



PLANNING AND ZONING COMMISSION
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

Burnett/Riverbend– CU2024-0023-APL

The Canyon County Board of County Commissioners considers the following:

Case No. CU2024-0023-APL: The appellant, Brian Burnett, represented by Professional Engineering Services, is APPEALING the decision by the Planning and Zoning Commission to deny the request for a conditional use permit to allow a long-term mineral extraction permit within an “A” (Agricultural) zoning district. The subject property is located at 25192 Lemp Lane, Parma, Idaho, also referenced as Parcel R38505, 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 and CU2024-0023-APL.
- B. The Planning and Zoning Commission heard case CU2024-0023 on March 19, 2026, and denied the request for a conditional use permit for long-term mineral extraction. Findings of Fact, Conclusions of Law and Order were signed by the Planning and Zoning Commission on April 2, 2026.
- C. An appeal filed by Brian Burnett, represented by Professional Engineering Services, was submitted on April 15, 2026 pursuant to Canyon County Code §07-05-07.
- D. Notice of the public hearing for CU2024-0023-APL was provided pursuant to CCZO §07-05-01, Idaho Code §67-6509 and 67-6512. Agencies were notified on June 30, 2026; property owners were notified on June 30, 2026; the site was posted on July 6, 2026; and newspaper publication was on July 3, 2026. Canyon County posted the continued hearing dates of August 12, 2026, and September 3, 2026 on its Land Use Hearing website.
- E. On August 3, 2026, the case was tabled to August 12, 2026, to allow for a quorum to be present for the Board of County Commissioners hearing.
- F. The Board of County Commissioners conducted a public hearing on August 12, 2026, which included taking oral testimony. The Board continued the hearing to September 3, 2026, to revise the conditions of approval. Public testimony was closed.
- G. 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.
- H. On the September 3, 2026, hearing, the Board overturned the Planning and Zoning Commission’s decision and approved the request for a long-term mineral extraction with conditions. All exhibits can be found in the case staff report dated September 3, 2026.

Applicable Law

1. 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 (Conditional Use Permits), CCCO §07-02-03 (Definitions), CCCO §07-10-27 (Land Use Regulations (Matrix)), CCCO §07-14 (Use Standards), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures),
 - a. Notice of the public hearing was provided per CCCO §07-05-01 and Idaho Code §67-6509.
 - b. The decisions of the commission or the hearing examiner may be appealed to the board by filing a written notice of appeal with DSD within fifteen (15) calendar days of the date the FCOs were signed. The notice of appeal should include a statement of the reasons for the appeal and must be accompanied by a filing fee as established by the adopted fee schedule. *See* CCCO §07-05-05.
2. The Board has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act ("LLUPA") and can establish its own ordinances regarding land use. *See* I.C. §67-6504, §67-6512.
3. The Board has the authority to hear this case and make its own independent determination. *See* I.C. §67-6519, §67-6504.
4. The Board can sustain, modify or reject the Commission's recommendations. *See* CCCO §07-05-03.
5. 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.
6. 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
7. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §07-05-03.
8. 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).
9. 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. 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-APL, was presented at a public hearing before the Canyon County Board of County Commissioners on August 12, 2026, and September 3, 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 Board of County Commissioners decides 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 <i>“the various activities associated with the extraction of mineral resources, including, but not limited to, gravel, from the ground.”</i> <i>See project description analysis contained in Section 07-07-05(2) detailing the nature of the request.</i>
Criteria Met?	2	What is the nature of the request?
Yes		
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 (PZ 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 (PZ Staff Report Exhibit B6). A berm is proposed in the reclamation plan to be placed on the south side of the waste ditch (PZ 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 (PZ Staff Report Exhibits B2 and B6). The main haul road is Lemp Lane, which will serve as access to Highway 20/26 (PZ 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. The hours of operation, as conditioned, will be 7:00 am – 5:30 pm, Monday through Friday. The long-term mineral extraction will not exceed 10 years from the date gravel pit operations begin. 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 (PZ Staff Report Exhibit B5).

