut Ranch Mitigation Bank

Non-native, volunteer wetland species will not comprise more than 20 percent of the total cover. Noxious weeds shall cover less than 10 percent of the restored Bank site in the third year following completion of construction and planting activities.

8.5 Construction Activity Description

Pre-construction

The Bank Sponsor will install and maintain the following: orange construction fencing as needed to provide safety during the construction process, BMPs for erosion control, and construction entrance. The Bank Sponsor will also locate utilities, file the Notice of Intent for coverage under the NPDES General Construction Permit, and identify Retain and Protect areas (i.e., existing wetlands).

Construction

During construction, the Bank Sponsor will clear the construction site, stockpile usable top soil and excavate according to the grading plan, reduce the grade using tracked excavators, scrapers, and dump trucks to blend new wetlands with existing wetlands. The Bank Sponsor will plant the newly constructed wetland areas as described in the planting plan. No fill material would be discharged into Waters of the U.S.; therefore a Corps permit will not be required to construct the mitigation bank.

Access for construction to the bank site will be via a construction entrance off of Lemp Lane on site. The heavy equipment staging area will be on the gravel pad located east of house and next to the equipment shed (See Figure 3).

Post-construction

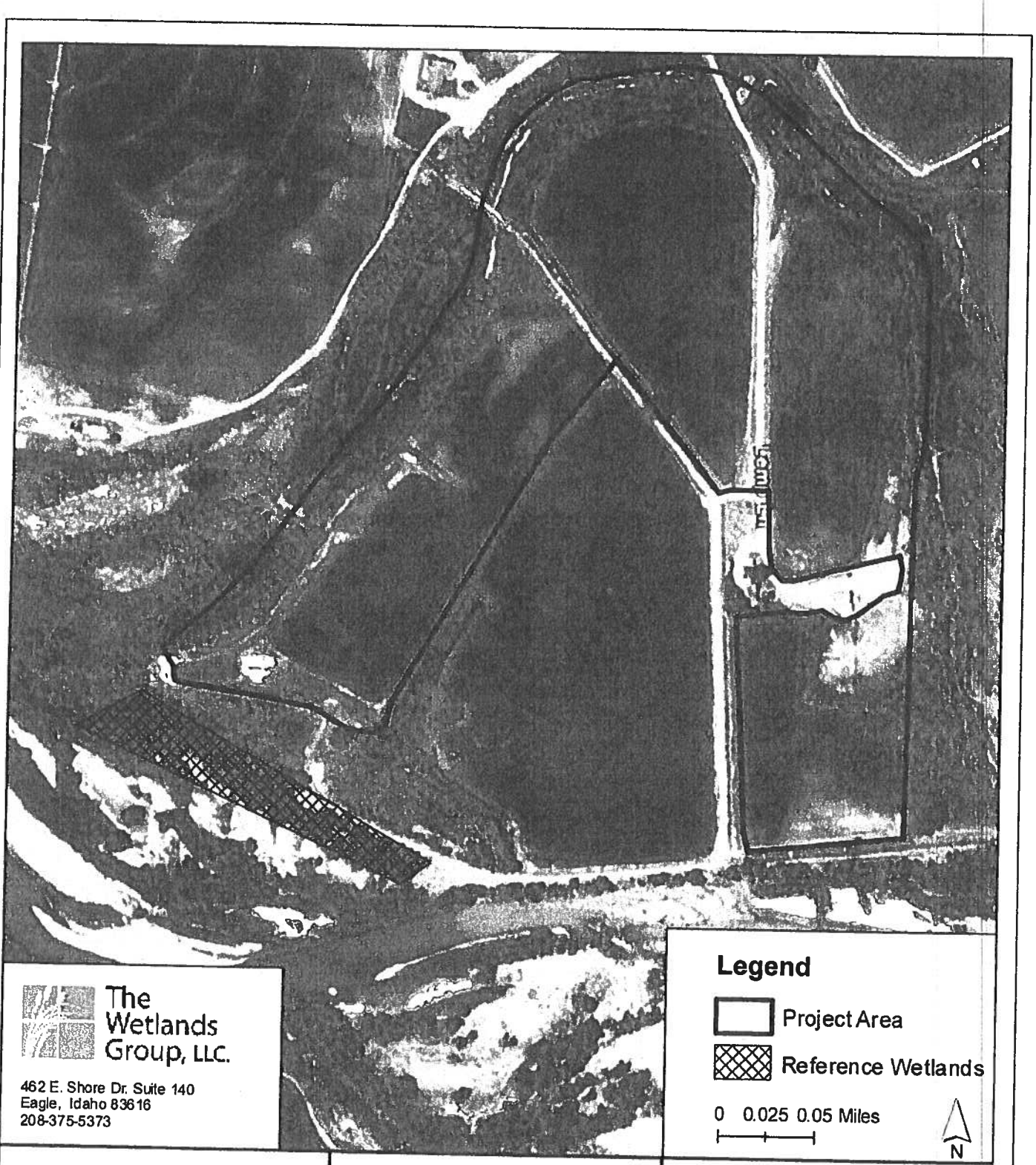
The Bank Sponsor will remove all construction fencing and temporary erosion control materials, clean the job site, and re-grade and seed impacted areas outside of the construction site.

The Bank Sponsor will install permanent erosion and sedimentation control measures and standard BMPs to ensure no sediment from stormwater runoff leaves the site.

The Bank Sponsor will install post-construction signage and appropriate post-construction fencing to protect the Bank site.

8.6 Reference Wetland

The riparian area on Strut Ranch along the Boise River south of the project area was selected as a reference wetland. The area was identified as a reference wetland area because it includes established wetland characteristics (NWI 2011). Areas within the reference wetland site contain scrub-shrub and riparian forest communities that may be used as the vegetation performance standards if adaptive management is required. The reference wetland is shown in Figure 6.



Strut Ranch Mitigation Bank	Figure 6: Reference Wetlands	Project Name: Strut Ranch Mitigation Bank Applicant: The Wetlands Group, LLC. Waterway: Boise River Location: Notus, Canyon County, ID Date: Sept. 1, 2011

9. Maintenance Plan

The Bank Sponsor will determine and implement maintenance activities annually. The maintenance period for each phase of improvements will extend from the completion of construction through four full growing seasons. Typical maintenance activities may include, but not be limited to, the following:

- Weeding
- Pruning
- Fertilization
- Corrective grading
- Fence repair
- Installation of wildlife exclusion structures
- Replanting or reseeding of vegetation

The annual monitoring report will notify the Interagency Review Team (IRT) of annual maintenance activities at the Bank site.

10. Performance Standards

The following performance standards will be used to assess whether the mitigation bank is achieving its objectives.

- *Wetland Delineation:* The mitigation site shall meet the wetland parameters described in the 1987 Corps of Engineers Wetlands Delineation Manual and the 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West (Version 2.0). Actual credits available will be determined by the acreage of wetland that meets the wetland parameters. One acre equals one credit.
- *Hydrology:* The wetland community type will exhibit a self-sustaining wetland hydrology, which meets the minimum requirements for saturation, within 12 inches of the ground surface for at least 14 consecutive days during the growing season. PSS and PFO wetland hydrology will likely be seasonally flooded. Evidence of wetland hydrology must be demonstrated through direct observation of inundation and/or saturated soils during the growing season or through observation of indicators of soil saturation and/or inundation during the growing season.
- *Vegetation:*
  - Non-native, volunteer wetland species will not comprise more than 20 percent of the total cover. Noxious weeds shall cover less than 10 percent of the restored Bank sites in the third year following completion of construction and planting activities. As part of project implementation, the Bank Sponsor shall develop a noxious weed control plan and seek approval from the IRT.

- Created and restored PSS wetlands shall achieve at least 80 percent total areal cover, shall achieve at least 30 percent areal cover from shrubs (with any trees providing less than 20 percent areal cover), shall contain at least two native emergent wetland species and two native shrub wetland species, and shall not have any application of supplemental water for at least 3 years. PSS wetlands shall meet the criteria described in the Classification of Wetlands and Deepwater Habitats of the United States by Mr. Lewis M. Cowardin, 1979, Washington, D.C. 20240, 131 pages (Cowardin).

- Created and restored PFO wetlands shall achieve at least 80 percent total areal cover; shall achieve at least 30 percent areal cover of trees; shall contain at least two native emergent wetland species, two native shrub wetland species, and one native tree wetland species; and shall not have any application of supplemental water for at least 5 years. PFO wetlands shall meet the criteria described in Cowardin 1979.

- *Soils:* Evidence of an aquatic moisture regime, inferred through the presence of surface or near-surface groundwater.

Any modifications to these performance standards shall be approved by the IRT.

11. Monitoring Requirements

Annual wetland mitigation monitoring will be conducted by the Bank Sponsor beginning in the first full growing season following planting. Monitoring will continue through the fifth full growing season for scrub-shrub wetlands and the tenth full growing season for forested wetlands or until performance standards are met whichever is later. Once performance standards are met, monitoring will continue until all credits for the Strut Ranch Mitigation Bank site are sold. Monitoring reports will be submitted to the IRT by December 1 following the growing season evaluated. Monitoring reports will:

- Document actual construction activities conducted (first season report only).
- Document mitigation measures completed during the monitoring period.
- Document the hydrology and vegetative plantings and conditions.
- Document compliance with the mitigation performance standards.
- Document the pre-established, baseline reference points with a photographic record.
- Map permanent photograph and sampling points.
- Identify any failures of mitigation performance standards and describe measure(s) necessary to bring the site into compliance with the mitigation plan.
- Document the maintenance activities conducted.
- Include photographs taken at fixed reference points. (These will be submitted to the IRT in both digital and hard copy formats.)

Monitoring reports conducted after performance standards are met will consist of a brief summary to document site conditions, continued compliance with performance standards, and any problems and proposed adaptive management solutions.

12. Long-Term Management Plan

Idaho Foundation for Parks and Lands will act as the long-term steward of the Bank site after it has reached performance standards. Strut Ranch can ensure long-term protection for the Strut Ranch Site by executing a Compensatory Mitigation Easement. Idaho Foundation for Parks and Lands will assume responsibility for the Bank site and will protect, monitor, and maintain the improved sites once performance standards are met and certified by the Corps.

13. Adaptive Management Plan

During the maintenance/monitoring period, the Bank Sponsor will implement adaptive management strategies to ensure that the Bank site meets all of the milestone achievements. If the Bank Sponsor is not adequately addressing corrective actions through the annual maintenance work, the IRT can request in writing that the Bank Sponsor prepare a remedial plan. The Bank Sponsor shall prepare the remedial plan, submit it to the IRT for their review, and implement the plan according to a schedule agreed to with the IRT.

It is appropriate for adaptive management plans to consider potential natural disasters that may occur, to the extent they can be reasonably foreseen. The Bank Sponsor will provide alternative compensatory mitigation if the mitigation project fails as a result of a natural disaster that occurs before the performance standards have been met. The extent of the replacement will be determined by the IRT in the event alternative compensatory mitigation is required.

After performance standards are met, the Bank Sponsor will not be responsible for remediating damages that occur at the individual bank sites that are attributable to natural catastrophes such as flood, drought, disease, regional pest infestation, etc. that are beyond the design parameters and or control of the Bank Sponsor.

14. Financial Assurances

14.1 Construction

The Bank Sponsor will obtain a performance bond or irrevocable letter of credit (ILOC) to ensure completion of the mitigation bank. The amount of the bond or ILOC shall be based on a written construction estimate, provided by the Bank Sponsor and approved by the IRT. The following requirements shall apply to the bond/ILOC as stated in section 230.93 (n) of the final mitigation rule:

- The bond or ILOC must state that the Corps stands as the sole third-party beneficiary, with full and final authority to determine if the principal has defaulted (in whole or in part) during construction of the mitigation areas;

- The Surety must be a company or financial institution that is in the business of issuing construction bonds or ILOCs and approved by the Corps;
- The bond or ILOC shall not be revoked or terminated without approval of the Corps; and
- The Corps shall have authority to allow the Surety to complete construction (as directed by the Corps) or require payment of construction funds by the Surety to a third party designated by the Corps to complete construction.

In the event of default by the Bank Sponsor during construction, the Corps, in coordination with the IRT, shall work with the Surety to determine the best way to complete construction.

14.2 Performance

The Bank Sponsor will set up an account, at a federally insured financial institution, dedicated solely to fund routine maintenance and adaptive management. The account shall be funded from credits sold from the Initial Credit milestone. Upon execution of the sale of those pre-construction credits, 25 percent of the value received will be deposited into the account. The 25 percent is based on the recent cost of implementing adaptive management on existing wetland mitigation projects. This percentage has been demonstrated to allow for sufficient resources to implement a successful project in the event adaptive management is required. The Bank Sponsor shall not close the account until the Corps determines performance standards have been met.

In the event of default by the Bank Sponsor during performance monitoring and maintenance, the Corps shall identify a third party to assume the remaining performance monitoring and maintenance responsibilities. Upon designation of a third party by the Corps, the Bank Sponsor shall transfer the remaining balance in the account created under this section to the third party. The Bank Sponsor, however, shall remain liable for their responsibilities under this mitigation plan until released of liability. Any funds remaining with a third party after performance objectives are met shall be returned to the Bank Sponsor.

14.3 Long Term Maintenance

The Bank Sponsor will, after approval by the IRT, transfer the long term maintenance to Idaho Foundation for Parks and Lands once all performance standards are met and certified by the Corps. Idaho Foundation for Parks and Lands will provide long term maintenance for the mitigation bank. An agreement between Idaho Foundation for Parks and Lands Sponsor regarding transfer of long term maintenance responsibilities will be provided to the IRT.

The Bank Sponsor remains responsible for all long-term management of Bank site, unless and until the Bank site has been transferred as authorized in this section. Where all performance standards have been met, credit sales are complete, and transfer of long-term management has been effected, the District Engineer, or his/her designee, shall issue written certification to the Bank Sponsor releasing it from further obligation/liability under this mitigation plan.

15. REFERENCES

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Appendix A

Jurisdictional Determination

Appendix B

Functions and Values Analyses

Table 1. Functions and Values Analyses for Existing Wetlands Associated with the Oxbow Slough (Wetland 1) adjacent to the Strut Ranch Wetland Mitigation Bank.

	Rating (L,M,H)	Functional Points	Possible Functional Points
Listed / Proposed T&E Species	L	0	1
ID National Heritage Program Species Habitat	M	0.6	1
General Wildlife Habitat	H	0.9	1
General Fish Aquatic Habitat	M	0.4	1
Flood Attenuation	M	0.4	1
Short- and Long-Term Surface Water Storage	H	0.8	1
Sediment / Nutrient / Toxicant Removal	H	0.9	1
Sediment / Shoreline Stabilization	NA	0	0
Production Export / Food Chain Support	H	0.9	1
Groundwater Discharge / Recharge	H	1	1
Uniqueness	M	0.4	1
Recreation / Education Potential	N/A	0	0
Total		**6.3**	**10**
Percentage		**63**	
Wetland Category		**II**	

Table 2. Summary of Existing Wetlands in Oxbow Slough (Wetland 1) adjacent to the Strut Ranch Wetland Mitigation Bank.

Variable	Rating	Comment
Listed/proposed threatened and endangered species habitat	NA	No threatened, endangered or candidate species have been observed on site.
Species of concern	Moderate	Bald Eagles suspected incidental habitat and documented Black-crowned Night Heron secondary habitat.
General wildlife habitat	Moderate	Existing wetlands provide wildlife habitat. Pockets of open water and islands dominated by cattails and bulrush.
General fish/aquatic habitat	Moderate	Warm water undesirable fish present (carp).
Flood attenuation	Moderate	These wetlands are subject to overbank flooding and has no or restricted outlet.
Short- and long-term water storage	High	These wetlands presently store seasonal and intermittent floodwaters.
Sediment/nutrient/ Toxicant removal	High	The wetlands receive some sediments and nutrients via floodwaters from the Boise River which is regulated for TMDL.
Sediment/shoreline stabilization	N/A	Wetlands do not occur on or within the bank of the Boise River or streams or other drainages.
Production export/food chain support	Moderate	The wetlands (1-5 acres vegetated) provide biomass production for food/nutrient sources to the food chain.
Groundwater discharge/recharge	High	Groundwater recharge will occur during runoff and flooding events, some groundwater discharge will occur via transpiration and evaporation during the dry season.
Uniqueness	Moderate	The area is not unique in the region; vegetation is typical with low disturbance.
Recreational and educational potential	N/A	Although this stretch of the Boise River is highly used by recreationalist, the Property and surrounding properties are private agricultural land.
Overall Rating	**Category III**	

Table 3. Functions and Values Analyses for Wetlands 2, 3, 4 and Irrigated Wetlands 5 and 6 in the Vicinity of Strut Ranch Wetland Mitigation Bank.

	Rating (L,M,H)	Functional Points	Possible Functional Points
Listed / Proposed T&E Species	L	0	1
ID National Heritage Program Species Habitat	L	0	1
General Wildlife Habitat	L	0.3	1
General Fish Aquatic Habitat	NA	0	0
Flood Attenuation	L	0.2	1
Short- and Long-Term Surface Water Storage	M	0.6	1
Sediment / Nutrient / Toxicant Removal	H	1	1
Sediment / Shoreline Stabilization	NA	0	0
Production Export / Food Chain Support	M	0.5	1
Groundwater Discharge / Recharge	M	0.7	1
Uniqueness	L	0.2	1
Recreation / Education Potential	N/A	0	NA
Total		**3.5**	**9**
Percentage		**38.9**	
Wetland Category		**III**	

Table 4. Summary of Wetlands 2, 3, 4 and Irrigated Wetlands 5 and 6 in the Vicinity of Strut Ranch Wetland Mitigation Bank.

Variable	Rating	Comment
Listed/proposed threatened and endangered species habitat	Low	No threatened, endangered or candidate species have been observed on site.
Species of concern	Low	No usable habitat for any state species of concern.
General wildlife habitat	Low	Existing wetlands provide limited wildlife habitat due to limited size, disturbance, and fragmentation.
General fish/aquatic habitat	N/A	No fish habitat present on site.
Flood attenuation	Low	Receives limited flooding from high flows of the Boise River.
Short- and long-term water storage	Moderate	Received limited flood water from high flows of the Boise River, irrigation overflow, and precipitation.
Sediment/nutrient/ Toxicant removal	High	Receives flood water from Boise River, TMDL water, and irrigation runoff from agricultural fields.
Sediment/shoreline stabilization	N/A	The wetlands do not occur on or within the bank of the Boise River or streams or other drainages.
Production export/food chain support	Moderate	The size (<5 acres) and limited diversity of the wetlands provide moderate biomass production to the food/nutrient sources to the food chain.
Groundwater discharge/recharge	Moderate	Groundwater recharge will occur during runoff and flooding events, some groundwater discharge will occur via transpiration and evaporation during the dry season.
Uniqueness	Low	Disturbed wetlands are typical of agricultural fields in the area.
Recreational and educational potential	N/A	Privately owned and restricted access provides no recreational opportunities.
Overall Rating	**Category III**	

Table 5. Functions and Values Analyses for Restored Wetlands in the Strut Ranch Mitigation Bank Site.

	Rating (L,M,H)	Functional Points	Possible Functional Points
Listed / Proposed T&E Species	M	0.7	1
ID National Heritage Program Species Habitat	M	0.5	1
General Wildlife Habitat	E	1	1
General Fish Aquatic Habitat	NA	0	0
Flood Attenuation	H	1	1
Short- and Long-Term Surface Water Storage	H	0.9	1
Sediment / Nutrient / Toxicant Removal	M	0.5	1
Sediment / Shoreline Stabilization	NA	0	0
Production Export / Food Chain Support	H	0.9	1
Groundwater Discharge / Recharge	M	0.7	1
Uniqueness	M	0.6	1
Recreation / Education Potential	L	.05	NA
Total		**6.85**	**9**
Percentage		**76**	
Wetland Category		**II**	

Table 6. Summary of Restored Wetlands in the Strut Ranch Wetland Mitigation Bank.

Variable	Rating	Comment
Listed/proposed threatened and endangered species habitat	Moderate	Mitigation wetlands will provide potential habitat for the yellow-billed cuckoo.
Species of concern	Moderate	Bald eagles, Black-crowned night heron, and potentially other species such as egrets, waterfowl, and passerines.
General wildlife habitat	Exceptional	Wetlands will provide structurally diverse habitat with adequate adjacent food source connected to a larger mature riparian habitat.
General fish/aquatic habitat	N/A	No fish habitat will be present on site.
Flood attenuation	High	Large percentage of forested and scrub/shrub wetlands are subject to overbank flooding with no or restricted outlet.
Short- and long-term water storage	High	Seasonal and intermittent floodwaters will hold greater than 5-acre feet of water.
Sediment/nutrient/ Toxicant removal	Moderate	The wetlands receive some sediments and nutrients via floodwaters. No toxicant influx is located in the area.
Sediment/shoreline stabilization	N/A	Wetlands do not occur on or within the bank of the Boise River or streams or other drainages.
Production export/food chain support	High	The wetlands (>5 acres vegetated) will provide biomass production for food/nutrient sources to the food chain.
Groundwater discharge/recharge	Moderate	Groundwater recharge will occur during runoff and flooding events.
Uniqueness	Moderate	The area is not unique in the region, vegetation is typical riparian vegetation with low disturbance.
Recreational and educational potential	Low	The wetland will be held as a conservation easement on private land with restricted access. This area of the Boise River is limited for recreation due to large privately owned parcels adjacent to the river.
Overall Rating	**Category II**	

Appendix C

Hydrology Data Summary

Groundwater Monitoring Data

Depth to groundwater was measured in three test pits located in or adjacent to wetland areas near the Bank site. Water levels were collected late summer and fall of 2011. This data was used to identify target wetland elevations for the project. Monitoring data is presented in Table 1 below.

