Planning and Zoning Commission
Hearing Date: July 16, 2026
Canyon County Development Services Department

PLANNING DIVISION STAFF REPORT

CASE NUMBER:	**CU2026-0005**
APPLICANT/REPRESENTATIVE:	**Todd Lakey with Lakey – Villegas Law**
PROPERTY OWNERS:	**Henderson Revocable Trust, Tim Charles, Valentine Kennedy, and Hubert G and Kristine K Morphew Family Trust**
APPLICATION:	**Conditional Use Permit – Long-Term Mineral Extraction**
LOCATION:	**23833 and 23579 CenterPoint Road, Caldwell Parcels R35966 and R35967**
PLANNER:	**Amber Lewter, Associate Planner**
STAFF RECOMMENDATION:	**Denial**

REQUEST:
The applicant, JJ&T, LLC, represented by Todd Lakey, is requesting a Conditional Use Permit to allow a long-term mineral extraction permit to include stockpiling, staging, and hauling the sand and gravel off the site on approximately 31.2 acres of 55.96 acres for a period not to exceed ten (10) years. The proposed general hours of operation are 7 am - 7 pm, Monday through Saturday.

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 R35966 was created by a land division in 1985 (Approximately 39 acres). The parcel was subsequently adjusted to approximately 50 acres. In 2019, Parcel R35966 was rezoned to "CR-RR" (Conditional Rezone – Rural Residential) subject to an approved Development Agreement 19-143 (**Exhibit C6**). On April 26, 2026, Parcel R35966 was split by an approved administrative land division, creating a 5-acre parcel (AD2019-0133). In 2022, the administrative land division was amended, creating the current configuration (AD2022-0098).

Parcel R35967 is an original parcel, according to PI2018-0289.

The subject parcels are located within a mapped floodplain (AE Zone). Future development will require a floodplain development permit and will be required to comply with CCCO 07-10A-09 and 07-10A-11.

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**
No	**1**	**Is the proposed use permitted in the zone by conditional use permit?**
Analysis	Pursuant to the Canyon County Code of Ordinances (CCCO) §07-10-27, a long-term mineral extraction is permitted in the "A" (Agricultural) zone by conditional use permit and is not permitted in the "RR" zone. The applicant submitted a conditional use permit for a long-term mineral extraction on February 6, 2026, for parcels R35966 zoned "CR-RR" (Conditional Rezone-Rural Residential) and R35967 zoned "A" (Agricultural). Although parcel R35966 is zoned "CR-RR," there is a condition for approximately 45 acres to remain zoned Agricultural (CR2019-0006). *See **Exhibit A** for the application and submitted materials.* • CCCO §07-02-03 defines a mineral extraction as "*the various activities associated with the extraction of mineral resources, including, but not limited to, gravel, from the ground."* Although a long-term mineral extraction is permitted with a conditional use permit in an "A" zone, the signed FCOs for the conditional rezone CR2019-0006 prohibit changing the historical agricultural use based on the analysis contained herein (**Exhibit C5**): • **Criteria A** states that "*the result of the conditional rezone will preserve the agricultural uses on the subject parcel*" and that "*the applicant agrees to preserve land currently used for cattle and grazing, approximately 34 acres*" (Page 2 of 5). The request for a long-term mineral extraction is not aligned with preserving the land used for cattle and grazing purposes. The reclamation plan for the long-term mineral extraction will not reclaim the land back into grazing land; it will instead create a large lake to be used as a recreational amenity to the property owners (**Exhibit B7**). • **Criteria B** states that "*as conditioned by the development agreement, the result will preserve approximately 34 acres of farm ground in perpetuity*" and "*as conditioned, the result preserves agricultural farm ground to remain in production*" (Page 2 of 5). The applicant states in the updated letter of intent that the lakes will be preserving agricultural land by way of aquaculture (**Exhibit B2.1**). However, the requested aquaculture is not in alignment with the historical agricultural use of grazing animals. In addition, the reclamation plan is creating two ponds; it does not include adding fish (**Exhibit B7**). There is not enough evidence to suggest that the ponds will be used for aquaculture. Therefore, the request for a long-term mineral extraction is not permitted in the zone based on the conditions of approval for the conditional rezone CR2019-0006. *See project description analysis contained in Section 07-07-05(2) detailing the nature of the request.*	