Criteria Met? Yes	3	Is the proposed use consistent with the comprehensive plan?
Analysis		The Board of County Commissioners found that the proposed use is consistent with the 2030 Canyon County Comprehensive Plan, as conditioned. The 2030 Canyon County Comprehensive Plan designates the subject parcel as “Agriculture” on the future land use map with an intensive agriculture overlay (PZ Staff Report Exhibit C2.16). A long-term mineral extraction is allowed in an agricultural zone with a conditional use permit. This area primarily consists of mineral extraction operations, agricultural uses, feed lots, and limited residential uses. (PZ 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 applicant provided a soil analysis report from soil test locations. The analysis stated that the proposed location is still capable of supporting agricultural production. However, there are several characteristics that would noticeably lower productivity and increase management costs compared to the other locations that were tested in the report (Appeal Staff Report Exhibit 6D). 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> ○ G1.01.00: <i>“Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.”</i> ○ G1.02.00: <i>“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.”</i> • <u>Population Goal:</u> ○ G2.02.00: <i>“Promote housing, business, and service types needed to meet the demand of the future and existing population.”</i> • <u>Economic Development Goals and Policies:</u> ○ G3.04.00: <i>“Increase agricultural-based and supportive businesses.”</i> ○ P3.04.01: <i>“Build Canyon County as the premier location for agricultural-based businesses of all sizes.”</i> ○ G3.05.00: <i>“Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.”</i> • <u>Land Use Policies:</u> ○ P4.02.01: <i>“Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.”</i> ○ P4.01.02: <i>“Planning, zoning, and land-use decisions should balance the community’s interests and protect private property rights.”</i> • <u>Natural Resources and Hazards Goals and Policies:</u> ○ P5.01.01: <i>“Protect and enhance waterways, groundwater, wetlands, wildlife habitat, air, soils, and other natural resources.”</i> ○ P5.01.02: <i>“Incorporate existing natural features as amenities in development design.”</i> ○ G5.02.00: <i>“Recognize the importance of air quality and address air pollution in accordance with applicable regulations.”</i> ○ G5.03.00: <i>“Support the conservation of productive mineral lands and discourage incompatible uses upon or adjacent to these lands.”</i>

	○ 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.” ● <u>Agriculture Policy:</u> ○ 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?	4	Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?		
Yes				
Analysis	The Board found that 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 1-19 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) (**PZ 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 (**PZ Staff Report Exhibit C2.16**). There are no subdivisions located nearby. Within 1,000 feet of the subject property, there are 15 parcels (**PZ Staff Report Exhibit C2.2**). The character of the area consists of livestock grazing, feed lots, mineral extraction operations, and some residences (**PZ 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 (**PZ 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 **PZ 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 (**PZ 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 Friday, 7:00 a.m. through 5:30 p.m. *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 (**PZ 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 (**PZ 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 (**PZ Staff Report Exhibit E6**). *See condition of approval number 16.*

WELL DEPTHS: During public testimony on September 3, 2026, a member of the public expressed concern that they have a shallow well that may run dry with the proposed gravel pit. The applicant stated that on a previous gravel pit operation, a neighbor expressed that this was happening to him, and the applicant deepened the neighbor’s existing well. The applicant stated on the record he would do the same for the concerned neighbor if this were to occur.

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 (PZ 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 (PZ 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 (PZ Staff Report Exhibit E1). <i>See condition of approval number 12 to follow Southwest District Health’s requirements for porta-potties onsite.</i> Irrigation: The property has gravity irrigation water available on site. It is not anticipated that the proposed use will impact the irrigation water (PZ 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. <i>See condition of approval number 6.</i> Drainage/Stormwater: Stormwater shall be retained onsite per the applicant’s letter of intent and land use worksheet (PZ 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 (PZ Staff Report Exhibit B5). Stockpile berms will be seeded for stabilization to act as the first control for runoff. <i>See conditions of approval numbers 4 and 14.</i> 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 (PZ Staff Report Exhibit C2.4). Canyon County’s Floodplain Administrator had the following comments (PZ 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 (PZ Staff Report Exhibit B12.1). <i>See condition of approval number 17.</i>