Table 1. Depth to Groundwater.

Date	Pit Number 1	Pit Number 2 Depth to Groundwater	Pit Number 3 Depth to Groundwater	Boise River Flow at Parma (cfs)
9-2-2011	0.8 feet	0.7 feet	1.25 feet	796

INSTRUMENT NO 2012005227

DEED OF CONSERVATION EASEMENT

To all future owners of the property described herein located in Canyon County, Idaho:

This DEED OF CONSERVATION EASEMENT ("Conservation Easement") is made and entered into this 19 day of January, 2012, by and between HFLH1, LLC ("Grantor"), whose address is 462 E Shore Drive, Suite 140, Eagle, Idaho 83616 and the Idaho Foundation for Parks and Lands, Inc., an Idaho nonprofit corporation ("Holder"), whose address is 5657 Warm Springs Avenue, Boise, Idaho 83716, and The Wetlands Group, LLC , a privately owned for profit limited liability company in the state of Idaho ("TWG"), whose address is 462 East Shore Drive, Suite 140, Eagle, Idaho 83616.

RECITALS

A. Grantor is the owner of real property more particularly described in **Exhibit B** attached hereto and incorporated herein (the "Property").

B. TWG is the developer and sponsor of the Strut Ranch Wetland Mitigation Bank and is executing this agreement in consideration of the approval of the property as a mitigation bank. The development of the Strut Ranch Mitigation Bank in Canyon County, Idaho is subject to the regulatory jurisdiction of the United States Army Corps of Engineers (the "Corps").

C. A copy of the Mitigation Plan approved by the Army Corps of Engineers for the mitigation bank is attached hereto and incorporated herein by reference as **Exhibit A**.

D. The Mitigation Plan requires that TWG preserve and protect the wetland functions of this real property identified in the Mitigation Plan by keeping it in substantially the condition that is specified by the Strut Ranch Wetlands Mitigation Plan_and required by the Corps

E. Grantor has agreed with Idaho Foundation for Parks and Lands that Grantor will convey to Holder a conservation easement placing certain limitations on the use of the Property and affirmative obligations on the Holder for the protection of the wetlands functions of the Property, and in order that the Property shall remain substantially in its Permitted Condition forever as may be modified in accordance with a Permit or a Corps-approved mitigation plan.

F. Holder, as a charitable corporation organized under the laws of the state of Idaho, and possessing the authority to hold this easement, desires to accept the conservation easement, including covenants and agreements, on, over, under and across the Property.

RECORDED
2012 FEB 8 PM 3 03
CHRIS YAMAMOTO
CANYON CNTY RECORDER
BY Dana Brown
REQUEST HFLH1, LLC
TYPE Deed FEE 5.00

2012005227

G. The state of Idaho has recognized the importance and validity of conservation easements by its enactment of the Uniform Conservation Easement Act, Idaho Code Sections 552101 through 2109, under which this Conservation Easement is created.

GRANT

NOW THEREFORE, for the foregoing consideration, and in further consideration of the restrictions, rights and agreements herein, Grantor conveys to Holder a conservation easement on, over, under, and across the Property, together with access, in perpetuity, consisting of and subject to the rights, conditions, and restrictions enumerated below and those interests of record as of the date of this Conservation Easement first written above. Holder accepts the Conservation Easement and agrees to all attendant terms and conditions as further provided herein:

I. **PURPOSES/RIGHTS OF HOLDER.** It is the purpose of this Conservation Easement to assure that the Property will be retained forever substantially in its Natural Condition and to prevent any use of the Property that will impair or interfere with the existing wetland functions on the Property. To carry out this purpose, the following rights are conveyed to the Holder:

A. To identify, preserve, and protect wetlands, and in consultation with Grantor, to enhance the natural and ecological features of the Property, including without limitation topography, soil, hydrology, vegetation, and wildlife;

B. To enter upon the Property at reasonable times to enforce the rights herein granted and to observe, study, and make scientific observation of the Property, upon prior notice to the Grantor, its heirs, successors, or assigns, in a manner that will not unreasonably interfere with the use and quiet enjoyment of the Property by Grantor, its heirs, successors or assigns at the time of entry; and

C. To enjoin any activity on or use of the Property that is inconsistent with the purpose of this Conservation Easement and to enforce the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use.

II. **RESTRICTIONS.** This Conservation Easement prohibits and limits the following activity on, over, under, and across the Property, except as otherwise provided herein and by the Mitigation Plan:

A. Changing, disturbing, altering, or impairing the natural riparian ecosystem and other natural, ecological or wildlife features or values;

B. Construction or placing buildings, roads, signs, billboards, or other advertising, utilities, or other structures;

C. Dumping or placing of soil or other substances or material as landfill, or dumping or placing trash , waste, or other unsightly or offensive materials;

D. Removal or destruction of live trees, shrubs, or other vegetation, except for the removal of noxious or exotic invasive plant species;

E. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;

F. Agricultural use, industrial use, or commercial use;

G. Using herbicides or pesticides without prior consent of Holder or designated third-party; and

H. Any other use of, or activity on, the Property that is or may become inconsistent with the purposes of this grant, the Permit, a Corps-approved mitigation plan, the preservation of the Property substantially in its Permitted Condition, or the protection of its environment is prohibited.

III. USES AND PRACTICES CONSISTENT WITH THE CONSERVATION EASEMENT. The following uses and practices upon the Property, though not exhaustive, are consistent with and shall be permitted by this Conservation Easement, except for the requirement of prior approval by the Holder or its successors where such requirement is expressly provided herein:

A. Landscaping to prevent severe erosion or damage to the Property, provided that such landscaping is consistent with preserving the Permitted Condition of the Property. Landscaping shall be coordinated with and approved by Holder, or performed in accordance with a mitigation plan approved by the Corps;

B. Pruning trees and shrubs to prevent health and safety hazards, including but not limited to fire hazards, site obstructions, and road obstructions. Pruning shall be coordinated with and approved by Holder, or performed in accordance with a Corps-approved mitigation plan;

C. Any and all construction and maintenance work required by a mitigation plan approved by the Corps; and

D. All other acts or uses not prohibited by this Conservation Easement, which are consistent with the conservation purposes of this grant.

IV. ENFORCEMENT.

A. Grantor intends that enforcement of the Mitigation Plan and provisions of this Conservation Easement shall be at the discretion of Holder, and that Holder's failure to exercise its right under this Conservation Easement in the event of any breach of this Conservation Easement by the Grantor shall not be deemed or construed to be a waiver of Holder's enforcement rights under this Conservation Easement in the event of any subsequent breach.

B. If Grantor violates the terms of this Conservation Easement, Holder shall

have all remedies available at law and equity, including without limitation the right to seek an injunction with respect to such activity and to cause restoration to that portion of the Property affected by such activity to the condition that existed prior to the undertaking the prohibited activity.

C. Holder will pay all costs associated with its obligation to preserve and protect in perpetuity the natural, ecological, open space and wetland values of the Property, including costs associated with monitoring compliance with the terms of this Conservation Easement, but excluding costs associated with bringing the Property into compliance with the Mitigation Plan and achieving a success point pursuant to the Corps-approved mitigation plan, which shall be the sole responsibility of TWG. Grantor and the TWG, however, intends that any costs incurred by Holder in enforcing, judicially or otherwise, the terms and restrictions of this Conservation Easement against Grantor, its successors, assigns, or authorized agents, shall be born by Grantor, its successors, assigns, or authorized agents.

V. ASSIGNMENT. Holder may assign its interest in this Conservation Easement to any qualified holder as defined under Idaho Code, Section 55-2101(2), but only upon 30 (thirty) days prior written notice to Grantor, TWG and the Corps. As a condition of such transfer, the transferee shall agree to all of the restrictions, rights, and provisions herein, shall fully assume all liabilities of Holder hereunder, and shall continue to carry out the purpose of this Conservation Easement. In the event that Holder is voluntarily or involuntarily dissolved without having assigned this Conservation Easement, all of Holder's right, title, and interest in and to this Conservation Easement shall be deemed automatically transferred and assigned to a qualified Holder or public agency as determined by TWG, which shall, in turn, be obligated to either (i) assume in writing all of Holder's obligations and responsibilities under this Conservation Easement, or (ii) assign the Conservation Easement to a qualified holder as defined in Idaho Code §55-2101(2).

VI. GRANTOR'S TRANSFER OF THE PROPERTY.

A. This Conservation Easement shall run with and burden title to the Property in perpetuity for the benefit of the Holder or its assigns and successors, and shall bind Grantor's heirs, successors or assigns.

B. If Holder, its heirs, successors, or assigns, acquire fee title to the Property from Grantor, its heirs, successors, or assigns, it is agreed that the easement will not merge into the dominant estate. Rather, the restrictions, responsibilities, and rights of the Grantor will pass to the Holder upon taking title to the Property. This instrument will continue to be a conservation deed restriction on the Property, subject to all rights, restrictions, and purposes described herein.

C. TWG shall be responsible for construction, monitoring, and maintenance, consistent with the Corps-approved mitigation plan until the wetlands have met its performance standards as specified in the mitigation plan. After that time, Holder will assume long-term maintenance of the site.

D. Grantor shall insert the terms and restrictions of the conservation easement in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in the Property.

VII. **REVOKE, RELEASE, ALTER, AMEND.** This Conservation Easement may be amended, altered, released, or revoked only by written agreement between the parties, their heirs, assigns, or successors. Such an agreement shall be filed in the public records of Canyon County, Idaho.

VIII. **EXTINGUISHMENT AND PROCEEDS.** Upon the recordation hereof, this Conservation Easement constitutes a real property interest immediately vested in Holder. In the event that a subsequent unexpected change in the conditions surrounding the Property make impossible or impracticable the continued use of all or a portion of the Property for the conservation purposes established herein, such that the conservation restrictions contained in this Conservation Easement are extinguished for all or such portion of the Property by judicial proceeding, and all or such portion of the Property is sold, exchanged or involuntarily converted following extinguishment (including but not limited to the exercise of eminent domain), Holder shall use its share of any proceeds it receives to purchase substitute conservation lands, to the extent such proceeds allow, which shall be subject to the same terms and conditions of the this Conservation Easement and Mitigation Plan.

IX. **TAXES AND OTHER ASSESSMENTS.** Grantor shall pay all real property taxes and other assessments levied by competent authority on the Property.

X. **WARRANTY.** This Conservation Easement is made with general warranty of title. Grantor owns the Property in fee simple, and has all requisite power and authority to convey the interest herein.

XI. **SEVERABILITY.** If any part of this Conservation Easement is found to be void or unenforceable by a court of competent jurisdiction, the remainder shall continue in full force and effect.

XII. NOTICES. Any notice required to be given hereunder shall be in writing and shall be deemed effectively given: (a) upon personal delivery to the party to be notified, (b) when sent by confirmed electronic mail or facsimile if sent during normal business hours of the recipient; if not, then on the next business day, (c) four (4) days after having been sent by prepaid registered or certified mail, or (d) one (1) day after deposit with a nationally recognized overnight courier, specifying next day delivery, with written verification of receipt. All communications shall be to the following addresses:

If to Grantor:	HFLH1, LLC Attn: Gary Howard 462 E. Shore Drive, Suite 140 Eagle, Idaho 83616 Telephone: (208) 375-5373
If to TWG:	The Wetlands Group Attn: Gary Howard 462 E. Shore Drive, Suite 140 Eagle, Idaho 83616 Telephone: (208) 375-5373
If to the Holder:	Idaho Foundation for Parks and Lands, Inc. Attn: Lydia Primavera 5657 Warm Springs Avenue Boise, ID 83716 Telephone: (208) 344-7141 Facsimile: (208) 344-5910

All notices provided to Grantor shall be provided with a copy of notice to TWG, and all notices provided to TWG shall be provided with a copy of notice to Grantor.

XIII. EFFECTIVE UPON RECORDING. This Conservation Easement shall be effective upon recording. The Holder shall record this instrument in a timely fashion in the official records of Canyon County, Idaho, and may re-record it at any time as may be required to preserve Holder's rights in this Conservation Easement.

[Signature page follows.]

IN WITNESS WHEREOF, the parties have executed this Conservation Easement as of the date first written above.

GRANTOR

HFLH1, LLC

By: _____

Its: MANAGING MEMBER

AUTHORIZED AGENT
The Wetlands Group, LLC

By: _____

Its: MANAGING MEMBER

HOLDER

Idaho Foundation for Parks and Lands, Inc.

By: Lydia K Primavera

Its: Executive Director

[Notary acknowledgments follow.]

STATE OF ID)
) ss.
County of Ada)

On the 8th day of February, ~~2011~~ 2012 MCR, before me, the undersigned Notary Public in and for said State, personally appeared Gary Howard, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have set my hand and seal the day and year as above written.

MISTY R. RODWICK NOTARY PUBLIC STATE OF IDAHO

Misty R. Rodwick
Notary Public for Idaho

Residing at Eagle, Idaho
Commission Expires: June 26, 2012

STATE OF IDAHO)
) ss.
County of Ada)

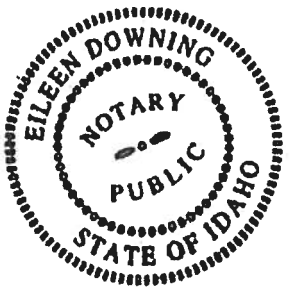
On the 8th day of February, ~~2011~~ 2012 MCR, before me, the undersigned Notary Public in and for said State, personally appeared Gary Howard, known or identified to me to be the owner of The Wetlands Group, LLC., the individual who executed the instrument on behalf of said Limited Liability Company, and acknowledged to me that such person executed the same.

IN WITNESS WHEREOF, I have set my hand and seal the day and year as above written.

MISTY R. RODWICK NOTARY PUBLIC STATE OF IDAHO

Misty R. Rodwick
Notary Public for Idaho

Residing at Eagle, Idaho
Commission Expires: June 26, 2012



STATE OF IDAHO)
) ss.
County of Ada)

On the 6 day of February, ~~2011~~ 2012, before me, the undersigned Notary Public in and for said State, personally appeared Lydia Primavera, known or identified to me to be the Executive Director of Idaho Foundation for Parks and Lands, Inc., the individual who executed the instrument on behalf of said corporation, and acknowled to me that such person executed the same.

IN WITNESS WHEREOF, I have set my hand and seal the day and year as above written.

Eileen Downing
Notary Public for Idaho

Residing at Ada / Boise
Commission Expires: 03-30-15

IDAHO DEPARTMENT OF WATER RESOURCES 11/7/2013

Proof Report

Water Right 63-152B

Owner Type	**Name and Address**
Current Owner	**ERLEBACH PROPERTIES LP**
	20249 PINTO RD
	CALDWELL, ID 83607

Priority Date: 6/1/1865
Basis: Decreed
Status: Active

Source	**Tributary**
BOISE RIVER	SNAKE RIVER

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
IRRIGATION	03/01	11/15	1.910 CFS	
	Total Diversion		1.910 CFS	

Source and Point(s) of Diversion

BOISE RIVER SENE Sec. 32, Twp 05N, Rge 04W, CANYON County

Place Of Use

IRRIGATION within CANYON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	04W	31	27.0 L1		19.0 L4	30.0 L5													76.0

POU Total Acres: 76.0

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. S49 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
4. 183 Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at

which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

5.		This right when combined with 63-368B shall not exceed a total combined diversion rate of 1.52 cfs at the field headgate.
6.	F01	Water is delivered through the Baxter Canal.
7.	SD1	This right originated as all or part of right no. 20 in the Stewart Decree and the historic Boise River Water Masters records.

Dates and Other Information
Decreed Date: 2/6/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 63
Mitigation Plan: False

Combined Use Limits
N/A

SubCase:
N/A

Water Supply Bank:
N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

Water Right 63-368B

Owner Type	Name and Address
Current Owner	ERLEBACH PROPERTIES LP 20249 PINTO RD CALDWELL, ID 83607

Priority Date: 3/1/1880
Basis: Decreed
Status: Active

Source	Tributary
BOISE RIVER	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/01	11/15	1.400 CFS	
	Total Diversion		1.400 CFS	

Source and Point(s) of Diversion

BOISE RIVER SENE Sec. 32, Twp 05N, Rge 04W, CANYON County

Place Of Use

IRRIGATION within CANYON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	04W	31	27.0 L1		19.0 L4	30.0 L5													76.0

POU Total Acres: 76.0

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. S49 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
4. 183 Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at

which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

5.		This right when combined with 63-152B shall not exceed a total combined diversion rate of 1.52 cfs at the field headgate.
6.	F01	Water is delivered through the Baxter Canal.
7.	SD1	This right originated as all or part of right no. 73-B in the Stewart Decree and the historic Boise River Water Masters records.

Dates and Other Information
Decreed Date: 2/6/2009
Civil Case Number: 39576
Judicial District: FIFTH
Water District Number: 63
Mitigation Plan: False

Combined Use Limits
N/A

SubCase:
N/A

Water Supply Bank:
N/A.

IDAHO DEPARTMENT OF WATER RESOURCES 11/7/2013

Proof Report

Water Right 63-21863

Owner Type	Name and Address
Current Owner	ERLEBACH PROPERTIES LP 20249 PINTO RD CALDWELL, ID 83607

Priority Date: 12/31/1900
Basis: Decreed
Status: Active

Source	Tributary
UNNAMED DRAIN	BOISE RIVER
UNNAMED SLOUGH	BOISE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
STOCKWATER	1/01	12/31	0.040 CFS	2.5 AF
	Total Diversion		0.040 CFS	2.5 AF

Source and Point(s) of Diversion

UNNAMED DRAIN	L10(NWNE)	Sec. 31, Twp 05N, Rge 04W, CANYON County
UNNAMED SLOUGH	L1(NWNENE)	Sec. 31, Twp 05N, Rge 04W, CANYON County(B)
UNNAMED SLOUGH	L4(NESWNE)	Sec. 31, Twp 05N, Rge 04W, CANYON County(E)

Place Of Use

STOCKWATER within CANYON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	04W	31	X L1	X L10	X L4														

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. PARCEL NO. 1R38523-000 STOCKWATER, 150 RANGE CATTLE

Dates and Other Information

Decreed Date: 5/8/2001
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S

Owner Name Connector: AND
Water District Number: 63
Mitigation Plan: False

Combined Use Limits
N/A

SubCase:
N/A

Water Supply Bank:
N/A

IDAHO DEPARTMENT OF WATER RESOURCES 11/7/2013

Proof Report

Water Right 63-21865

Owner Type	**Name and Address**
Current Owner	**ERLEBACH PROPERTIES LP**
	20249 PINTO RD
	CALDWELL, ID 83607

Priority Date: 5/20/1913
Basis: Decreed
Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
STOCKWATER	1/01	12/31	0.020 CFS	
DOMESTIC	1/01	12/31	0.040 CFS	
	Total Diversion		0.040 CFS	

Source and Point(s) of Diversion

GROUND WATER L5(NESENE) Sec. 31, Twp 05N, Rge 04W, CANYON County

Place Of Use

STOCKWATER within CANYON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	04W	31				X L5													

DOMESTIC within CANYON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	04W	31				X L5													

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. PARCEL NO. 1R38523-000--0 STOCKWATER, 10 RANGE CATTLE

Dates and Other Information
Decreed Date: 3/31/2000
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Mitigation Plan: False

Combined Use Limits
N/A

SubCase:
N/A

Water Supply Bank:
N/A

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way • Boise, Idaho 83705-5082
Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 7, 2013

ERLEBACH PROPERTIES LP
20249 PINTO RD
CALDWELL ID 83607

Re: Permit to Appropriate Water for Water Right No: 63-32238, 63-33265

Dear Water Right Holders:

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water right permits to you. The Department has modified its records to reflect the change in ownership and has enclosed computer-generated reports for your records.

Thank you again for your patience and cooperation. If you have any questions concerning the enclosed information, please feel free to contact this office at (208)334-2190.