Criteria Met?		
No	**2**	**What is the nature of the request?**
Analysis	The nature of the request involves operating a sand and gravel pit on Parcels R35966, consisting of approximately 44.97 acres, and R35967, consisting of approximately 10.99 acres, in the "A" (Agricultural) zone for a maximum of twenty (10) years (**Exhibit B2**). The proposal creates two ponds totaling approximately 30 acres. Parcel R35966 has an approved conditional rezone that permitted the property owner to split a 5-acre parcel from the 50-acres. The remaining 45 acres allowed the property owner to keep the residential development on what was determined to be the non-viable farm ground portion of the property and to preserve the remaining acreage for agricultural purposes in accordance with **Exhibit C** of the Development Agreement 19-143 (**Exhibit C6**). The updated letter of intent states that the request complies with the Development Agreement 19-143 because the primary concern was for further residential development based on condition number 2b, "*The remainder of the subject property shall be an approximately 45 acres parcel to remain zoned "A" (Agricultural). Residential development (including, but not limited to primary dwelling, secondary dwelling and accessory structures) and agricultural structures on the 45 acres to remain zoned "A" (Agricultural) shall only be allowed within the non-viable agricultural areas identified in the Site Plan (**Exhibit "C"**). No structures shall be allowed on the viable farm ground identified in the Site Plan (**Exhibit "C"**)"* (**Exhibit C6**). However, staff finds the condition intended to preserve the historical agricultural use of the viable farm ground based on the analysis contained herein: • The letter of intent for the conditional rezone stated that they "*would like to section off 5 acres to sell to family for a single family dwelling and keep the additional acreage as-is (Agricultural for grazing cattle)*" (**Exhibit C4**). This clearly shows the intent of the conditional rezone was always to preserve the viable farm ground for the historical use of grazing cattle. • **Exhibit 8** of the staff report is a letter in opposition stating they "*have seen productive farm ground being torn up to put subdivisions and gravel pits. We need farm ground for food. We need farm ground to raise hay for our cattle and pastures to run the cattle on*" (**Exhibit C4**). The letter in opposition shows that a public concern was not only for residential development but also for the agricultural land to be turned into a gravel pit. Therefore, staff finds that the nature of the request for a long-term mineral extraction is not consistent with the Development Agreement 19-143 for parcel R35966.	
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 parcels as "Agriculture" with an "Intensive Agriculture Overlay" on the future land use map (**Exhibit C2.15**). • The area primarily consists of agricultural uses (primarily livestock and grazing, with some crop production), feed lots, and limited residential uses (**Exhibits C2.4, C2.5, C2.6, and C2.8**). • The 2030 Comprehensive Plan describes intensive agriculture as "*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 gravel pit is not compatible with the intensive agricultural overlay as described because a gravel pit does not protect the working lands and operations of an agriculturally based use. There are nearby gravel pits; however, they are not located in the "Intensive Agriculture Overlay", except for case CU2006-180, which has a small portion located in the "Intensive Agriculture Overlay". Case CU2006-180 was approved in February 2008 prior to when the "Intensive Agricultural Overlay" became effective in October 2022 (**Exhibit C7**).