Criteria Met?	6	Does legal access to the subject property for the development exist or will it exist at the time of development?
Yes		
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 (PZ Staff Report Exhibit E5). <i>See condition of approval number 9.</i> 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 (PZ 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 (PZ Staff Report Exhibit E6). <i>See condition of approval number 16.</i>
Criteria Met?	7	Will there be undue interference with existing or future traffic patterns?
Yes		
Analysis		The Board of County Commissioners found that 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.” <i>See PZ Staff Report Exhibit E5.1 for Notus Parma Highway District No. 2’s comment letter and the condition of approval number 9.</i> According to the Idaho Transportation Department’s (ITD’s) comment received on May 27, 2025 (PZ 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. <i>See the condition of approval number 10.</i> 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 (PZ Staff Report Exhibit E6). <i>See the condition of approval number 16.</i> As conditioned, the gravel pit operation shall have no left turns onto Hwy 20/26. <i>See condition of approval number 19.</i>
Criteria Met?	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?
Yes		
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. <i>See the condition of approval number 8.</i> 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.
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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 (PZ Staff Report Exhibits C2.7 – C2.10). The subject property is zoned "A" (Agricultural) (PZ Staff Report Exhibit C1), with the surrounding zoning also "A" (Agricultural). Within 1,000 feet of the subject property, there are 15 parcels (PZ 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 (PZ 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?	B	Duration of the proposed use.
Yes		
Analysis		As conditioned, the applicant shall be in operation for a maximum of ten (10) years. <i>See the condition of approval number 2a.</i>
Criteria Met?	C	Setbacks from surrounding uses.
Yes		
Analysis		A minimum of a 30' setback is proposed along the property boundaries (PZ Staff Report Exhibit B2). <i>See the condition of approval number 2c.</i>

Criteria Met?	D	Reclamation plan as approved by Idaho Department of Lands.
Yes		
Analysis	A reclamation plan was approved by the Idaho Department of Lands on July 11, 2024, subject to conditions (Plan No. S603013, PZ 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 (PZ Staff Report Exhibit B5).		
Criteria Met?	E	The locations of all proposed pits and any accessory uses.
Yes		
Analysis	See Reclamation Plan (PZ 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 (PZ 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?	F	Recommendations from applicable government agencies.
Yes		
Analysis	Southwest District Health provided comments on May 5, 2025; no recommendations or conditions were provided (PZ Staff Report Exhibit E1).	
	Idaho Department of Environmental Quality (DEQ) provided comments on May 12, 2025; general recommendations were provided (PZ 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 (PZ 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 (PZ Staff Report Exhibit E4). The Floodplain Development Permit was approved after the comments received from Canyon County’s Floodplain Administrator (PZ 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 (PZ 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 (PZ 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 (PZ Staff Report Exhibit E7). See the conditions of approval number 18.		
See PZ 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 Board of County Commissioners **approve** the appeal of Case # CU2024-0023-APL, **approving** the conditional use permit of a long term mineral extraction on Parcel R38505 subject to the following conditions as enumerated:

Conditions of Approval

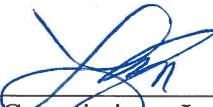
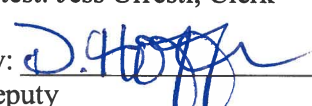
1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
 - a. On-site parking shall comply with CCCO Sections 07-13-01 and 03.
 - b. The storage of diesel fuel, petroleum products, 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 (**PZ 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 10 years from the date gravel pit operations begin.
 - b. Normal day-to-day business hours for the gravel pit shall be Monday through Friday, 7:00 a.m. through 5:30 p.m.
 - 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 (**PZ Staff Report Exhibit B2**).
 - d. The rock crusher shall be contained within the staging area outlined in **PZ 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 (**PZ 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 **PZ 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; PZ 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 (**PZ 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. (**PZ 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 **PZ Staff Report Exhibit B11**.
 - b. The applicant shall water the crusher outlined in **PZ Staff Report Exhibit B11.1**.
14. Stormwater drainage shall be retained onsite (**PZ 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. (**PZ 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 (**PZ 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 (**PZ 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 (**PZ Staff Report Exhibit E8**).
19. The applicant shall prohibit the gravel pit operation from taking a left-hand turn on Hwy 20/26.
 - a. The applicant shall install a no left turn sign prior to gravel pit operations located on Lemp Lane. The sign shall not be located on Hwy 20/26 unless approval is gained from the Idaho Department of Transportation.

DATED this 24th day of September, 2026.

CANYON COUNTY BOARD OF COMMISSIONERS

X Motion Carried Unanimously
_____ Motion Carried/Split Vote Below
_____ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
 _____ Commissioner Leslie Van Beek	<u>✓</u>	_____	_____
 _____ Commissioner Brad Holton	<u>X</u>	_____	_____
 _____ Commissioner Zach Brooks	<u>X</u>	_____	_____
Attest: Jess Urresti, Clerk			
By:  _____ Deputy	Date: <u>9/24/26</u>		