Sincerely,

Jessica Allen

For
Rachel Sommer
Administrative Assistant I
Western Regional Office

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES 11/7/2013

Proof Report

Water Permit 63-32238

Owner Type	**Name and Address**
Current Owner	**ERLEBACH PROPERTIES LP**
	20249 PINTO RD
	CALDWELL, ID 83607

Priority Date: 6/9/2005
Status: Active

Source	**Tributary**
BOISE RIVER	SNAKE RIVER

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
WILDLIFE	01/01	12/31	10.000 CFS	
RECREATION	01/01	12/31	10.000 CFS	
	Total Diversion		10.000 CFS	

Source and Point(s) of Diversion

BOISE RIVER L5(SENE) Sec. 31, Twp 05N, Rge 04W, CANYON County

Place Of Use

WILDLIFE within CANYON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	04W	31	X	X	X	X													
			L1	L10	L4	L5													

RECREATION within CANYON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	04W	31	X	X	X	X													
			L1	L10	L4	L5													

Conditions of Approval:

1. This right shall be junior and subordinate to future water rights authorizing the diversion and use of water from the Boise River and its tributaries, including ground water, for consumptive uses, except that this right shall not be subordinate to furure water rights for similar wildlife, recreation and/or aesthetic uses.
2. 121 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
3. 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to

		circumstances over which the permit holder had no control.
4.		Any obstruction in the Boise River channel for diversion of water under this right must provide fro watercraft and fish passage. The right holder must bypass sufficient flows in the Boise River at the point of diversion to accommodate watercraft navigation and fisheries values in the Boise River downstream of the diversion. The quantity of the bypass flow may be established in the future by the filing of a petition with teh Department to establish the bypass flows and subsequent proceeding as described in the Department's Rules of Procedure.
5.		Subsequently approved permits based on earlier-in-time applications may reduce the amount of water available for appropriation under this right and may result in a reduction of the quantity found to be beneficially used at the time of licensing of this right.
6.		Water diverted under this water right shall be returned to the Boise River.
7.	R05	Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
8.	106	Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
9.	004	This right does not grant any right-of-way or easement across the land of another.
10.		Wildlife use is for habitat improvement during the non-irrigation season.
11.		This right is subordinate to future minimum instream flow water rights in the Boise River and its tributaries.
12.		This right does not authorize the diversion and use of water released from Lucky Peak Reservoir for stream flow maintenance purposes in connection with Water Right 63-3618.
13.	196	The right holder shall install or construct straight lengths of conduit or ditch that will accommodate devices for measuring the entire flow of water being diverted in connection with this right and the entire flow of water being returned to the source stream in connection with this right. If the right holder uses conduit, the straight length(s) of conduit shall be at least ten times the diameter of the conduit and shall be above ground or otherwise easily accessible.
14.	01J	Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
15.		Prior to construction of the diversion works, necessary authorizations must be obtained from the US Corps of Engineers.

Dates and Other Information
Permit Proof Due Date: 6/1/2015
Permit Approved Date: 5/20/2010
Owner Name Connector: AND/OR
Water District Number: 63
Mitigation Plan: False

Combined Use Limits
N/A

SubCase:
N/A

Water Supply Bank:
N/A

IDAHO DEPARTMENT OF WATER RESOURCES 11/7/2013

Proof Report

Water Permit 63-33265

Owner Type	**Name and Address**
Current Owner	**ERLEBACH PROPERTIES LP** **20249 PINTO RD** **CALDWELL, ID 83607**

Priority Date: 8/24/2009
Status: Active

Source	**Tributary**
UNNAMED DRAIN	BOISE RIVER

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
WILDLIFE	01/01	12/31	3.900 CFS	
	Total Diversion		3.900 CFS	

Source and Point(s) of Diversion

UNNAMED DRAIN L1(NENE) Sec. 31, Twp 05N, Rge 04W, CANYON County

Place Of Use

WILDLIFE within CANYON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	04W	31	X L1	X	X L4														

Conditions of Approval:

1. 004 This right does not grant any right-of-way or easement across the land of another.
2. 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
3. 01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
5. 106 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
6. 176 The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
7. Wildlife use is for habitat improvement.
8. Water diverted under this right shall be returned to the Boise River.

9. 121 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

Dates and Other Information
Permit Proof Due Date: 1/1/2016
Permit Approved Date: 12/29/2010
Water District Number: 63
Mitigation Plan: False

Combined Use Limits
N/A

SubCase:
N/A

Water Supply Bank:
N/A

Exhibit 4D:

July 24th, 2026

Joe & Holly Grubiak
24811 Lemp Lane, Parma 83660
Topic: Request for "Denial" of the Burnett - Riverbend Gravel Pit CU2024-0023

Commissioners, my wife (Holly) and I have lived at 24811 Lemp Lane, Parma Idaho for 20 years. At the P&Z application hearing I was not permitted to present the attached exhibits to my oral testimony. I do so now to reinforce the legitimacy of the decision to deny the application.

EXHIBIT A – Map of Gravel Pit Locations between Caldwell & Parma
EXHIBIT B - (Pages 1-6) – Intensive Agricultural Overlay Zone
EXHIBIT C – Lemp Lane Intersection Geometry
EXHIBIT D – Superior Notus Gravel Pit Intersection Geometry
EXHIBIT E – Lemp Lane w/proposed acceleration lane Geometry = Turn Radius / Math Problem.
EXHIBIT F – Skid Marks Hwy 20/26 @ applicants Notus Gravel Pit Entrance
EXHIBIT G – Vehicle & Train Accident Crash Data
EXHIBIT H – Notus Rd & Hwy 20/26 Intersection Traffic waiting on a Train
EXHIBIT I – End Dump Turning Radius onto Notus Rd.

The Burnett-Riverbend Gravel Pit application was "rightfully denied" for many "Common Sense" reasons including:

1. **The property lies in an area designated as an INTENSE AGRICULTURAL ZONE and contrary to the Applicants claim…… this river bottom "Is Productive Agricultural Land" as evidence by**

<u>the Hundreds of Acres of surrounding Row Crop currently growing "directly adjacent" to the Applicants Property.</u> See Exhibit B – Pages 2-6.

2. **The applicant and staff's false assertion (in the original application) that the property is surrounded by other gravel pits. See Exhibit B – Pages 1 & 4.**
3. **Proximity to a Wildlife Conservation Easement – The Upson Property**
4. **Inadequate and/or Non-Existent studies/Inspections by FEMA, Army Corps of Engineers, Idaho Parks & Recreation (holder of the deeds of conservation Upson Property), Traffic Study 20/26 / Lemp Lane Intersection, National Environmental Policy Act Review (aka NEPA).**
5. **Intersection Geometry Realities – Lemp Lane / Hwy 20/26**
6. **Safety Concerns – Traffic & Train Accident Data Hwy 20/26**

EXHIBIT A – Notice the proximity of the railroad tracks between Caldwell & Parma to the Highway.

- **Between Caldwell & Notus – The Railroad Tracks are offset from the Hwy approximately ¼ Mile.**
- **Between Notus & Parma – The Railroad Tracks are only offset from Hwy 20/26 by 75'**
- **ASK YOURSELF WHY HAVEN'T THERE BEEN ANY PERMITTED GRAVEL PITS WEST OF NOTUS THAT GAIN ACCESS OVER THE RAILROAD TRACKS? *<u>The</u>***

Premier Pit once gained access to 20/26 via Deb Lane.....but this intersection was closed in 2025 because of safety concerns due to a "train / gravel truck accident/Fatality" in 2020 - See Exhibit G .
The ANSWER is obvious – ITS SIMPLY TOO DANGEROUS AND THERE IS NOT ENOUGH CLEARANCE to navigate heavy truck traffic over the Lemp Lane RR Track Crossing and onto a 65 MPH section of Hwy 20/26..... BOTH FOR:
1) VEHICLES TURNING LEFT ONTO LEMP LANE
2) VEHICLES GAINING ACCESS ONTO HWY 20/26

Exhibits C, D & E

- **Exhibit C – Shows the "ACTUAL" intersection Geometry" at Lemp Lane**
- **Exhibit D – Shows the "ACTUAL" intersection Geometry at the Applicants/Superior's Notus Gravel Pit**

I want to call your attention to the DISTANCE DIFFERENCE between the stop sign Location and the highway at both locations:

- **LEMP LANE = 25'**
- **Applicants Notus Gravel Pit = 62'**
- **The reason the applicants Notus Pit Stop Sign is 62' from the Highway is "GRAVEL TRUCK TURNING RADIUS". Additionally, where a gravel truck stops on the road @ the applicants**

Notus Pit (Exhibit D) prior to the acceleration lane onto Hwy 20/26 "is not restricted" by the need to clear a RR Track, as it would be restricted on Lemp Lane (Exhibit C).

Exhibit E – Lemp Ln / Hwy 20/26 Intersection Geometry Realities = Math Problem.

- **In the applicants appeal they show a 70' Truck Length (Applicants Appeal Exhibit 2.0). The proposed acceleration lane would only be 63' from a lawful clearance of the RR TRACKS (Exhibit E).**
- **= Not enough space for a Gravel Trucks turning radius and would result in a turn into opposing traffic and/or vehicles "passing" on a 65 MPH section of Hwy 20/26. (See Exhibit I – End Dump Turning Radius Example).**

Then there is the issue of traffic turning left onto Lemp Lane from Hwy 20/26?

- **Where would Trucks & Vehicles stage while they wait for 1) opposing traffic stopped on a 65 MPH highway OR 2) a truck parked on Lemp Lane waiting for a train to clear?**

- **This is what happens SEE EXHIBIT F = LOCKED BRAKES / SKID MARKS / TRUCKS EXITING THE HWY to avoid rear ending vehicles decelerating / stopped in front of the applicants Notus Gravel Pit Entrance.**
- **Trains in front of Lemp Lane are commonly 2 to 3 miles in length with 1 or 2 every hour. Trains traveling at 30 to 60 miles per hour would take 3 to 6 minutes to clear the intersection. The applicant claims 1 truck every 15 minutes……<u>Doesn't square with real life.</u>**
- **Now imagine a Gravel Truck on Lemp Lane waiting for a train to clear the intersection, and a resident sitting in the middle to Hwy 20/26 waiting on the Train and Gravel Truck in front of them…..staring into their rearview mirror, praying they don't get rear ended.**

Common Sense Issue of Safety

Contrary to the applicant's original submittal – Vehicle / Train Collisions along Hwy 20/26 are sadly common.

- **The last Fatality was February 7th, 2026 when a train hit a semi-dump in dense fog near Parma.**
- **Then there was the Train Accident in April 2024 on the Applicants 382 Acre property East of Notus**
- **A semi Truck hit by a Train at the Intersection of Deb Lane & Hwy 20/26 in December of 2020 resulting in a**

Fatality, the closure of this RR TRACK CROSSING and the re-routing of all Premier Gravel Pit Truck Traffic onto Hwy 95.

- **And 2 Fatalities right on Lemp Lane 2000 – When Buck & Morion Farris (who owned the Upson Farm) were killed by a Train with bodies retrieved by Kerry Hawkins whose home I live in now.**

OR

lets talk about the 220 vehicle accidents recorded by ITD along the 14 Mile Stretch of Hwy 20/26 between I-84 and Parma EXHIBIT F = Avg almost 1 per week.

Including Kody Hansen who died on Jan 4th, 2025 at the intersection of Don Lane & Hwy 20/26. Kody was on Hwy 20/26 headed home and was killed by a car that hit him head on while it was trying to pass a semi-truck.

The latest fatality occurred on February 10th 2026, when a 18 year old was killed by a gravel truck at Wagner Rd & Hwy 20/26.

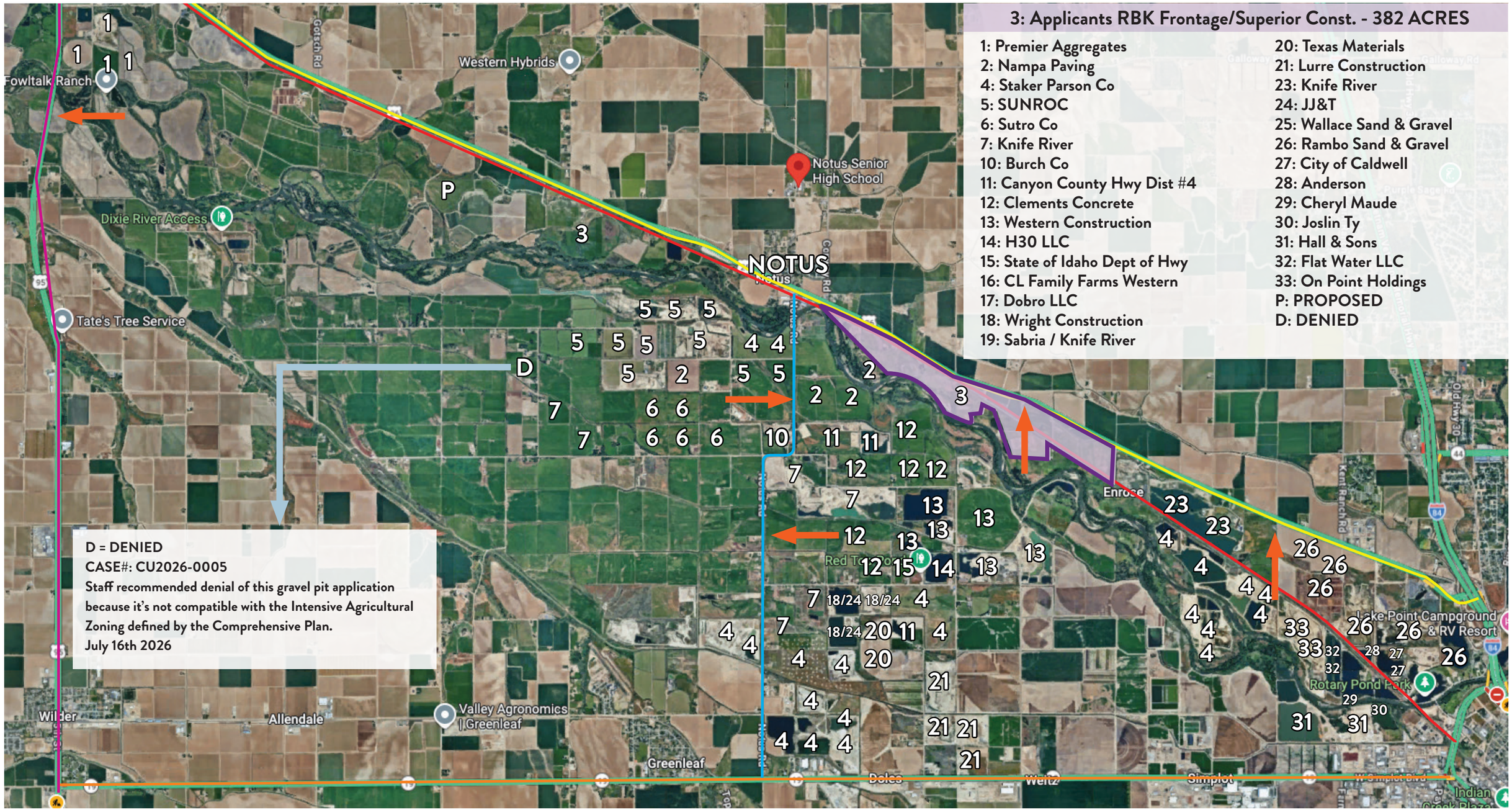
In closing, I ask that you REJECT this Appeal and Affirm Planning & Zoning decision to deny the Burnett Riverbend Gravel Pit Application & Appeal, for all of the reasons Planning & Zoning previously rejected the application AND with a greater understanding of our legitimate concerns including:

1. **A gravel pits incompatibility with the Intensive Agricultural Overlay Zone.**
2. **Lack of Due Diligence with appropriate government regulatory agencies.**
3. **Intersection Geometry that doesn't square with RR Tracks, gravel truck turn radius & 65 MPH Hwy 20/26**
4. **Documented Accident Data that makes a Gravel Pit in this location unacceptable risk / hazard to area residents**.

GRAVEL PIT LOCATIONS 20/26 & NOTUS RD.

EXHIBIT A:

RAILROAD TRACKS: HWY 20/26: NOTUS RD: HWY 19: HWY 95: DIRECTION TO HWY ACCESS:



3: Applicants RBK Frontage/Superior Const. - 382 ACRES

1: Premier Aggregates
2: Nampa Paving
4: Staker Parson Co
5: SUNROC
6: Sutro Co
7: Knife River
10: Burch Co
11: Canyon County Hwy Dist #4
12: Clements Concrete
13: Western Construction
14: H30 LLC
15: State of Idaho Dept of Hwy
16: CL Family Farms Western
17: Dobro LLC
18: Wright Construction
19: Sabria / Knife River
20: Texas Materials
21: Lurre Construction
23: Knife River
24: JJ&T
25: Wallace Sand & Gravel
26: Rambo Sand & Gravel
27: City of Caldwell
28: Anderson
29: Cheryl Maude
30: Joslin Ty
31: Hall & Sons
32: Flat Water LLC
33: On Point Holdings
P: PROPOSED
D: DENIED

D = DENIED
CASE#: CU2026-0005
Staff recommended denial of this gravel pit application because it's not compatible with the Intensive Agricultural Zoning defined by the Comprehensive Plan.
July 16th 2026

CANYON COUNTY COMPREHENSIVE PLAN 2030
AGRI-TOURISM & INTENSIVE AGRICULTURE
EFFECTIVE 10/27/22

PROPOSED BURNETT-RIVERBEND GRAVEL PIT

PAYETTE COUNTY

GEM COUNTY

MALHEUR COUNTY, OREGON

R 6 W

R 5 W

R 4 W

R 3 W

R 2 W

Apple Valley Rd

Island Rd

Pearl Rd

Old Fort Boise Rd

Parma Rd

Klahr Rd

Doc Ln

Olson Ln

Hexon Rd

Scott Pit Rd

Parma

Shelton Rd

Burden Rd

Walker Rd

Boulder Rd

French Rd

Marker Rd

Pet Ln

Lance Ln

Stephen Ln

Wamstad Rd

Lee Ln

Sand Rd

Sabin Rd

Gotsch Rd

Fountain Rd

Lon Davis Rd

Dip Ln

Deb Ln

Ten Davis Rd

Market Rd

Hwy 18

18

Opal Rd

Pebble Ln

Canal Rd

Matthews Rd

Hatch Ln

Dixie Rd

Arena Valley Rd

Monte Rd

Fern Ln

Red Top Rd

Roswell Rd

State Line Rd

Jacks Rd

Rudd Rd

Bluff Ln

Texas Rd

Howe Rd

Allendale Rd

Wood Ln

Rule Ln

Iverson Rd

Conway Rd

Don Ln

20/26

BOISE RIVER

Boise River Rd

Notus

Hop Rd

Notus Rd

Pinto Rd

Dixie Rd

Weitz Rd

Greenleaf

Wilder

Penny Ln

Huff Rd

Fox Ln

Rodeo Ln

Peckham Rd

Simplot Blvd

19

Lower Pleasant Ridge Rd

Middle Rd

Upper Pleasant Ridge Rd

Top Rd

Fish Rd

Hun Ln

Fargo Rd

Batt Corner Rd

Travis Rd

95

Sand Hollow Rd

Early Rd

Hollow Rd

I-84

Oasis Rd

Shalako St

El Paso Rd

Spur Line Dr

Emmett Rd

Goodson Rd

Farmway Rd

Old Hwy 30

Freezeout Rd

Harvey Rd

Galloway Rd

Stafford Rd

Wagner Rd

Elton Ln

Willis Rd

Mink Rd

Stone Ln

Cemetery Rd

Middleton

Purple Sage Rd

Ember Rd

Duff Ln

Lansing Ln

Blessinger Rd

Foothill Rd

E Main St

Channel Rd

Ballard Ln

44

Landruff Ln

Goldie Ln

Lincoln Rd

N Illinois Ave

Middleton Rd

Midland Blvd

Joplin Rd

Laurel Rd

Logan St

Paynter Ave

Blaine St

Caldwell

Linden Rd

S Kcid Rd

Emmett

3 5 4 5 2 6 10 5 2 7 11 3 3 23 4 26 7 7 4 12 18 24 15 13 27 33 29 4 32 30 4 14 31 21 20 7 4

EXHIBIT B | 2 OF 6: INTENSIVE AGRICULTURAL ZONE EFFECTIVE 10/27/22



EXHIBIT B | 3 OF 6: INTENSIVE AGRICULTURAL ZONE EFFECTIVE 10/27/22

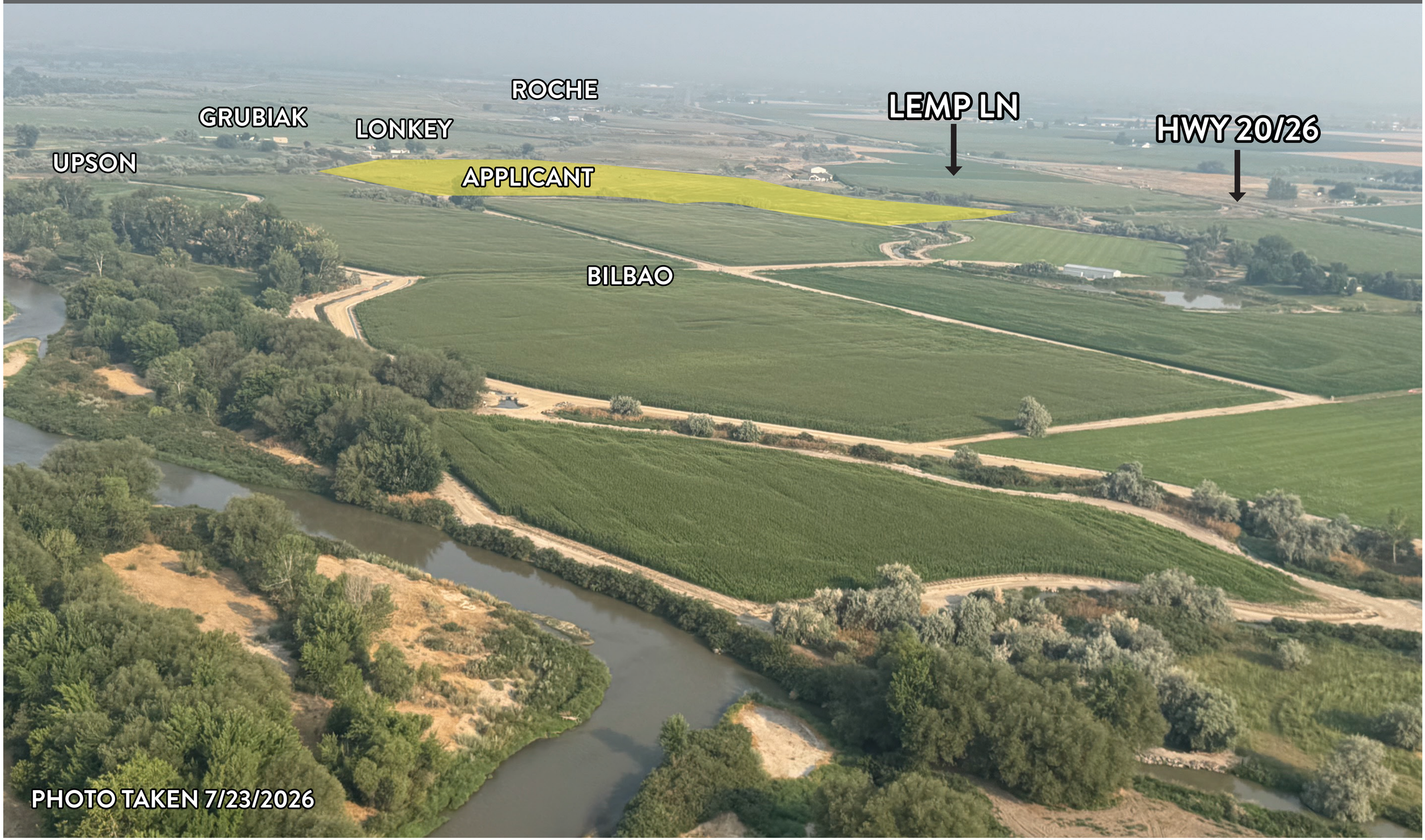


EXHIBIT B | 4 OF 6: INTENSIVE AGRICULTURAL ZONE EFFECTIVE 10/27/22

THOUSANDS OF ACRES PICTURED. NOT A GRAVEL PIT IN SIGHT.