The request does not align with the following goals and policies of the 2030 Canyon County Comprehensive Plan:

- **Chapter 1 - Property Rights:**
  - Property Rights 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."*

    The proposed gravel pit is adjacent to several residential uses east of the proposed use. A long-term mineral extraction could potentially become a public nuisance to these property owners. See Finding **07-07-05(4).**
- **Chapter 2 – Population:**
  - Population G2.01.00: *"Incorporate population growth trends & projections when making land-use decisions."*

    According to the TAZ Household and Job projections in this area for 2025-2050, this is not an area for growth (**Exhibit C2.13**). Placing a commercial operation such as a long-term mineral extraction in this area forces growth in a place that may not have the infrastructure for such growth.
- **Chapter 3 – Economic Development:**
  - Economic Development G3.01.00: *"Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations."*
  - Economic Development P3.01.02: *"Support suitable sites for economic growth and expansion compatible with the surrounding area."*

    The proposed gravel pit is not compatible with the surrounding area. See Finding **07-07-05(4).**
- **Chapter 4 – Land Use and Community Design**
  - Land Use P4.02.01: *"Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses."*
  - Land Use G4.03.00: *"Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning."*

    Parcel R35966 was approved for a conditional rezone to allow the property owner to develop on the non-viable farm ground while preserving the remaining portion of the property for agricultural purposes in accordance with **Exhibit C** of the Development Agreement 19-143 (**Exhibit C6**). The proposed use is not compatible with the site as outlined in the Development Agreement 19-143 (**Exhibit C6**).

See criteria 07-07-05(4) for additional 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?
No		

Analysis

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

Character of the Area:
The subject properties are zoned "A" (Agricultural) (**Exhibit C2.5**), with the surrounding zoning also "A" (Agricultural). There are no subdivisions located nearby. Within 1,000 feet of the subject property, there are 24 parcels (**Exhibit C2.4**). The character of the area consists of livestock grazing, feed lots, mineral extraction operations, and some residences (**Exhibits C2.4, C2.5, C2.6, and C2.8**).

The historical use of the subject properties is for cattle and grazing purposes. The reclamation plan for the long-term mineral extraction will not reclaim the land back into grazing land. The reclamation plan is to create two large lakes for the property owners to enjoy for recreational purposes (**Exhibit B7**). The request will change the essential character of the area taking it out of an agricultural use.

Adjacent Existing Conditions:

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

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

Within a 2-mile radius, there are several approved gravel pits to the northeast and southeast of the subject parcels. However, they are not located in the "Intensive Agriculture Overlay", except for case CU2006-180, which has a small portion located in the "Intensive Agriculture Overlay". Case CU2006-180 was approved in February 2008 prior to when the "Intensive Agricultural Overlay" became effective in October 2022 (**Exhibit C7**). There are three (3) feedlots to the southeast, west, and northwest of the subject parcels (**Exhibit C2.8**).

Surrounding Land Use Cases:
A long-term mineral extraction case, CU2025-0011, was denied just south of the subject properties by the Planning and Zoning Commission on December 4, 2025. The decision found that adding another gravel pit to the surrounding area would be injurious to the other property in the immediate vicinity, would negatively change the essential character of the area, and would cause undue interference with the existing and future traffic patterns (**Exhibit C3**).

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

- TRAFFIC: *See Findings for criteria 07-07-05(7) in Table 1 for evidence.*
- NOISE/DUST: Although rock crushing will not be located on the subject parcels, noise and dust levels may increase in the immediate vicinity due to the mining activities that are proposed to take place on site (**Exhibit B2).** The berms surrounding the mining activities do not create adequate fences to mitigate noise or dust coming from a gravel pit.