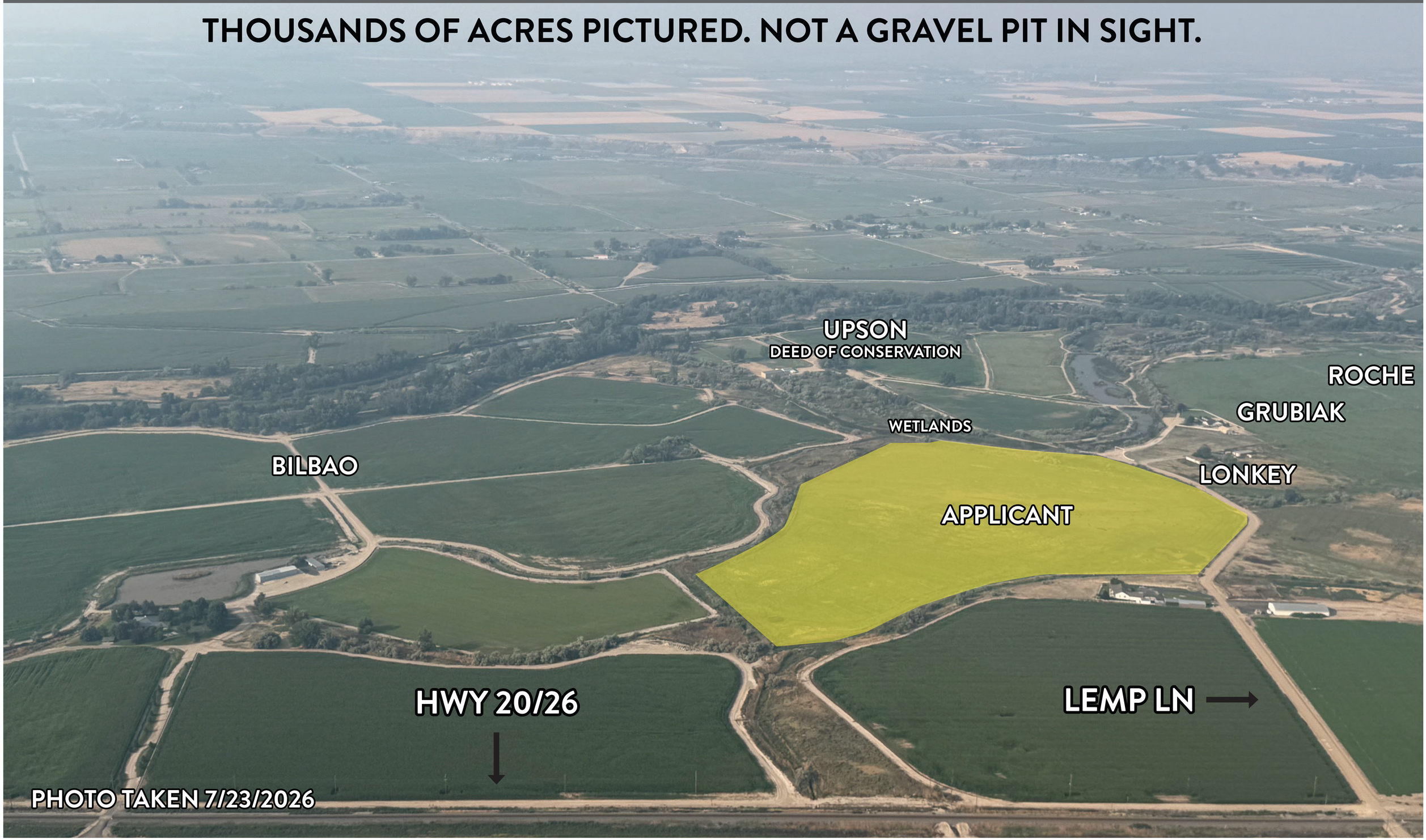


EXHIBIT B | 5 OF 6: INTENSIVE AGRICULTURAL ZONE EFFECTIVE 10/27/22



EXHIBIT B | 6 OF 6



EXHIBIT C: LEMP LN INTERSECTION | HWY

ACTUAL CLEARANCE

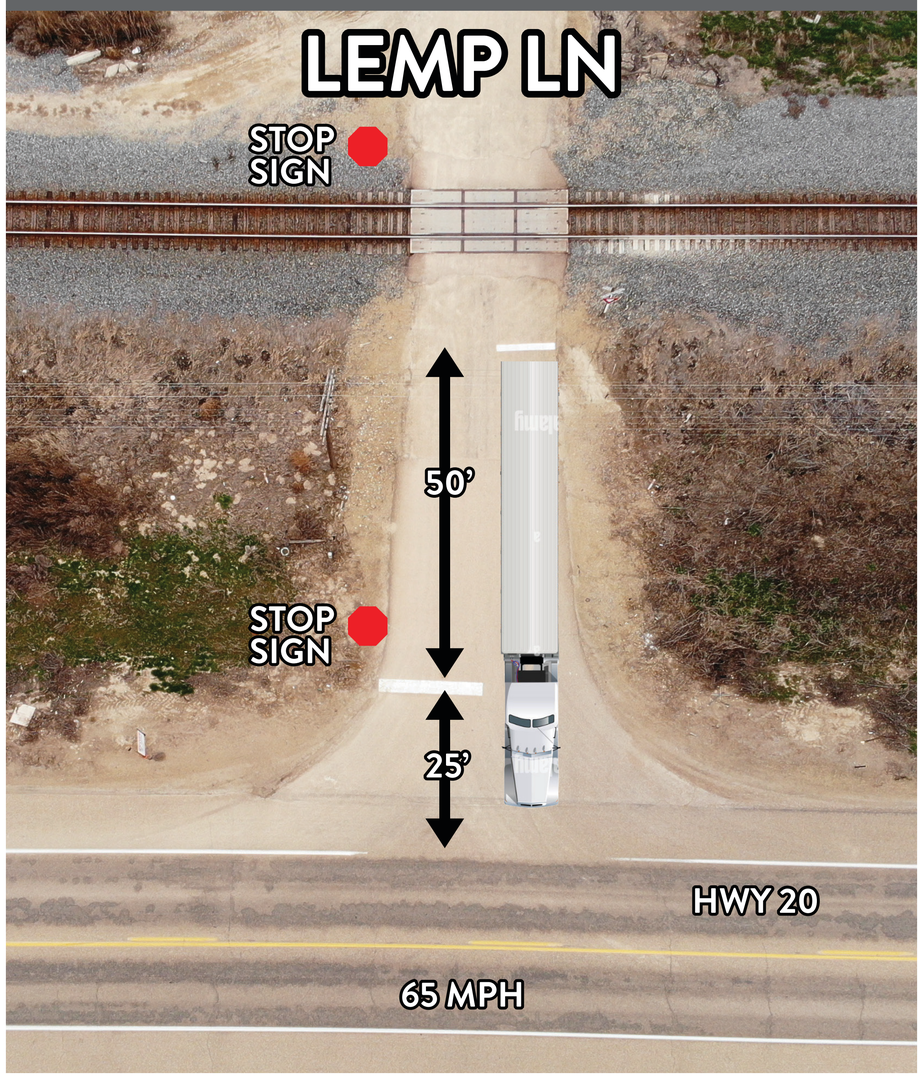


EXHIBIT D: SUPERIOR NOTUS GRAVEL HWY 20/26 INTERSECTION





HWY 20

RAILROAD TRACK

EXHIBIT E: PROPOSED RIVER BEND PARMA SAND & GRAVEL PIT

INTERSECTION GEOMETRY WITH PROPOSED ACCELERATION LANE

- HOW IS IT GOING TO WORK IF A GRAVEL TRUCK IS PARKED ON LEMP LN BETWEEN HWY 20/26 AND THE RR TRACKS WAITING FOR A TRAIN TO CLEAR?
- WHERE DO OTHER GRAVEL TRUCKS STAGE ON A 65 MPH HWY?
- WHERE DOES RESIDENT TRAFFIC STAGE?

STOP SIGN

LEMP LN

50’

70’

STOP SIGN

13’

12’

12’

12’

ACCELERATION LANE

EAST BOUND TRAFFIC

65 MPH

HWY 20/26

WEST BOUND TRAFFIC

= TRUCK TURNING RADIUS INTO OPPOSING TRAFFIC

65 MPH

APPLICANTS APPEAL EXHIBIT 2.0

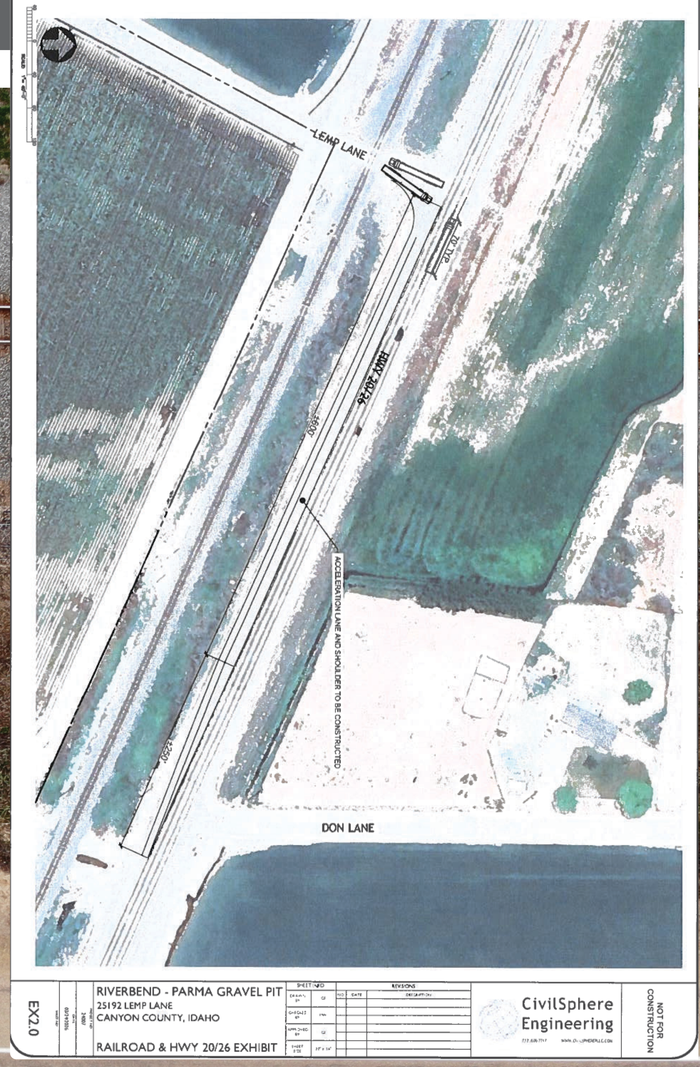
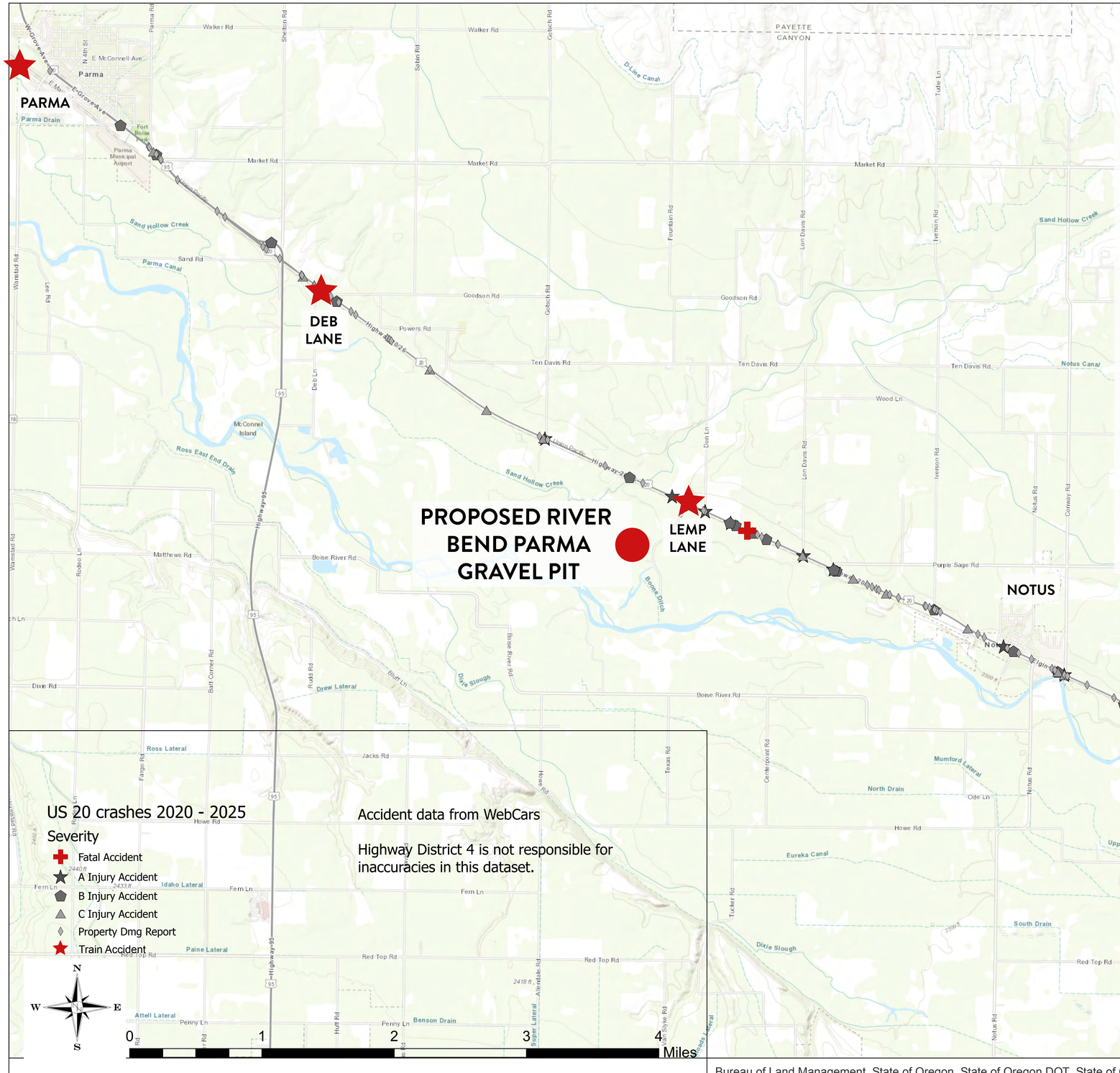


EXHIBIT F:
SKID MARKS HWY 20/26 IN FRONT OF ENTRANCE TO APPLICANT'S NOTUS GRAVEL PIT



EXHIBIT G: HWY 20 CRASH DATA BETWEEN I-84 & PARMA = 14 MILES



VEHICLE ACCIDENTS | HWY 20/26

2026 - February 10th, Fatality ✚
2025 - 39 Accidents incl: 3 Injury
2024 - 44 Accidents incl: 14 Injury & 3 Fatalities ✚
2023 - 38 Accidents incl: 6 Injury & 3 Fatalities ✚
2022 - 32 Accidents incl: 9 Injury & 1 Fatality ✚
2021 - 44 Accidents incl: 13 Injury & 1 Fatality ✚
2020 - 23 Accidents incl: 11 Injury
220 Over 6 years = AVG 37 Accidents per year.

TRAIN ACCIDENTS/FATALITIES ★

2026 - February 7th
2024 - April 13th
2020 - December 22nd
2000- Buck & Marion Farris | Lemp Ln.

US 20 crashes 2020 - 2025

Severity

- ✚ Fatal Accident
- ★ A Injury Accident
- ⬟ B Injury Accident
- ▲ C Injury Accident
- ◆ Property Dmg Report
- ★ Train Accident

Accident data from WebCars

Highway District 4 is not responsible for inaccuracies in this dataset.

N W E S

0 1 2 3 4 Miles

Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, NGA, EPA, USDA

EXHIBIT H-
TRAFFIC WAITING ON TRAIN AT NOTUS RD. & HWY 20/26







EXHIBIT I: END DUMP TURNING RIGHT FROM BOISE RIVER RD ONTO 50 MPH SECTION OF NOTUS RD









Exhibit 4E:

From Idaho Foundation for Parks and Lands

Date: July 15th, 2026

Re: Public comment on the proposed gravel pit adjacent to the Strut Ranch wetland conservation easement (Upson 24684 Lemp Lane, Parma, Idaho)

Dear Canyon County Commissioners,

The Idaho Foundation for Parks and Lands submits this formal public comment to express significant concerns about the proposed gravel pit immediately adjacent to a wetland conservation easement near Strut Ranch on Lemp Lane, Parma, Idaho. Based on environmental, legal, and community considerations—and informed by relevant mitigation planning documents associated with Strut Ranch and regional wetlands management—the project poses unacceptable risks to water quality, habitat integrity, and long-term public interests. We urge deferral and a thorough, independent review, prioritizing conservation values and exploring alternatives that do not threaten wetlands or easement commitments.

Key concerns and rationale that are site-specific:

1. Water quality and hydrology risks
- Wetlands provide flood attenuation, nutrient filtration, and groundwater recharge; excavation and associated activities can increase sediment runoff and turbidity, potentially compromising adjacent wetlands and drainage features.
- Disturbances from dewatering, dust, and heavy vehicle traffic may alter hydrology and wetland functions, raising concerns about compliance with state water-quality standards and the easement's conservation objectives.

2. Habitat disruption and biodiversity risk
- Proximity to wetlands supports amphibians, migratory birds, and other wildlife; mining activities—noise, vibration, dust, and altered edge conditions—can disrupt critical life stages and habitat use.
- Sediment inputs and edge degradation can impair vegetation and habitat structure essential for wildlife that rely on these wetlands.

3. Legal and easement compliance risk
- The Strut Ranch wetland easement and any associated legal instruments obligate protection of conservation values. An adjacent gravel operation could raise questions of breach or noncompliance unless robust approvals and explicit alignments with easement terms are demonstrated.
- The project will likely trigger multiple regulatory reviews (stormwater and erosion control, wetlands delineation/impact assessments, endangered species consultations, water rights). Any inconsistency with easement terms may invite appeals or litigation.

4. Community resilience and equity considerations
- Gravel pits near conservation lands can affect public enjoyment, property values, and local quality of life due to noise, dust, and traffic.
- Wetlands contribute to climate resilience; compromising nearby hydrology reduces preparedness for floods and droughts, affecting surrounding communities.

5. Economic considerations and opportunity costs

- Short-term material supply benefits may be outweighed by long-term costs (remediation, monitoring, litigation, and loss of ecosystem services that bolster local recreation, tourism, and quality of life).
- Safer alternatives include sourcing gravel from non-sensitive locations or utilizing recycled aggregates, with potential for habitat restoration partnerships that align with conservation goals.

Kendra Kenyon
Executive Director
Idaho Foundation for Parks and Lands
5657 Warm Springs Ave.
Boise, ID 83716
kendra@idaholands.org

RECEIVED
JUL 27 2026

Ju **Exhibit 4F:**

Canyon County Development Services/P&Z
Canyon County Board of Commissioners
111 North 11th Avenue, Suite 310
Caldwell, Idaho 83605

Commissioners of Canyon County,

We have lived off of Lemp Lane for over 25 years. We vehemently oppose CU2024-2023apl of Burnett-Riverbend. This will damage the character of our neighborhood, create massive dust and noise levels, as well as destroy our roadway systems. Please continue the P&Z's decision to Deny this proposal.

We are all on wells out in this area, and they are pretty shallow (approx. 20 ft). Having an operation like this directly at the end of our driveway would definitely affect our wells, water quality, wetlands, traffic, and overall quality of life. Safety of our family and loved ones in the area is also a great concern. Agriculture is a very large part of our community, as we have grazed cattle on our property for many, many years. Our area is in agriculture with intensive overlay from the County to keep it as such. We hope and believe the County and Commissioners will hold strong to these values they voted to preserve.

Thank you, and please Deny the proposal CU-2024-0023apl.

Sincerely,

Robin Lonkey

Robin Lonkey
25019 Lemp Ln
Parma, ID 83660

Exhibit 4G:

Mike Provost
Provost Farms, LLC
21246 Notus Road
Greenleaf, ID 83626

RECEIVED
JUL 27 2026
RECEIVED

Canyon County Commissioners
Canyon County Development Services
111 North 11th Avenue, Suite 310
Caldwell, Idaho 83605

Commissioners,
The Provost Family respectfully request that you reinforce the denial of Case No. CU2024-0023-APL.
Our family has actively been farming in this community for over 40 years and have witnessed productive agriculture ground in Canyon County get consumed by gravel pit operations. We need to preserve our precious resources and protect habitat areas.

The proposal for Case No. CU2024-0023-APL goes against the Comprehensive Plan for Canyon County. This area and surrounding farmlands are within an "agricultural zone" with "intensive agricultural overly". These areas are recognized by the County as a precious resource that needs to be protected.

We have farmed the property directly adjacent to the proposal since 2019. This is viable and profitable agricultural ground. It is also a wildlife refuge. This type of proposal simply does not belong in this area and would be extremely detrimental to the surrounding areas as well. Deterioration of water quality and disturbance of the ground water level is also a major concern regarding a proposal of this nature. We ask that you DENY the Burnett-Riverbend proposal. Thank you for your consideration.

Respectfully,

Mike Provost
Provost Farms, LLC

Exhibit 4H:

RECEIVED
JUL 27 2026
RECEIVED

Joe Ross
21913 Notus Road
Greenleaf, ID 83626

Canyon County Board of Commissioners
Canyon County Development Services
111 North 11th Avenue, Suite 310
Caldwell, Idaho 83605

Dear Commissioners,
Please Deny the proposal of Burnett-Riverbend Case No. CU2024-0023-APL.
I currently live off of Notus Road adjacent to a gravel operation. Since the Gravel operation started mining, all surrounding neighbors have experienced a water table drop of several feet. I have a pond on my property and the water level in my pond dropped over 4 feet.

We also need to preserve agricultural ground in this area.

This use does not belong in this area and would be extremely detrimental to the surrounding areas as well. Degradation of water quality and disturbance of the ground water level is also a major concern regarding a proposal of this nature. Please DENY the Burnett-Riverbend proposal. Thank you.

Best Regards,

Joe Ross

Exhibit 4I:

PETITION IN OPPOSITION TO THE PROPOSED GRAVEL/MINERAL EXTRACTION PROJECT

Burnett–Riverbend

Application No. CU2024-0023-APL

Submitted by

Residents and Members of the Ten Davis Recreation District

Total Signatures: 24

RECEIVED
JUL 24 2026
BY: N.P.O.

Gathered by Kali Beswick - 208-880-2512

PETITION IN OPPOSITION TO THE PROPOSED GRAVE
EXTRACTION PROJECT

Exhibit 4J:

We, the undersigned residents and members of the **Ten Davis Recreation District**, oppose the proposed gravel/mineral extraction project and respectfully request that the Canyon County Commissioners deny this application.

Printed Name	Physical Address	Signature	Optional Comment
Chelsea Hansen	25487 Don Lane Parma ID 83660	Chelsea Hansen	Husband Passed away on 20/26 a year ago
Greg Miller	27876 Gotsch Rd Parma 83660	Greg Miller	Retain farmland
Kali Beswick	21805 Ten Davis Rd parma, ID	Kali Beswick	Keep farm ground farm ground, increased traffic on 2026 = more fatalaties
Tracy Hansen	21372 Market Rd Parma ID	Tracy Hansen	We need Campground
Helen Hancock	22255 Poplin Parma ID	Helen Hancock	No more gravel pits
Sandra Hawkins	21284 Ten Davis Rd.	[illegible]	No more gravel pits/Hicks
Stuart Beswick	21805 Ten Davis Rd parma, ID	[illegible]	Keep farm land
Carey Hawkins	21284 Ten Davis Rd	[illegible]	too much traffic damage road
Kurt Beus	27202 Lon Davis Rd	[illegible]	too Much traffic
Michael Jemmett	27360 Sabin Rd	[illegible]	Tired of all the Traffic + New gravel pits Safety concerns
Alysha Jemmett	27360 Sabin Rd.	[illegible]	Too much traffic
Natasha Jemmett	22826 Goodson RD	[illegible]	Too Much traffic!!
Melisha Jemmett	22826 Goodson Rd	[illegible]	20/26 Too dangerous + we need to protect farmland
Eric Jemmett	22826 Goodson Rd	[illegible]	we need to protect farm land, too much industrial traffic
Cindy Kaylor	27164 Lon Davis	[illegible]	Too much industrial traffic
Steve Kaylor	27164 Lon Davis	[illegible]	Longer is industrial commission
Dalan Kaylor	27161 Lon Davis	[illegible]	too much traffic
Wyatt Jemmett	22826 GOODSON RD Parma	[illegible]	Too much traffic
Carter Jemmett	22826 Goodson Rd	[illegible]	20/26 Too dangerous
Emily Watson	29621 Bar Diamond	[illegible]	Water!
Justin Shaw	22993 Howe Rd	Justin Shaw	Agriculture is important
James Clark	31835 Hwy 95 Parma ID 83660	[illegible]	Save farm ground
Adyson Shaw	25501 Lon Davis	Adyson Shaw	TRAFFIC!
Hadyn Harris	25501 Lon Davis	Hadyn Harris	Less traffic!

PETITION IN OPPOSITION TO THE RIVERBEND GRAVEL PIT APPLICATION Off HWY 20/26 CU2024-0023

Designated & Signed below, **I enter my FORMAL OPPSITION to Canyon County for "Riverbend Gravel Pit" off HWY 20/26 & Lemp Lane.**

Printed Name	Address	Signature	Optional Comment
#			
Ryan Upson	24484 Lemp Lane Parma		No! Please deny!
Ann English	215 Queens St Parma	Ann English	Deny
Sheila Diaz	806 N.C. St.		NO
Gina Marquez	23614 Wainstad		NO
Julie Indrieri-Davis	96036 1st Ave	Julie Indrieri-Davis	No
Sheila Pincock	27686 Fountain Rd	Sheila Pincock	No
Trish Thompson	29040 Highway 95		NO
Kevin Alman	25301 Don Ln		NO
Julia Alman	25301 Don Ln	Julia Alman	NO
Byron Bowis			

RECEIVED
JUL 27 2026
BY:

PETITION IN OPPOSITION TO THE RIVERBEND GRAVEL PIT APPLICATION CU2024-0023-APL

! Support the Planning & Zoning Commissions Decision to DENY this proposal

I Support the facts outlined in the opposition letter by Growing Together. Agricultural Zoned Land in "Intensive Agricultural Overlay" should remain as the Canyon County 2030 Comprehensive Plan Designates, as AGRICULTURAL

Designated & Signed below, **I enter my FORMAL OPPSITION to Canyon County for "Burnett-Riverbend Gravel Pit" off of HWY 20/26 & Lemp Lane.**

Canyon County Commissioners, Please DENY this proposal !!!

Printed Name	Address	Signature	Optional Comment
Karen Abbott	30010 Hwy 18, Parma	Karen Abbott	
Bob Smith	23436 old Hwy 30 Caldwell		
Sara Asumendi	23032 Hwy 20/26 Parma		
Isy Asumendi	23032 Hwy 20/26 Parma		
Milia Harvey	20248 ten davis caldwell 83607		
Julie Asumendi	5925 W Franklin Meridian 83642		
Ruben Asumendi	23032 Hwy 20/26 Parma 83660		
Rene Lonkey	2509 Lemp Ln. Parma, ID 83660	Rene Lonkey	
Lolleo Kamoze	27981 Lemp Ln Parma 83660	Lolleo Kamoze	

PETITION IN OPPOSITION TO THE RIVERBEND GRAVEL PIT APPLICATION CU2024-0023-APL

I Support the Planning & Zoning Commissions Decision to DENY this proposal

I Support the facts outlined in the opposition letter by Growing Together. Agricultural Zoned Land in "Intensive Agricultural Overlay" should remain as the Canyon County 2030 Comprehensive Plan Designates, as AGRICULTURAL

Designated & Signed below, **I enter my FORMAL OPPSITION to Canyon County for "Burnett-Riverbend Gravel Pit" off of HWY 20/26 & Lemp Lane.**

Canyon County Commissioners, Please DENY this proposal !!!

Printed Name	Address	Signature	Optional Comment
Don Moss	3954 W. Deer Flat Rd. Kuna		
Steve Moss	12161 W. K. Hredge Dr.		
Garrett Moss	489 E. Easy St. Kuna ID		

PETITION IN OPPOSITION TO THE RIVERBEND GRAVEL PIT APPLICATION Off HWY 20/26 CU2024-0023

Designated & Signed below, **I enter my FORMAL OPPSITION to Canyon County for "Riverbend Gravel Pit" off HWY 20/26 & Lemp Lane.**

Printed Name	Address	Signature	Optional Comment
Dusty English	777 E Chateau Dr. 83644	Dusty English	Please deny this proposal
Brandon Childress	19500 hwy 26	Brandon Childress	need Farmland
RON SAVAGE	28370 SANDY LN (WILDER)	RJ Savage	deny

Exhibit 5:

EXHIBIT V.

Agency Comments Received by: July 25, 2026

-

Board of County Commissioners

Case #: CU2024-0023-APL

Hearing Dated: September 3, 2026

Exhibit 5A:

Your Safety • Your Mobility
Your Economic Opportunity

IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028 • Boise, ID 83707-2028
(208) 334-8300 • itd.idaho.gov

July 16, 2026

Re: Burnett-Riverbend (CU-2024-0023-APL)

Dear Brian,

The Idaho Transportation Department (ITD) has reviewed the application for CU2024-23-APL in Parma, Idaho. While the Department maintains that the traffic generated by this site is minimal (4-5 trucks/hour), we reserve the right to reevaluate the site access if legitimate safety concerns arise. Additionally, you may be required to complete a turn lane warrant analysis if the site anticipates additional traffic than is described in the application.

If you have any questions, you may contact me at Kendra.conder@itd.idaho.gov or 208-334-8377.

Sincerely,

Kendra Conder

Kendra Conder
Senior Planner
Idaho Transportation Department

Exhibit 6:

EXHIBIT VI.

Additional Supplemental Documentation Received by: July 25, 2026

-

Board of County Commissioners

Case #: CU2024-0023-APL

Hearing Dated: September 3, 2026

Exhibit 6A:

April 21, 2026

To Whom It May Concern:

I am writing about the lower portion of the property at 25192 Lemp Lane in Parma, Idaho. I have worked this ground for 10 years and know it well. In my experience, this land is not fit for farming, and I want to explain why.

No Irrigation Water: There is no live water on this piece of ground — no irrigation source of any kind. The only water present is a drain carrying wastewater, which cannot be used for crops.

Alkali Soil: The soil is heavily alkaline. Alkali ground is hard on crops, and most plants struggle to take up nutrients in soil like this.

Rocky Ground: The soil is full of rocks. It is hard on equipment and hard to work. You cannot get proper tillage depth, and anything planted hits rock before it can get established.

Drainage Problem: The soil will not hold water. It drains too fast through the gravel base and runs out toward the river. Any water put on this ground is gone before a crop can use it.

Some of the low ground near the river around here has been planted in corn by neighbors. But that corn is not grown as a paying crop. Yields are poor and everybody knows it. It is planted to bring in ducks for hunting, since this ground sits on a flyway. That is a whole different use than farming for income, and it should not be taken to mean this ground will produce crops.

With no irrigation water, alkali soil, rocky ground, and soil that will not hold water, this land is more trouble than it is worth to farm.

Sincerely,

Bim Lewman

Bim Lewman

25192 Lemp Lane, Parma, Idaho

Exhibit 6B:



NOT FOR CONSTRUCTION

CivilSphere Engineering
(512) 608-7717 WWW.CIVILSPHEREPLLC.COM

REVISIONS

NO.	DATE	DESCRIPTION

SHEET INFO

DRAWN BY	CS
CHECKED BY	MW
APPROVED BY	CS
SHEET SIZE	22" x 34"

RIVERBEND - PARMA GRAVEL PIT
25192 LEMP LANE
CANYON COUNTY, IDAHO

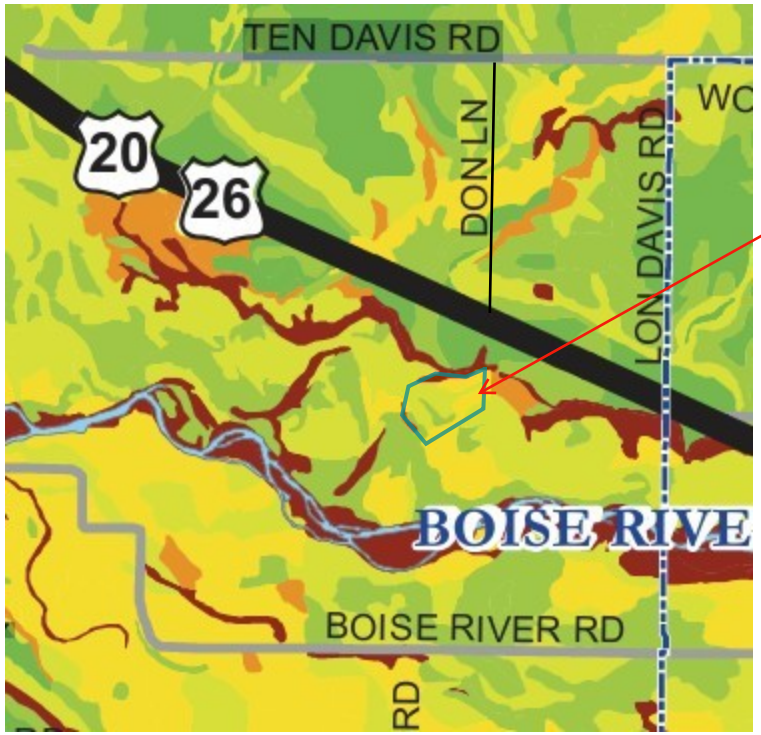
RAILROAD & HWY 20/26 EXHIBIT

PROJECT NO.
24007

DATE
03/24/2026

SHEET NO.
EX2.0

Exhibit 6C:



Approximate property location -primary soil types area Class IV and Class V which are "moderately suited" or "least suited" soils for agricultural production. Canyon county soils are primarily Class I, Class II, and Class III which are all excellent for agriculture.
G5.04.00 - P5.04.01 Consider the suitability of soil composition in all land use decisions.

Exhibit 6D:

Riverbend Parma Gravel Pit CU2024-0023

Summary analysis of the suitability of soils for agricultural purposes

See attached Soil Test Location Site Map and the Agricultural Soil Reports

Based on the soil analysis, **Fields 4 and 5 are the weakest soils of all tested locations**. While they are still capable of supporting agricultural production, they have several characteristics that will result in noticeably lower productivity and higher management costs compared to the other fields.

Field 5 is the poorest-quality soil on the property. It has a loamy sand texture with a very low cation exchange capacity (CEC), meaning it has a limited ability to hold nutrients and moisture. As a result, fertilizer is more likely to leach below the root zone, requiring more frequent fertilizer applications and careful irrigation management. The field also has very low phosphorus, potassium, magnesium, and zinc levels, all of which are important for healthy crop growth. In addition, the organic matter is only about 1.2%, indicating poor natural fertility and reduced water-holding capacity.

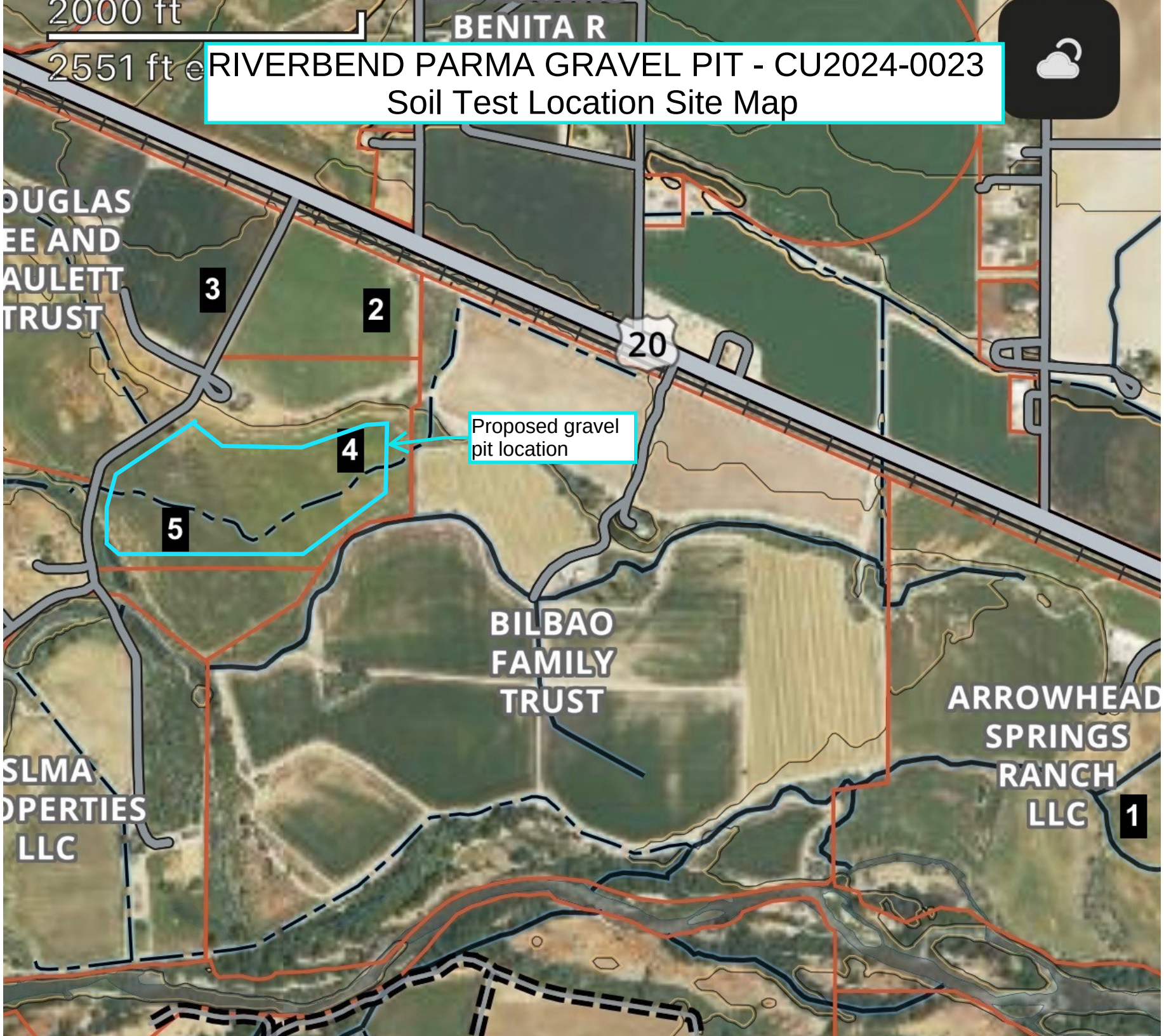
Field 4 is somewhat better than Field 5 but still has significant limitations. Like Field 5, it consists of loamy sand, which naturally drains quickly and holds less water than finer-textured soils. Although its nutrient levels are somewhat stronger than Field 5, it remains deficient in phosphorus, potassium, and zinc. These deficiencies, combined with the sandy texture, will generally result in lower yields unless fertility and irrigation are managed carefully.

In comparison, **Fields 1, 2, and especially Field 3 have substantially better agricultural characteristics.** They contain loam or sandy loam soils with higher organic matter, greater nutrient-holding capacity, and stronger overall fertility. These soils are better suited for producing consistently higher yields while requiring fewer corrective inputs.

Overall, the primary reasons Fields 4 and 5 rank lowest are:

- Sandy soil texture that holds less water and fertilizer.
- Low organic matter, resulting in reduced natural fertility.
- Low cation exchange capacity (CEC), limiting nutrient retention.
- Deficiencies in key nutrients, particularly phosphorus, potassium, magnesium (Field 5), and zinc.
- Higher long-term input costs for fertilizer and irrigation to achieve comparable crop production.

Although these fields are still farmable, they would generally be expected to produce lower yields and require greater ongoing investment than the stronger soils found elsewhere on the property. The higher investment costs and lower yields on Fields 4 and 5 may deem the fields financially unsustainable for farming.


RIVERBEND PARMA GRAVEL PIT - CU2024-0023
Soil Test Location Site Map
2000 ft
2551 ft e
BENITA R
DOUGLAS
EE AND
AULETT
TRUST
3
2
20
Proposed gravel
pit location
4
5
BILBAO
FAMILY
TRUST
ARROWHEAD
SPRINGS
RANCH
LLC
1
SLMA
OPERTIES
LLC

Western Laboratories, Inc.
211 Highway 95 • Parma, ID 83660
208-649-4360 • FAX 208-402-5303
http://www.westernlaboratories.com
Methods: www.westernlaboratories.com/soil.htm

Soil PAP NAPT naptprogram.org Approved for 2025

Dealer: PD
Reported: 7-17-2026
Test #: 1
Grower: Brian Burnett
Field ID: 1

Lab #:
35805

AGRICULTURAL SOIL REPORT

ELEMENT	YOUR RESULTS	INTERP	SHOULD BE
pH-Your Soil	7.8	Moderately Basic	
pH-Buffer*			
Soluble Salts EC-mmhos/cm	0.20	Optimum	< 1.5
% Lime Ca CO3	1.0	Crusting, sealing surface	
% Organic Matter-LOI	3.29	Medium	
Nitrates-ppm N03-N	49	High	10 - 35
Ammonium-ppm NH4-N	2	Low	5 +
Phosphorus-ppm Olsen-P	6	Very Low	25 - 40
Phos-ppm Bray-P*			50 - 100
Potassium-ppm K	113	Low	300 +
Sulfates-ppm S04-S	91	Very High	20 +
Calcium-ppm Ca	7743	Very High	1,800 +
Magnesium-ppm Mg	600	High	250 +
Sodium-ppm Na	455	Very High	< 225
Zinc-ppm Zn	0.7	Low	1.0 - 3.0
Copper-ppm Cu	0.9	Optimum	0.8 - 2.5
Manganese-ppm Mn	4	Low	6 - 15
Iron-ppm Fe	6	Very Low	7 +
Boron-ppm B	1.2	Optimum	0.7 - 1.5

Ratio	Yours	Ideal	Watch
Ca:P pH >7	1291 :1	100:1	Watch P
Ca:Mg	13 :1	6-20:1	
Ca:P pH <7	:1	40:1	
P:Zn	9 :1	15:1	

	NO3 ppm	NH4 ppm
1 Ft	49	2
2 Ft		
3 Ft		
Total PPM		51
Lbs N / Acre*		204
Your Texture		
Loam		
% Base Saturation		276

CATION BASES	IDEAL	YOUR % BASES
CALCIUM % of CEC	65-80	233
MAGNESIUM % of CEC	10-20	30
POTASSIUM % of CEC	2-6	2
SODIUM % of CEC	< 5	12
HYDROGEN % of CEC	< 15	
CEC		16

FERTILIZER SUGGESTIONS IN POUNDS/ACRE BASED ON YOUR CROP & YIELD GOAL

Crop			Your Notes
Yield Goal			
Past Crop			
Acres			
Nitrogen			
Phosphate			
Potash			
Sulfate- S			
Elemental- S	744		
Gypsum			
Lime			
Dolomite			
Magnesium			
Zinc			
Manganese			
Copper			
Boron			

-LOI: Loss of Ignition *CEC-Cation Exchange Capacity
*For acid soils pH <6.5 *Phosphate-P205 / Potash-K20
-Split apply Nitrogen fertilizer Add 15 pounds N/Ton Stubble
-Nitrogen (N) Sulfates and Boron (B) recs are for this crop year at your yield
-Other nutrient recs can be split over 2- years. Work with your crop advisor
Elemental Sulfur = Reclamation Sulfur P.F. Sulfur = Plant Food Sulfur

PPM K / 390 = Meq PPM Mg / 120 = Meq

PPM Ca / 200 = Meq PPM Na / 230 = Meq

"Always practice the laws of Agronomy. Obey the rules of biology, chemistry and physics." - John P. Taberna, Soil Scientist

Western Laboratories, Inc.
211 Highway 95 • Parma, ID 83660
208-649-4360 • FAX 208-402-5303
http://www.westernlaboratories.com
Methods: www.westernlaboratories.com/soil.htm

Soil PAP NAPT naptprogram.org Approved for 2025

Dealer: PD
Reported: 7-17-2026
Test #: 1
Grower: Brian Burnett
Field ID: 2

Lab #:
35806

AGRICULTURAL SOIL REPORT

ELEMENT	YOUR RESULTS	INTERP	SHOULD BE
pH-Your Soil	9.3	Strongly Basic	
pH-Buffer*			
Soluble Salts EC-mmhos/cm	0.84	Optimum	< 1.5
% Lime Ca CO3	2.0	Crusting, sealing surface	
% Organic Matter-LOI	2.72	Medium	
Nitrates-ppm N03-N	36	High	10 - 35
Ammonium-ppm NH4-N	2	Low	5 +
Phosphorus-ppm Olsen-P	5	Very Low	25 - 40
Phos-ppm Bray-P*			50 - 100
Potassium-ppm K	244	Low	300 +
Sulfates-ppm S04-S	312	Very High	20 +
Calcium-ppm Ca	5829	Very High	1,800 +
Magnesium-ppm Mg	545	High	250 +
Sodium-ppm Na	2963	Very High	< 225
Zinc-ppm Zn	0.4	Very Low	1.0 - 3.0
Copper-ppm Cu	1.1	Optimum	0.8 - 2.5
Manganese-ppm Mn	14	Optimum	6 - 15
Iron-ppm Fe	26	High	7 +
Boron-ppm B	3.3	Very High	0.7 - 1.5

Ratio	Yours	Ideal	Watch
Ca:P pH >7	1166:1	100:1	Watch P
Ca:Mg	11:1	6-20:1	
Ca:P pH <7	:1	40:1	
P:Zn	13:1	15:1	

	NO3 ppm	NH4 ppm
1 Ft	36	2
2 Ft		
3 Ft		
Total PPM		38
Lbs N / Acre*		152
Your Texture		
Sandy Loam		
% Base Saturation		382

CATION BASES	IDEAL	YOUR % BASES
CALCIUM % of CEC	65-80	236
MAGNESIUM % of CEC	10-20	37
POTASSIUM % of CEC	2-6	5
SODIUM % of CEC	< 5	104
HYDROGEN % of CEC	< 15	
CEC		12

FERTILIZER SUGGESTIONS IN POUNDS/ACRE BASED ON YOUR CROP & YIELD GOAL

Crop			Your Notes
Yield Goal			
Past Crop			
Acres			
Nitrogen			
Phosphate			
Potash			
Sulfate- S			
Elemental- S	1807		
Gypsum			
Lime			
Dolomite			
Magnesium			
Zinc			
Manganese			
Copper			
Boron			

-LOI: Loss of Ignition *CEC-Cation Exchange Capacity
*For acid soils pH <6.5 *Phosphate-P205 / Potash-K20
-Split apply Nitrogen fertilizer Add 15 pounds N/Ton Stubble
-Nitrogen (N) Sulfates and Boron (B) recs are for this crop year at your yield
-Other nutrient recs can be split over 2- years. Work with your crop advisor
Elemental Sulfur = Reclamation Sulfur P.F. Sulfur = Plant Food Sulfur

PPM K / 390 = Meq PPM Mg / 120 = Meq

PPM Ca / 200 = Meq PPM Na / 230 = Meq

"Always practice the laws of Agronomy. Obey the rules of biology, chemistry and physics." - John P. Taberna, Soil Scientist

Western Laboratories, Inc.
211 Highway 95 • Parma, ID 83660
208-649-4360 • FAX 208-402-5303
http://www.westernlaboratories.com
Methods: www.westernlaboratories.com/soil.htm

Soil PAP NAPT naptprogram.org Approved for 2025

Dealer: PD
Reported: 7-17-2026
Test #: 1
Grower: Brian Burnett
Field ID: 3

Lab #:
35807

AGRICULTURAL SOIL REPORT

ELEMENT	YOUR RESULTS	INTERP	SHOULD BE
pH-Your Soil	7.6	Slightly Basic	
pH-Buffer*			
Soluble Salts EC-mmhos/cm	0.84	Optimum	< 1.5
% Lime Ca CO3	2.0	Crusting, sealing surface	
% Organic Matter-LOI	4.92	High	
Nitrates-ppm N03-N	23	Optimum	10 - 35
Ammonium-ppm NH4-N	3	Low	5 +
Phosphorus-ppm Olsen-P	89	Very High	25 - 40
Phos-ppm Bray-P*			50 - 100
Potassium-ppm K	1070	Very High	300 +
Sulfates-ppm S04-S	1602	Very High	20 +
Calcium-ppm Ca	7754	Very High	1,800 +
Magnesium-ppm Mg	748	Very High	250 +
Sodium-ppm Na	2708	Very High	< 225
Zinc-ppm Zn	0.6	Low	1.0 - 3.0
Copper-ppm Cu	1.0	Optimum	0.8 - 2.5
Manganese-ppm Mn	7	Optimum	6 - 15
Iron-ppm Fe	10	Optimum	7 +
Boron-ppm B	3.8	Very High	0.7 - 1.5

Ratio	Yours	Ideal	Watch
Ca:P pH >7	87 :1	100:1	
Ca:Mg	10 :1	6-20:1	
Ca:P pH <7	:1	40:1	
P:Zn	148 :1	15:1	Watch Zn

	NO3 ppm	NH4 ppm
1 Ft	23	3
2 Ft		
3 Ft		
Total PPM		26
Lbs N / Acre*		104
Your Texture		
Sandy Loam		
% Base Saturation		478

CATION BASES	IDEAL	YOUR % BASES
CALCIUM % of CEC	65-80	311
MAGNESIUM % of CEC	10-20	50
POTASSIUM % of CEC	2-6	22
SODIUM % of CEC	< 5	95
HYDROGEN % of CEC	< 15	
CEC	11	

FERTILIZER SUGGESTIONS IN POUNDS/ACRE BASED ON YOUR CROP & YIELD GOAL

Crop			Your Notes
Yield Goal			
Past Crop			
Acres			
Nitrogen			
Phosphate			
Potash			
Sulfate- S			
Elemental- S	1000		
Gypsum			
Lime			
Dolomite			
Magnesium			
Zinc			
Manganese			
Copper			
Boron			

-LOI: Loss of Ignition *CEC-Cation Exchange Capacity
*For acid soils pH <6.5 *Phosphate-P205 / Potash-K20
-Split apply Nitrogen fertilizer Add 15 pounds N/Ton Stubble
-Nitrogen (N) Sulfates and Boron (B) recs are for this crop year at your yield
-Other nutrient recs can be split over 2- years. Work with your crop advisor
Elemental Sulfur = Reclamation Sulfur P.F. Sulfur = Plant Food Sulfur

PPM K / 390 = Meq PPM Mg / 120 = Meq

PPM Ca / 200 = Meq PPM Na / 230 = Meq

"Always practice the laws of Agronomy. Obey the rules of biology, chemistry and physics." - John P. Taberna, Soil Scientist

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http://www.westernlaboratories.com
Methods: www.westernlaboratories.com/soil.htm

Soil PAP NAPT naptprogram.org Approved for 2025

Dealer: PD
Reported: 7-17-2026
Test #: 1
Grower: Brian Burnett
Field ID: 4

Lab #:
35808

AGRICULTURAL SOIL REPORT

ELEMENT	YOUR RESULTS	INTERP	SHOULD BE
pH-Your Soil	8.0	Moderately Basic	
pH-Buffer*			
Soluble Salts EC-mmhos/cm	0.24	Optimum	< 1.5
% Lime Ca CO3	0.5	Potential surface sealing	
% Organic Matter-LOI	2.58	Medium	
Nitrates-ppm N03-N	28	Optimum	10 - 35
Ammonium-ppm NH4-N	3	Low	5 +
Phosphorus-ppm Olsen-P	163	Very High	25 - 40
Phos-ppm Bray-P*			50 - 100
Potassium-ppm K	868	Very High	300 +
Sulfates-ppm S04-S	64	Optimum	20 +
Calcium-ppm Ca	3726	High	1,800 +
Magnesium-ppm Mg	351	Optimum	250 +
Sodium-ppm Na	67	Optimum	< 225
Zinc-ppm Zn	1.1	Optimum	1.0 - 3.0
Copper-ppm Cu	0.3	Very Low	0.8 - 2.5
Manganese-ppm Mn	2	Very Low	6 - 15
Iron-ppm Fe	2	Very Low	7 +
Boron-ppm B	1.8	High	0.7 - 1.5

Ratio	Yours	Ideal	Watch
Ca:P pH >7	23 :1	100:1	
Ca:Mg	11 :1	6-20:1	
Ca:P pH <7	:1	40:1	
P:Zn	148 :1	15:1	Watch Zn

	NO3 ppm	NH4 ppm
1 Ft	28	3
2 Ft		
3 Ft		
Total PPM		31
Lbs N / Acre*		124
Your Texture		
Loamy Sand		
% Base Saturation		383

CATION BASES	IDEAL	YOUR % BASES
CALCIUM % of CEC	65-80	296
MAGNESIUM % of CEC	10-20	47
POTASSIUM % of CEC	2-6	35
SODIUM % of CEC	< 5	5
HYDROGEN % of CEC	< 15	
CEC		6

FERTILIZER SUGGESTIONS IN POUNDS/ACRE BASED ON YOUR CROP & YIELD GOAL

Crop			Your Notes
Yield Goal			
Past Crop			
Acres			
Nitrogen			
Phosphate			
Potash			
Sulfate- S			
Elemental- S	213		
Gypsum			
Lime			
Dolomite			
Magnesium			
Zinc			
Manganese			
Copper			
Boron			

-LOI: Loss of Ignition *CEC-Cation Exchange Capacity
*For acid soils pH <6.5 *Phosphate-P205 / Potash-K20
-Split apply Nitrogen fertilizer Add 15 pounds N/Ton Stubble
-Nitrogen (N) Sulfates and Boron (B) recs are for this crop year at your yield
-Other nutrient recs can be split over 2- years. Work with your crop advisor
Elemental Sulfur = Reclamation Sulfur P.F. Sulfur = Plant Food Sulfur

PPM K / 390 = Meq PPM Mg / 120 = Meq

PPM Ca / 200 = Meq PPM Na / 230 = Meq

"Always practice the laws of Agronomy. Obey the rules of biology, chemistry and physics." - John P. Taberna, Soil Scientist

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http://www.westernlaboratories.com
Methods: www.westernlaboratories.com/soil.htm

Soil PAP NAPT naptprogram.org Approved for 2025

Dealer: PD
Reported: 7-17-2026
Test #: 1
Grower: Brian Burnett
Field ID: 5

Lab #:
35809

AGRICULTURAL SOIL REPORT

ELEMENT	YOUR RESULTS	INTERP	SHOULD BE
pH-Your Soil	7.7	Slightly Basic	
pH-Buffer*			
Soluble Salts EC-mmhos/cm	0.21	Optimum	< 1.5
% Lime Ca CO3	0.5	Potential surface sealing	
% Organic Matter-LOI	1.20	Very Low	
Nitrates-ppm N03-N	16	Optimum	10 - 35
Ammonium-ppm NH4-N	3	Low	5 +
Phosphorus-ppm Olsen-P	19	Low	25 - 40
Phos-ppm Bray-P*			50 - 100
Potassium-ppm K	665	Very High	300 +
Sulfates-ppm S04-S	24	Optimum	20 +
Calcium-ppm Ca	2288	Optimum	1,800 +
Magnesium-ppm Mg	179	Low	250 +
Sodium-ppm Na	27	Optimum	< 225
Zinc-ppm Zn	1.1	Optimum	1.0 - 3.0
Copper-ppm Cu	0.3	Very Low	0.8 - 2.5
Manganese-ppm Mn	3	Very Low	6 - 15
Iron-ppm Fe	3	Very Low	7 +
Boron-ppm B	0.6	Low	0.7 - 1.5

Ratio	Yours	Ideal	Watch
Ca:P pH >7	120 :1	100:1	Watch P
Ca:Mg	13 :1	6-20:1	
Ca:P pH <7	:1	40:1	
P:Zn	17 :1	15:1	Watch Zn

	NO3 ppm	NH4 ppm
1 Ft	16	3
2 Ft		
3 Ft		
Total PPM		19
Lbs N / Acre*		76
Your Texture		
Loamy Sand		
% Base Saturation		246

CATION BASES	IDEAL	YOUR % BASES
CALCIUM % of CEC	65-80	191
MAGNESIUM % of CEC	10-20	25
POTASSIUM % of CEC	2-6	28
SODIUM % of CEC	< 5	2
HYDROGEN % of CEC	< 15	
CEC		6

FERTILIZER SUGGESTIONS IN POUNDS/ACRE BASED ON YOUR CROP & YIELD GOAL

Crop			Your Notes
Yield Goal			
Past Crop			
Acres			
Nitrogen			
Phosphate			
Potash			
Sulfate- S			
Elemental- S	69		
Gypsum			
Lime			
Dolomite			
Magnesium	10	10	
Zinc			
Manganese			
Copper			
Boron			

-LOI: Loss of Ignition *CEC-Cation Exchange Capacity
*For acid soils pH <6.5 *Phosphate-P205 / Potash-K20
-Split apply Nitrogen fertilizer Add 15 pounds N/Ton Stubble
-Nitrogen (N) Sulfates and Boron (B) recs are for this crop year at your yield
-Other nutrient recs can be split over 2- years. Work with your crop advisor
Elemental Sulfur = Reclamation Sulfur P.F. Sulfur = Plant Food Sulfur

PPM K / 390 = Meq PPM Mg / 120 = Meq
PPM Ca / 200 = Meq PPM Na / 230 = Meq

"Always practice the laws of Agronomy. Obey the rules of biology, chemistry and physics." - John P. Taberna, Soil Scientist

Exhibit E:

DESERT EDGE
COMMERCIAL

BUILD BEYOND THE HORIZON

Riverbend- Parma Gravel Pit
Canyon County Board of Commissioners
August 4, 2026

TABLE OF CONTENTS

01 Site Location

02 Project Outline

03 Site Operation Plan

04 Compatibility with comprehensive plan

05 Stakeholder Coordination & Impact Mitigation Planning

06 Soil Testing Summary

07 Acceleration Lane & Intersection Geometry

08 Utility & Infrastructure Requirements

09 Completed Gravel Extraction & Reclamation Project

DESERT EDGE
COMMERCIAL



SITE LOCATION

- 25192 Lemp Lane
- 50.2 acres
- Agricultural zoning
- approx. 2.5 miles northwest of Notus

DESERT EDGE
COMMERCIAL

PROJECT OUTLINE

Sand & Gravel Extraction Area:
≈26 Acres

Operating Hours:
7:00 AM – 7:00 PM
(7 Days / Week During Peak Activity)

Estimated Workforce:
≈6 Employees

Truck Traffic at Peak:
≈50 Loads / Day

Permit Duration:
Up To 20 Years

Post-Operation Use:
Reclaimed Groundwater-Fed Pond

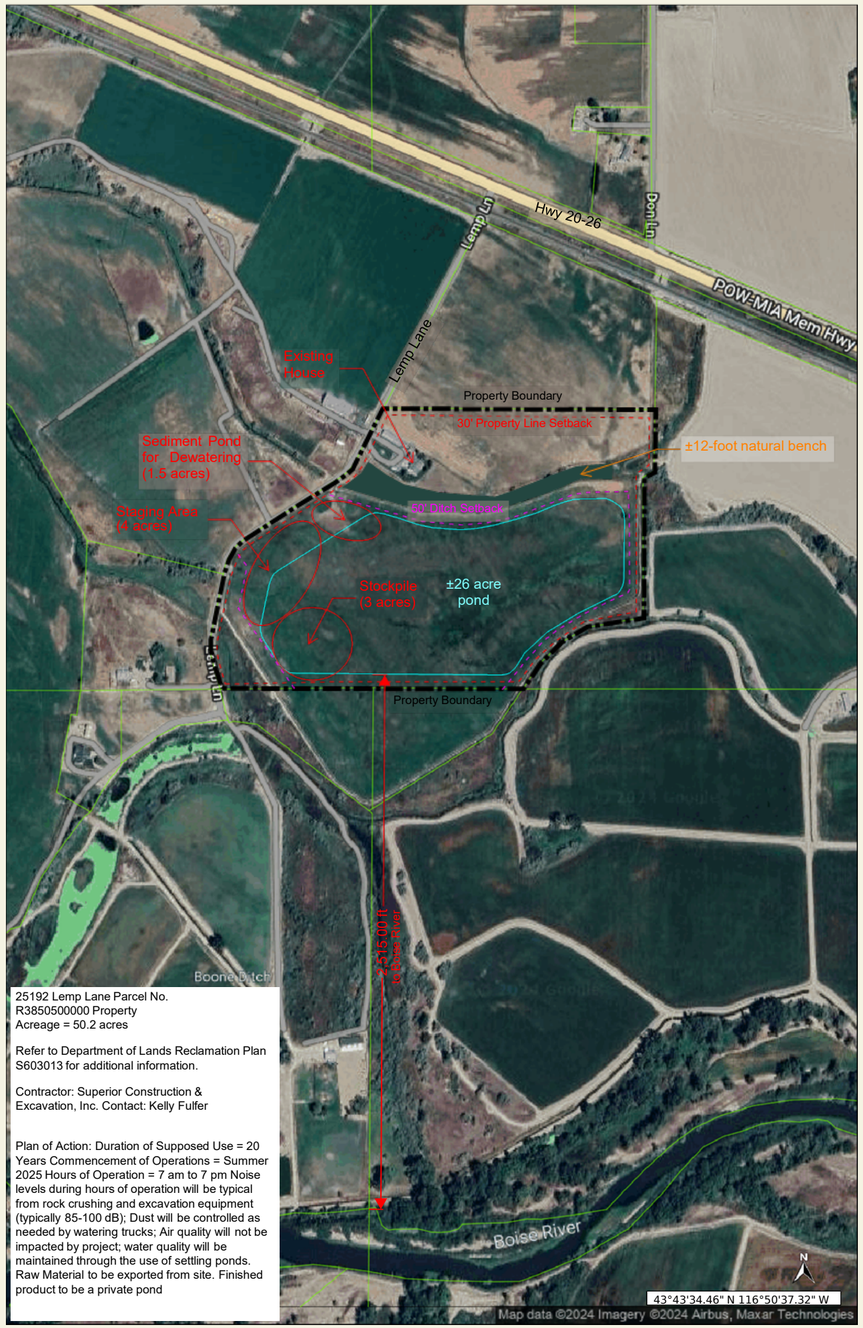
DESERT EDGE
COMMERCIAL



landproDATA

Site/Operations Plan

Riverbend - ParmaGravelPit



25192 Lemp Lane Parcel No.
R3850500000 Property
Acreage = 50.2 acres

Refer to Department of Lands Reclamation Plan S603013 for additional information.

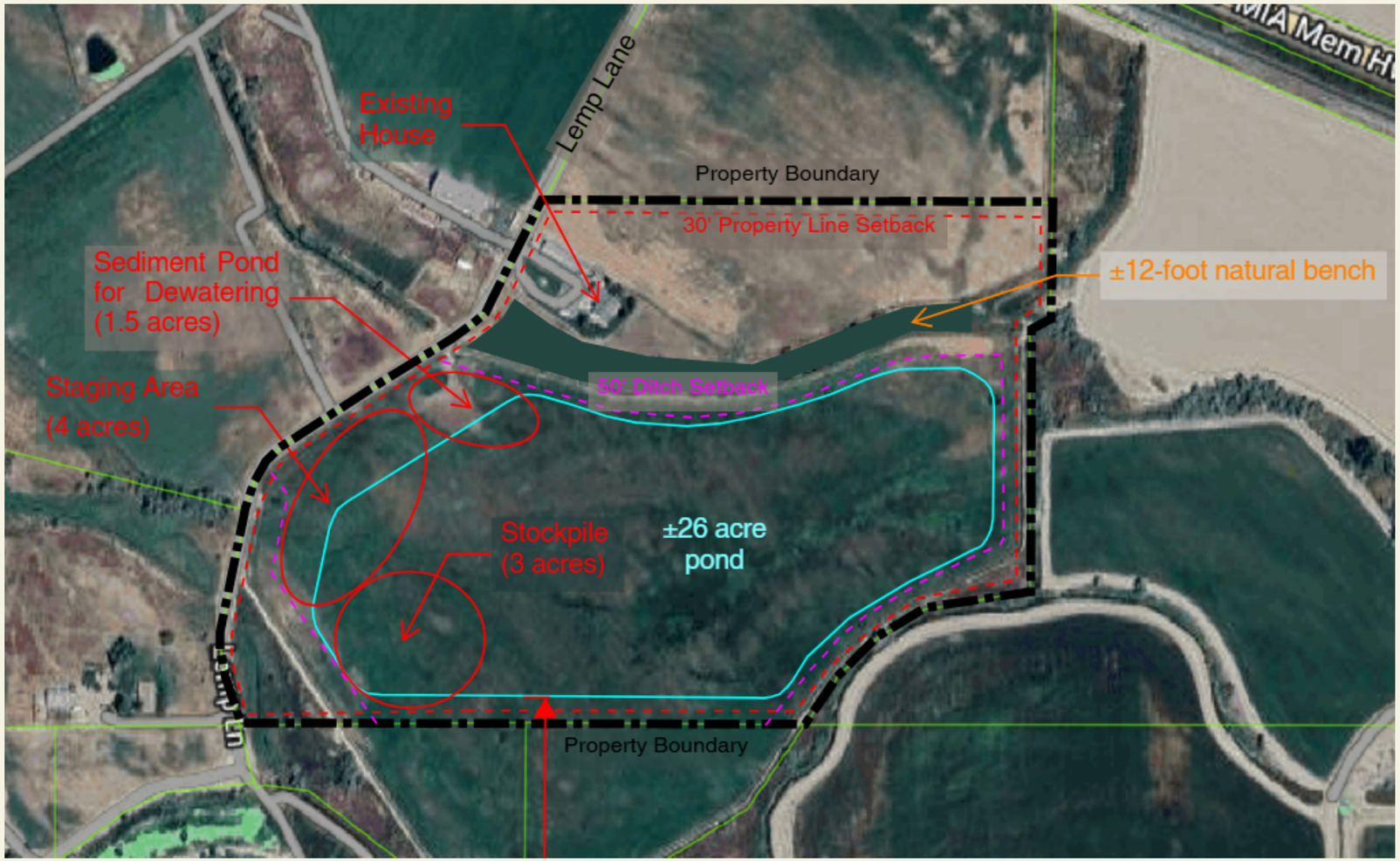
Contractor: Superior Construction & Excavation, Inc. Contact: Kelly Fulfer

Plan of Action: Duration of Supposed Use = 20 Years Commencement of Operations = Summer 2025 Hours of Operation = 7 am to 7 pm Noise levels during hours of operation will be typical from rock crushing and excavation equipment (typically 85-100 dB); Dust will be controlled as needed by watering trucks; Air quality will not be impacted by project; water quality will be maintained through the use of settling ponds. Raw Material to be exported from site. Finished product to be a private pond

Aug 20, 2024 - landproDATA.com
Scale: 1 inch approx 400 feet

The materials available at this website are for informational purposes only and do not constitute a legal document.

Enlarged Detail



CONSISTENCY WITH THE CANYON COUNTY COMPREHENSIVE PLAN & GOALS

✓ Allowed Use in Agricultural Zoning

Mineral extraction is conditionally permitted within the A–Agricultural zone

✓ Supports Regional Growth Needs

Provides construction aggregate for:

- Infrastructure
- Housing
- Future Development

Creates Local Employment

✓ Appropriate Use of Limited Agricultural Soils

Located on Class IV–V soils with severe agricultural limitations

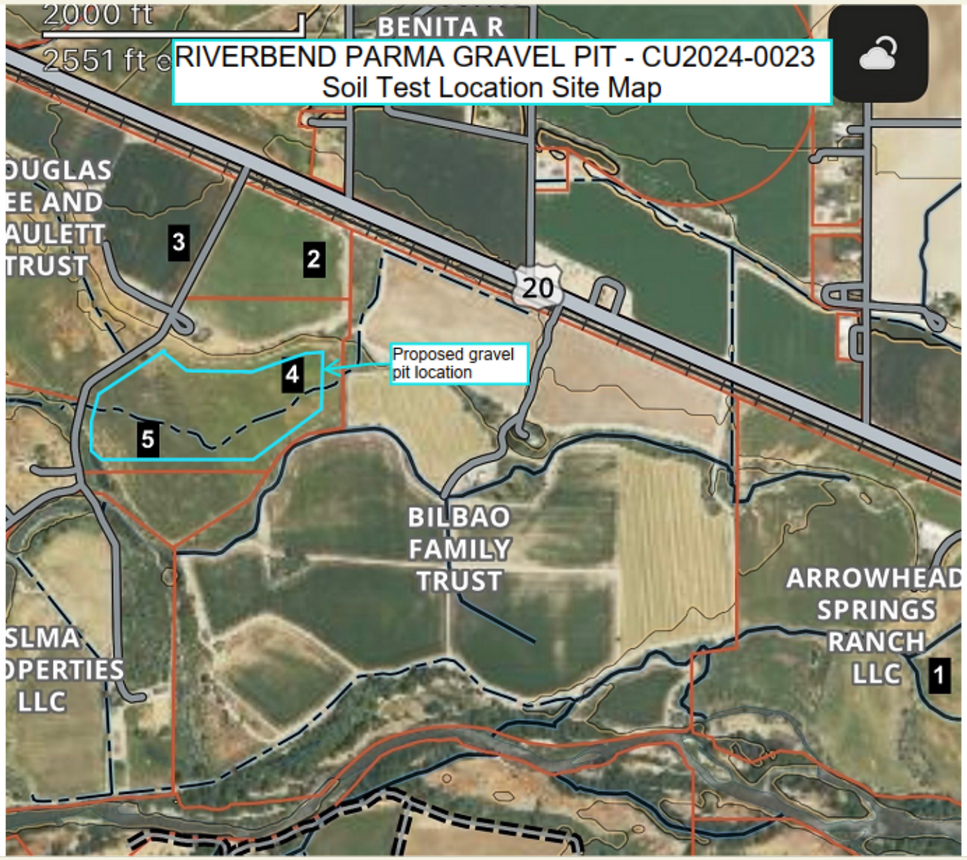
✓ Compatible with Rural Character

Designed to avoid conflicts with:

- Adjacent agricultural operations
- Irrigation infrastructure
- Boise River corridor

Final reclamation results in permanent pond

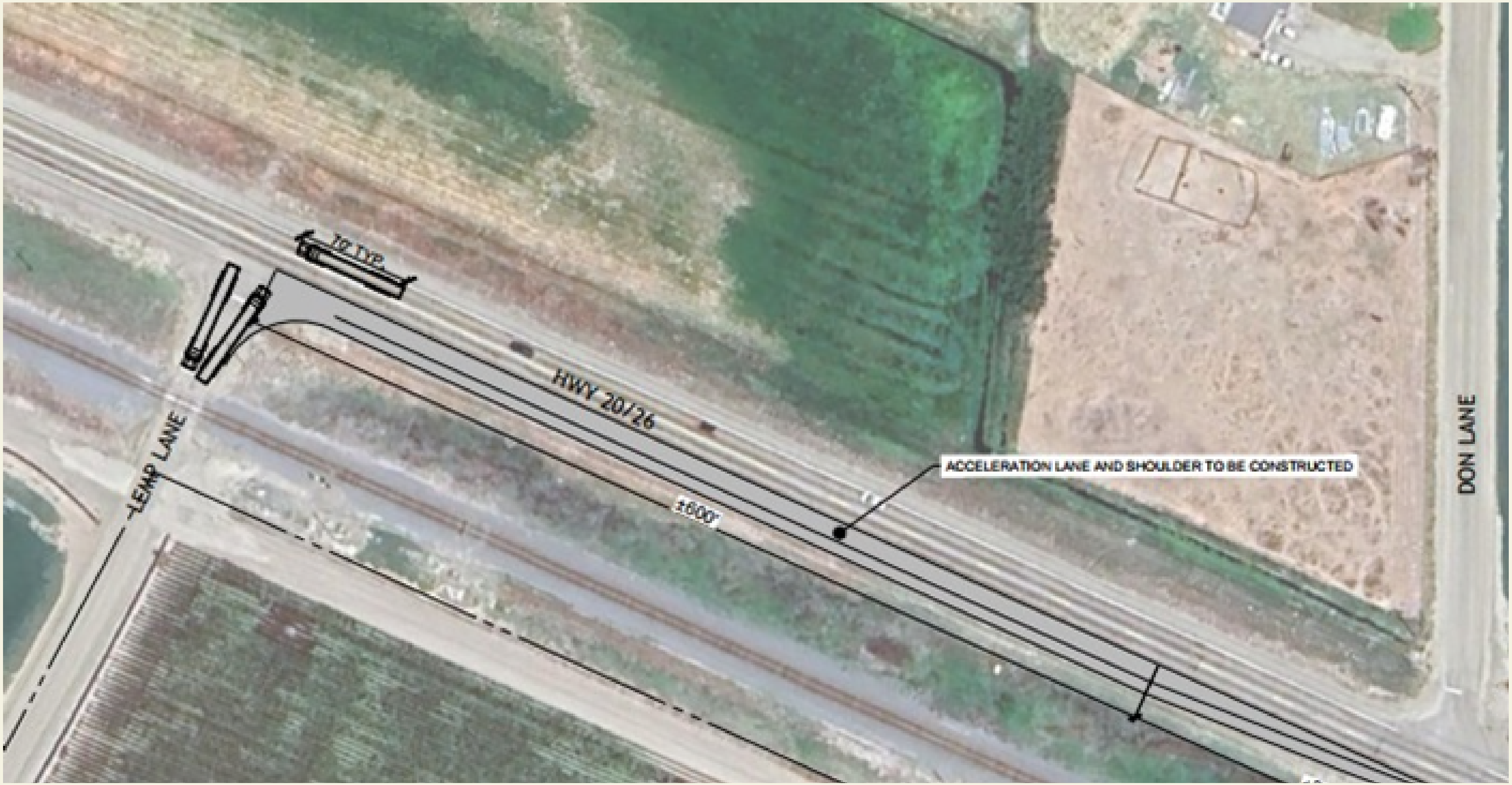
DESERT EDGE
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Summary of Soil Evaluation for suitability of soil to support agricultural uses.

Overall Ranking (Best to Worst)

1. **Sample 3** — Best overall soil; highest yield potential.
2. **Sample 1** — Excellent loam soil with good nutrient retention and strong productivity.
3. **Sample 2** — Good agricultural soil but somewhat limited by higher pH and sandy loam texture.
4. **Sample 4** — Marginal compared to the top three due to coarse texture and lower fertility.
5. **Sample 5** — Weakest soil because of its very low organic matter, very low nutrient-holding capacity, and multiple nutrient deficiencies.



Acceleration Lane and Intersection Geometry

STAKEHOLDER COORDINATION & IMPACT MITIGATION PLANNING

Potential Impact Area	Coordination Completed
Irrigation Infrastructure	Irrigation District + Adjacent Owners
Floodplain Conditions	No Mining in Floodway
Site Reclamation	ID Dept. of Lands Approved Plan
Water Resources	IDWR Pond Water Right Obtained
Local Road Capacity	Lemp Lane Testing + Improvements
State Highway Access	ITD Encroachment Review
Haul Traffic Safety	Acceleration Lane Proposed
Railroad Crossing	Union Pacific Site Review

DESERT EDGE
COMMERCIAL

UTILITY & INFRASTRUCTURE REQUIREMENTS

PUBLIC UTILITIES

- ⊘ Public Water Not Required
- ⊘ Sewer Not Required
- ⊘ Irrigation Facilities Not Required

STORM WATER & ACCESS

- ✓ Stormwater Retained Onsite
- ✓ Existing Roadway Network Utilized

DESERT EDGE
COMMERCIAL

DESERT EDGE
COMMERCIAL

COMPLETED GRAVEL EXTRACTION & RECLAMATION PROJECT

BEFORE



•Accretion Ground
•In the flood way
•Unusable ground at acquisition
•Little to no wildlife habitat due to ground composition

AFTER



•20-acre lake & 7-acre lake
•2.8- acres of created wet land and wildlife habitat
•Wildlife on developed property (Bald Eagles, Blue Herron, Deer, Abundance of Waterfowl)

DESERT EDGE
COMMERCIAL

THANK YOU!

ANY Questions?

Exhibit 6F:

PROFESSIONAL ENGINEERING SERVICES

April 15, 2026

Amber Lewter, Associate Planner
Canyon County Development Services
111 N. 11th Avenue, Room 311
Caldwell, ID 83605

Re: Appeal of the Decision for Conditional Use Permit #CU2024-0023
Riverbend-Parma Gravel Pit Operations
Parcel #R3850500000, 25192 Lemp Lane, Parma, ID
Statement of Reason

Dear Ms. Lewter,

We are pleased to submit the above referenced appeal of the decision for CU2024-0023 for the proposed Riverbend-Parma Gravel Pit (hereinafter the "Project") on behalf of our client, Drake Investments, LLC. Included with this Statement of Reason you will find the required Master Application and other supporting documents for this Appeal of Decision request. Additional documentation to support our appeal will be provided prior to the submittal deadline for the public hearing.

The proposed project site is a 51-acre parcel located at 25192 Lemp Lane, Parma, Idaho. The project consists of surface mining of the sands and gravel out of approximately 26 acres of the lower portion of the property. The 15-acres of property on the bench will not be impacted by the mining operation. Upon conclusion of the mining activities the gravel pit will become a pond and all areas outside of the pond will be revegetated in accordance with the approved Reclamation Plan issued by the Idaho Department of Lands on July 11, 2024. A water right has been obtained for the resulting pond and a copy of that water right approval is included with this application package.

The project was reviewed and denied by the Canyon County Planning and Zoning Commission on March 19, 2026, and the Finding of Facts and Conclusion of Law and Order (FCO's) were signed on April 2, 2026. We appeal this decision and request a re-evaluation of the project by the Canyon County Commissioners. We specifically disagree with the P&Z Commission where they determined that we did not meet the County Ordinance criteria as outlined below:

1. **Code Section 3 – Is the proposed use consistent with the comprehensive plan?**
   The subject property is designated as "Agriculture" on the future land use map with an intensive agricultural overlay. While the goal is to preserve agricultural land in Canyon County it is not reasonable to expect property owners to limit the use of their property to agricultural purposes when the soil is poor quality and the land is not highly productive. The farmer that works the upper portion of this property is unwilling to farm the gravel pit project area because the poor soil result in poor productivity and makes working this land unviable. Note that the comments received from Growing Together in opposition to the project refers to protecting "viable farmland and farming operations" but does not address the viability of

this property as farmland.
The proposed use of the property as a gravel pit is not incompatible with the agricultural operations in the area. Any potential conflicts concerning noise, dust, smells and safety will be addressed in the conditions of approval.

2. **Code Section 4 – Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?**
The findings imply that allowing the property to be used for the proposed gravel pit would be removing land from "productive agriculture" and change the character of the area. As outlined in the section above, the area proposed for the gravel pit is not "productive agriculture" land. While it has been used for agricultural purposes it has not been particularly productive and the County should not restrict the owner to this use. The proposed change in use is allowed in the agricultural area with a conditional use permit (CUP) and will not be injurious to other property in the immediate vicinity or change the essential character of the area. The conditions of approval will protect the neighbors from undue impacts of dust, noise and traffic. The resulting pond will not detract from the character of the area.

3. **Code Section 7 – Will there be undue interference with existing or future traffic patterns?**
During the P&Z Commission hearing there was much skepticism by a couple of the board members about the recommended requirements of ITD and the Notus Parma Highway District (NPHD) for this project. Skepticism was so high that one commissioner said that there was nothing that ITD could require to make them feel that the traffic issues could be addressed. This is not a reasonable position when we are required to turn to these agencies for evaluating and conditioning these projects. They are the professionals that we are required to coordinate with on projects in this area.
A second issue brought up during the hearing was the traffic impact study. There seemed to be confusion about the traffic study information required by NPHD which had to do with the structural capacity of Lemp Lane, not the actual traffic being generated by the gravel operation. The proposed gravel pit operation will have a maximum of 50 truck trips per day when they are at peak operation, this is an average of one truck every 15 minutes. Both ITD and NPHD determined that this amount of traffic did NOT warrant a traffic impact study to address the traffic being generated by the gravel pit. It should be noted that the gravel pit owner is prepared to make improvements to Lemp Lane as required based upon the structural capacity analysis as well as any other improvements required by ITD, NPHD and by Union Pacific Railroad.
ITD required some improvements to the US 20/26 and Lemp Lane intersection, however, the gravel pit owner has offered to construct an acceleration lane for trucks turning right onto US 20/26 to reduce impacts to traffic movement on the highway, and to restrict trucks to right turns only. In addition, to address concerns about the trucks and their movements between the highway, Lemp Lane and the railroad crossing, we attached an exhibit that shows there is room for a gravel truck to move onto Lemp Lane and wait for a passing train. This way the truck is not stuck on the highway when trains are passing. This exhibit also shows the proposed 600-foot acceleration lane.

All other Code Sections criteria were met according to the FCO's.

Additional information to support this appeal will be forthcoming and will be submitted to Canyon County Development Services prior to the submittal deadline. Should you require any additional information or have any questions regarding this application, please do not hesitate to contact me by phone at (406) 600-6218 or by email at mary@pe-services.biz.

Very truly yours,

Mary B. Wall, PE
Principal

Enclosure: Railroad & Hwy 20/26 Exhibit

CC:

RIVERBEND - PARMA GRAVEL PIT
25192 LEMP LANE
CANYON COUNTY, IDAHO

RAILROAD & HWY 20/26 EXHIBIT

EX2.0

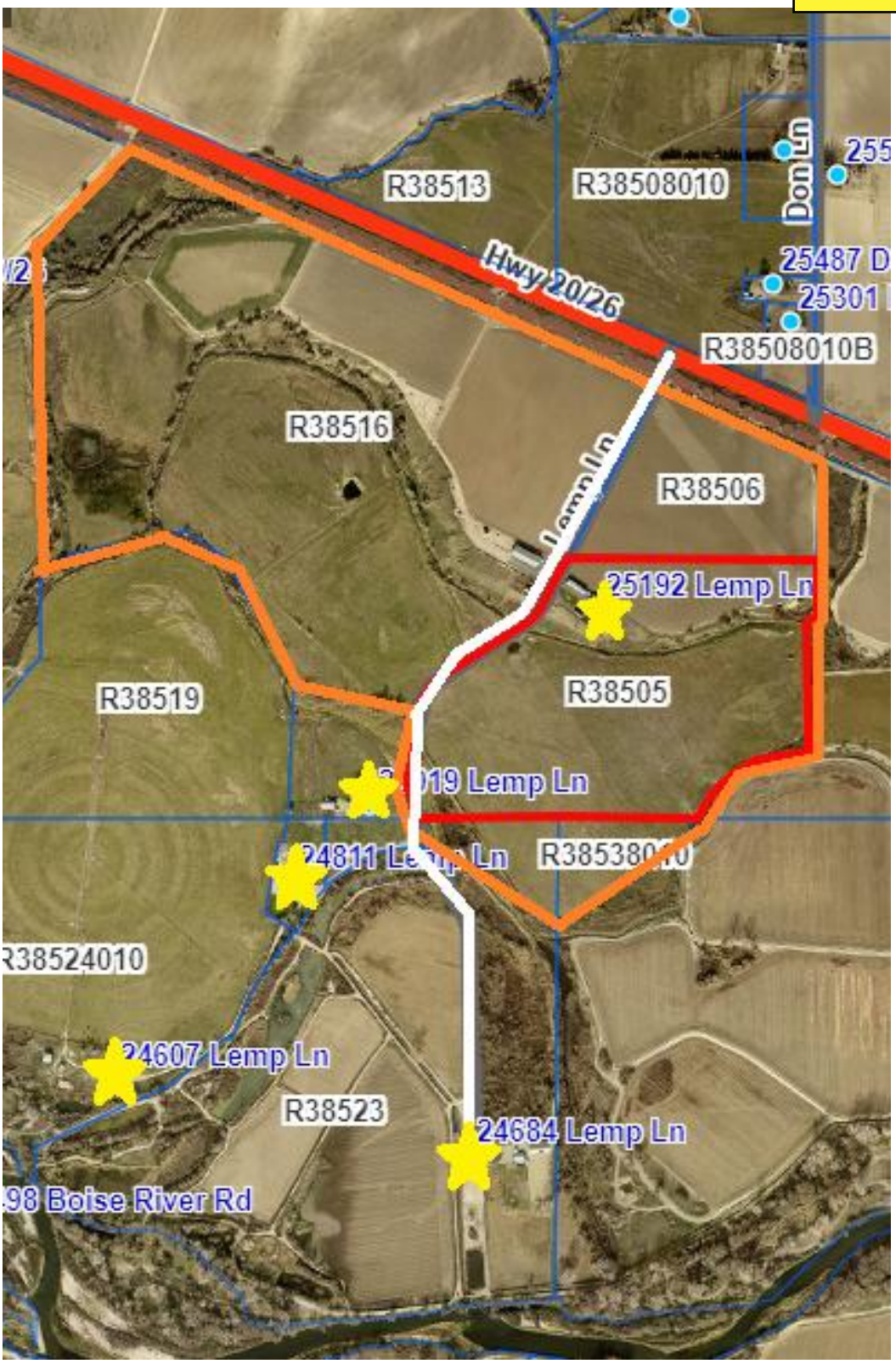
SHEET INFO

REVISIONS

CivilSphere Engineering

NOT FOR CONSTRUCTION

Exhibit 6G:



Orange – Applicant-Owned Property

Red – Subject Property

White – Lemp Lane

Yellow Star – Properties on Lemp Lane

Exhibit 6H:

Archived: Wednesday, August 26, 2026 6:43:06 PM
From: Natalie Jonsson
Mail received time: Mon, 17 Aug 2026 23:47:04
Sent: Monday, August 17, 2026 5:47:05 PM
To: Mary Wall
Cc: Amber Lewter Brian Burnett [redacted]
Subject: Re: [External] Re: 8/4 and 8/6 Hearings
Importance: Normal
Sensitivity: None
Attachments:
image001.png; nformal Neighbor Meeting Letter.docx; MG_4522.jpeg;

Amber -

The attached letter went out to the neighbors today. Looking forward to seeing you again on Sept 3rd. =)

On Mon, Aug 17, 2026 at 8:56 'a0AM Mary Wall <mary@pe-services.biz> wrote:

> Thanks, Amber!
>
> **Mary B. Wall, PE**
>
> [redacted]
>
> ---
>
> **From:** Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
> **Sent:** Monday, August 17, 2026 8:33 AM
> **To:** Mary Wall <mary@pe-services.biz>
> **Cc:** Natalie Jonsson ([redacted]>; Brian Burnett ([redacted]>
> **Subject:** RE: [External] Re: 8/4 and 8/6 Hearings
>
> Good morning, Mary,
>
> I apologize; the Admin team got these over to me after I left on Friday. Here are the sign-in sheets from the hearing.
>
> Sincerely,

Amber Lewter

Associate Planner

Canyon County Development Services Department
111 N. 11th Ave. Suite 310, Caldwell, ID 83605

Office: (208) 402-4164 - Direct: (208) 454-6631 - Website: canyoncounty.id.gov

PUBLIC RECORD NOTICE: All communications transmitted within the Canyon County email system may be a public record and may be subject to disclosure under the Idaho Public Records Act and as such may be copied and reproduced by members of the public.

From: Mary Wall <mary@pe-services.biz>
Sent: Friday, August 14, 2026 11:48 AM
To: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Cc: Natalie Jonsson [redacted]; Brian Burnett [redacted]>
Subject: RE: [External] Re: 8/4 and 8/6 Hearings
Importance: High

Amber,

Can you provide any contact information you have for the neighbors and other people that were at the hearing on Wednesday? Maybe a copy of the sign in sheets?

Thanks,

Mary B. Wall, PE

[redacted]

From: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Sent: Tuesday, August 11, 2026 3:55 PM
To: Mary Wall <mary@pe-services.biz>
Cc: Natalie Jonsson (Natalie@desertedgecommercial.com) <Natalie@desertedgecommercial.com>; Brian Burnett (invest1977@yahoo.com) <invest1977@yahoo.com>
Subject: RE: [External] Re: 8/4 and 8/6 Hearings

Aug 17, 2026

Dear Neighbors,

Following the August 12, 2026 appeal hearing regarding the proposed gravel extraction project off Lemp Lane, the County Commissioners asked us to meet with neighboring property owners in an effort to find common ground and identify potential concessions that could address concerns surrounding the project.

We would like to invite you to an informal neighborhood meeting where we can hear your thoughts, concerns, and ideas and have a productive conversation about potential solutions.

To provide flexibility, we will hold two meeting times:

Tuesday, September 1 at 6:00 PM
Wednesday, September 2 at 9:00 AM

Both meetings will be held on Lemp Lane in front of 25192 Lemp Ln, Parma, ID 83660.

Our goal is to have an open and respectful discussion with our neighbors about the proposed project, better understand the concerns that have been raised, and explore reasonable measures or concessions that could help address those concerns as we work toward a resolution.

There is no need to attend both meetings—please join us at whichever time works best for you.

If you are unable to attend either meeting, we still very much welcome your input. Please feel free to email your thoughts, concerns, or ideas to natalie@desertedgecommercial.com.

We appreciate your willingness to participate in the conversation and hope these meetings will give everyone an opportunity to be heard and help us identify a path forward that takes the surrounding neighborhood into consideration.

Sincerely,

Natalie Jonsson

Annie English
215 Queens Dr.
Nampa ID 83687

Don Moss
3954 W. Deer Flat Rd.
Kuna ID 83634

Julia Aman
25301 Don Lane
Parma ID 83660

Colby Brunton
1660 Daffodil Pl.
Idaho Falls ID 83404

Stuart Beswick
21805 Ten Davis Rd.
Parma ID 83660

Ryan / Melinda Upson
24684 Lemp Lane
Parma ID 83660

Holly / Joe Grubiak
24811 Lemp Lane
Parma ID 83660

Steve Moss
12161 W. Kithredge Dr.
Kuna ID 83634

Exhibit 6I:

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.

Argumentitive 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).

Exhibit 7:

EXHIBIT VII.

Board of County Commissioners Staff Report Dated August 4, 2026

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Board of County Commissioners

Case #: CU2024-0023-APL

Hearing Dated: September 3, 2026

Board of Canyon County Commissioners
Hearing Date: August 4, 2026
Canyon County Development Services Department

PLANNING DIVISION - APPEAL

CASE NUMBER:	**CU2024-0023-APL**
APPELLANT:	**Brian Burnett**
REPRESENTATIVE:	**Professional Engineering Services, Mary Wall**
APPLICATION:	**The appellant requests that the Board of Canyon County Commissioners overturn the Planning and Zoning Commission's DENIAL and approve the request for a conditional use permit for long-term mineral extraction.**
LOCATION:	**25192 Lemp Lane, Parma** **Parcel: R38505**
ANALYST:	**Amber Lewter, Associate Planner**

SUMMARY:

On October 18, 2024, Brian Burnett submitted an application requesting a Conditional Use Permit for a long-term mineral extraction on parcel R38505, on approximately 26 acres of the 50.2-acre parcel in the "A" (Agricultural) zone for a maximum of twenty (20) years.

The Planning and Zoning Commission heard case CU2024-0023 on March 19, 2026, where staff recommended approval with eighteen (18) conditions (**Exhibit 3A**).

On March 19, 2026, the Planning and Zoning Commission considered the staff report, written comments, agency comments, oral testimony, documentary evidence, and the entire record and denied case CU2024-0023 based on the following findings (**Exhibit 1**):

- **07-07-05(3): The proposed use is not consistent with the 2030 Canyon County Comprehensive Plan.**
    - The 2030 Canyon County Comprehensive Plan designates the subject parcel as "Agriculture" on the future land use map with an intensive agriculture overlay (**Exhibit 3C2.16**).

      The definition of Intensive Agriculture in the 2030 Comprehensive Plan states that "*This overlay is applied to protect working lands and operations. These areas may have higher quality soils, water availability, and relatively flat topography. Uses may include seed production, crops, orchards, vineyards, concentrated animal feeding operations, grazing, and other agriculturally-based uses. This designation aims to protect agriculture operations from incompatible uses and reduce the conflicts concerning noise, dust, smells, and safety*."

      The Planning and Zoning Commission found that the proposed long-term mineral extraction was not consistent with the intent of the intensive agricultural overlay.

- Public comment received from Growing Together stated that the County's agricultural zone is intended to protect viable farmland and farming operations and that a long-term mineral extraction is not allowed by right in the agricultural zone, meaning it may not be compatible with agricultural uses (**Exhibit 3F1**).

- **07-07-05(4): The proposed use will be injurious to other property in the immediate vicinity and will negatively change the essential character of the area because the proposed use would be removing land from productive agriculture, therefore changing the character of the area.**

    - Growing Together stated that the proposed use for a future pond is not the same as preserving agricultural character and that a permanent lake replaces farm ground. Growing Together commented that it is noted by the project team that houses may later be added around the lakes, which points toward a long-term change in character away from agriculture and toward rural residential (**Exhibit 3F1**).

    - The Planning and Zoning Commission found that the long-term mineral extraction would impact the surrounding area due to an increase in dust, noise, lighting, and traffic related to the use

      Dust: The proposed use would increase the dust levels in the immediate vicinity.

      Noise: Although a batch plant will not be located on the subject parcel, noise levels would increase in the immediate vicinity due to mining activities and rock crushing that are proposed to take place on site (**Exhibit 3B2**).

      Traffic: A potential impact on traffic would occur due to the large heavy equipment. Notus Parma Highway District provided comments requesting a traffic impact study to be performed (**Exhibit 3E5 and 3E5.1**). Idaho Transportation Department provided a comment requesting a structural analysis (**Exhibit 3E3**).

- **07-07-05(7): There may be undue interference with the existing and future traffic patterns. The impact on traffic is unknown without a traffic impact study.**

    - Notus Parma Highway District's first comment required a Traffic Impact Study prior to a hearing to determine the impacts of the existing and future traffic patterns (Exhibit 3E5).

      The revised comment from Notus Parma Highway District stated that a "Traffic Impact Study is required to provide subsurface borings that will include data to determine the existing structural capacity of Lemp Lane and make recommendations for the required improvements to Lemp Lane, as required. This work will not be required prior to scheduling the P&Z hearing, so the applicant can avoid incurring costs related to the structural capacity analysis until after the project is approved" (**Exhibit 3E5.1**).

    - Idaho Transportation Department (ITD) recommended conducting a structural analysis of the intended intersection (**Exhibit 3E6**).

    - Without the studies requested, such as the Traffic Impact Study for the surrounding area, the Planning and Zoning Commissioners find that, as of now, there is not enough evidence to suggest the proposed use will not interfere with the existing or future traffic patterns.

The appeal of the Planning and Zoning decision with the Findings of Facts, Conclusions of Law, and Order of Decision (FCOs) signed on April 2, 2026, was filed within the 15 days of the appeal period on April 15, 2026 (**Exhibit 4**). The letter of appeal included a statement of reasons for the appeal and the filing fee of $1,100.

The letter of appeal asserts that the proposed conditional use permit for a long-term mineral extraction meets all the required criteria for the following reasons (**Exhibit 4b**):

- **07-07-05(3): A long-term mineral extraction is consistent with the 2030 Comprehensive Plan.**
    - The appellant states that while the goal of the intensive agricultural overlay is to preserve agricultural land in Canyon County, it is not reasonable to expect property owners to limit the use of their property to agricultural purposes when the soil is poor quality, and the land is not highly productive.

      The Comprehensive Plan shows that the soil in this area is considered "moderately suited" or "least suited" soils for agricultural purposes (**Exhibit 6C**).

      The farmer that works the upper portion of the subject property is unwilling to farm the area for the proposed gravel pit because the poor soil results in poor productivity and makes working the land unviable.

      The comment letter from said farmer states that he has been farming the subject property for 10 years and, in his experience, the land is not fit for farming because there is no live water on the piece of ground, the soil is heavily alkaline, full of rocks, and will not hold water (**Exhibit 6A**).
    - The proposed conditions of approval will mitigate any potential conflicts concerning noise, dust, smells, and safety.
- **07-07-05(4): The long-term mineral extraction will not be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area because the proposed use would not be removing land from productive agriculture; therefore, it would not be changing the character of the area.**
    - The appellant argues that for the same reasons as the criteria above, the area proposed for the gravel pit is not "productive agriculture" land.
    - A long-term mineral extraction is allowed in the agricultural area with a conditional use permit, and the conditions of approval will protect the neighbors from undue impacts of dust, noise, and traffic.
    - The appellant argues that the resulting pond would not detract from the character of the area.
- **07-07-05(7): There will not be undue interference with the existing or future traffic patterns.**
    - The appellant contends that they are prepared to make improvements to Lemp Lane as required based upon the structural capacity analysis as well as any improvements required by Idaho Transportation Department, Notus Parma Highway District, and Union Pacific Railroad.

The property owner has offered to construct an acceleration lane for trucks turning right onto Highway 20/26 to reduce impacts to traffic movement on the highway, and to restrict trucks to right turns only (**Exhibit 6B**).

- There is sufficient stopping distance for the trucks between the Railroad and the highway (**Exhibit 6B**).
- The appellant contends that during the P&Z Commission hearing, the Commission expressed much skepticism about the recommended requirements of ITD and Notus Parma Highway District to the extent that one Commissioner stated that there was nothing that ITD could require to make him feel that the traffic issues could be addressed.

  According to the appellant, this is not a reasonable position because the appellant is required to turn to these agencies for evaluating and conditioning these projects. The agencies are the professionals that they are required to coordinate with on projects in this area.

The appellant requests that the Board of County Commissioners overturn the Planning and Zoning Commission's decision for denial and approve the conditional use permit for a long-term mineral extraction on parcel R38505, on approximately 26 acres of the 50.2-acre parcel in the "A" (Agricultural) zone.

The Board's review is based upon the record established before the Planning and Zoning Commission together with any additional evidence admitted during the appeal hearing. The Board shall determine whether the Commission's decision should be affirmed, modified, or reversed based upon the applicable approval criteria of the Canyon County Code.

BOARD ACTION:

In accordance with CCCO §07-07-23(2)A. Appeal By Affected Person: Any affected person who is aggrieved by the director's decision as to an application pursuant to this subsection, may file a written notice of appeal in accordance with section 07-05-07, "Appeal Of Director Administrative Decision", of this chapter

A. At a public hearing held in accordance with this article, the Board shall consider the decision of the Planning and Zoning Commission and any additional evidence that may be offered by the public, applicant, or Director.

B. The Board may affirm, reverse, or modify, in whole or in part, the Planning and Zoning Commission's decision.

BOARD DECISION OPTIONS:

Option 1:
Grant the appeal, overturn the Planning and Zoning Commission's denial, and direct staff to prepare findings approving the conditional use permit with mitigating conditions.

Option 2:
Deny the appeal, uphold the Planning and Zoning Commission's denial, and direct staff to prepare the Findings of Fact, Conclusions of Law, and Order consistent with the Board's decision.

Option 3:
Continue the public hearing and direct staff to obtain additional information on specified issues.

The Staff report packet dated March 19, 2026, and all supporting material are contained in Exhibit III. Any additional agency & public comments received for the subject public hearing or received as a late exhibit at the previous public hearing may be found in Exhibits IV & V.

EXHIBITS:

1. **Planning & Zoning Commission FCOs Dated: April 2, 2026**
2. **Planning & Zoning Commission Minutes Dated: June 18, 2026**
3. **CU2024-0023 Staff Report Packet Dated: March 19, 2026**
   - **A. Draft FCOs**
   - **B. Application Packet & Supporting Materials**
     1. Master Application
     2. Letter of Intent
     3. Land Use Worksheet
     4. Site Plan
     5. Reclamation Plan
     6. Email Correspondence
     7. Neighborhood Meeting
     8. Agency Acknowledgement
     9. Distance to UPRR from Hwy 20/26
     10. Meeting with NPHD, ITD, & Applicant
     11. Dust Control Plan
         - 11.1 Crusher Location and Dust Control
     12. Floodplain Development Permit Application
         - 12.1 Approved Floodplain Development Permit
     13. Applicant's Presentation Materials
   - **C. Supplemental Documents**
     1. Parcel Information Report
     2. Case Maps/Reports
        - 2.1 Aerial
        - 2.2 Notification Map
        - 2.3 Small Air Photo 1 Mile
        - 2.4 FEMA Small Air Photo
        - 2.5 Small Vicinity Map
        - 2.6 Zoning & Classification Map
        - 2.7 Case Map
        - 2.8 Subdivision Map & Report
        - 2.9 Dairy, Feedlot, & Gravel Pit Map
        - 2.10 Lot Classification Map
        - 2.11 Soil & Prime Farmland Map & Report
        - 2.12 Contour Map
        - 2.13 TAZ Household & Jobs Maps
        - 2.14 Slope Percent Map
        - 2.15 Future Land Use Map
   - **D. Site Visit Photos: June 4, 2025**
   - **E. Agency Comments Received by: March 9, 2026**
     1. Southwest District Health; Received: May 5, 2025
     2. Idaho Department of Environmental Quality; Received: May 12, 2025

3. Idaho Transportation Department; Received: May 27, 2025
4. Canyon County Floodplain Administrator; Received: May 28, 2025
   4.1 Approved Floodplain Development Permit
5. Notus Parma Highway District No. 2; Received: June 5, 2025
   5.1 Revised Comment; Received: July 30, 2025
6. Union Pacific Railroad; Received: October 8, 2025
7. U.S. Army Corps of Engineers; Received: February 17, 2026
8. Canyon County Historic Preservation Commission; Received: March 4, 2026

F. Public Comments Received by: March 9, 2026

1. Growing Together – In Opposition; Received: March 9, 2026

4. **Public Comments Received by: July 25, 2026**
   A. Growing Together – In Opposition; Received: June 22, 2026
   B. Julia Miller – In Opposition; Received: July 24, 2026
   C. Ryan Upson – In Opposition; Received: July 24, 2026
   D. Joe Grubiak – In Opposition; Received: July 27, 2026
   E. Idaho Foundation for Parks and Lands – In Opposition; Received: July 27, 2026
   F. Robin Lonkey – In Opposition; Received: July 27, 2026
   G. Mike Provost – In Opposition; Received: July 27, 2026
   H. Joe Ross – In Opposition; Received: July 27, 2026
   I. Petition w/24 Signatures – In Opposition; Received: July 24, 2026
   J. Petition w/25 Signatures – In Opposition; Received: July 27, 2026
5. **Agency Comments Received by: July 25, 2026**
   A. Idaho Transportation Department; Received: July 16, 2026
6. **Additional Supplemental Documentation Received by: July 25, 2026**
   A. Statement from Farmer
   B. Stop Distance from Railroad to Highway with Acceleration Lane
   C. Comprehensive Plan Soil Map
   D. Soil Analysis
   E. Appellants' Presentation Materials