	The hours of operation proposed are Monday through Saturday, 7:00 a.m. through 7:00 p.m., with the operation closed on Sundays.	
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:** Per the land use matrix, no well is proposed (**Exhibit B4**). **Sewer:** No septic tank or drain field is proposed, as portable toilets will be provided for employees on site (**Exhibit B4**). Southwest District Health was notified of the request on March 13, 2026, and June 11, 2026. Comments were received on March 13, 2026, stating that a nutrient pathogen study and a septic system are not required (**Exhibit E1**). **Irrigation:** According to the land use worksheet, the applicant is not proposing to use irrigation water (**Exhibit B4**). Lower Center Point Irrigation District and Eureka Irrigation District were notified of the request on March 13, 2026, and June 11, 2026. No comments were received from Lower Center Point Irrigation District or Eureka Irrigation District by the materials deadline. **Drainage/Stormwater:** Stormwater shall be retained onsite per the applicant's letter of intent and land use worksheet (**Exhibits B2 and B4**). The stormwater shall be retained onsite in the proposed settling ponds within the pit. The stormwater will be used for dewatering. **Discharging/ Dewatering into Irrigation Facilities:** According to the letter of intent, groundwater from dewatering will go into the drainage ditch on the west side of the property with the approval of the ditch entity. The dewatering plan includes having a settling pond before the water enters the drainage ditch (**Exhibit B2**). The reclamation plan states that all the pumped water will go into a 100' long drainage ditch for settling before being discharged to the drainage ditch (**Exhibit B7**). Drainage Ditch 6 was notified of the application on March 13, 2026, and June 11, 2026, no comments were received. **Utility Systems:** Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on March 13, 2026, and June 11, 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:** Parcels R35966 and R35967 are located entirely within the "AE" Flood Zone (Floodplain with Base Flood Elevation (BFE)) due to the parcel's proximity to the Boise River (**Exhibit C2.3)** The applicant applied and was approved for the Floodplain Development Permits (**Exhibit B8**).	

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 development and will exist at the time of the development. Both Parcels take access off of Centerpoint Road (**Exhibit B2**). Golden Gate Highway District was notified of the request on March 13, 2026, and June 11, 2026. Golden Gate Highway District provided comment on June 3, 2026, advising that an approach permit application is required for the access proposed (**Exhibit E5**).	
Criteria Met?		
Yes	**7**	**Will there be undue interference with existing or future traffic patterns?**
Analysis	Based on comments from the Idaho Transportation Department and Golden Gate Highway District, there wouldn't be undue interference with the existing or future traffic patterns with mitigating conditions if the Commissioners choose to approve the application. • The subject parcels are located on Centerpoint Road and are under the jurisdiction of the Golden Gate Highway District. Centerpoint Road is classified as a Local Road according to the Golden Gate Highway District's comment. Golden Gate Highway District is not recommending a Traffic Impact Study (TIS), although they are recommending that a pavement analysis be required for Centerpoint Road between Boise River Road and Howe Road. See **Exhibit E5** for Golden Gate Highway District's comment letter. • According to the Idaho Transportation Department's (ITD's) comment received on May 4, 2026, the proposed application does not meet the threshold for requiring a traffic analysis. Idaho Transportation Department recommends that trucks to and from the site be required to use the US 20/26 & Notus Road intersection (Exhibit E4).	
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 Notus School District services the subject properties. Agency comments were sent out on March 13, 2026, and June 11, 2026; no comments were received by the school district. The proposed use is not anticipated to impact the Notus School District. **Police and Fire Protection:** The subject properties are under the jurisdiction of the Canyon County Sheriff's Office and Wilder Rural Fire District. The Canyon County Sheriff's Office and Wilder Rural Fire District are 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 March 13, 2026, and June 11, 2026, and no comments were received by the Sheriff's Office or Wilder Rural Fire District. **Emergency Medical Services:** Emergency Medical Services are provided to the subject properties. Canyon County Paramedics/EMT and Canyon County's Emergency Management Coordinator were notified of the application on March 13, 2026, and June 11, 2026, and no comments were received. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding.	

	Irrigation Facilities: According to the land use worksheet, the applicant is not proposing to use irrigation water (**Exhibit B4**). Lower Center Point Irrigation District and Eureka Irrigation District were notified of the request on March 13, 2026, and June 11, 2026. No comments were received from Lower Center Point Irrigation District or Eureka Irrigation District by the materials deadline.

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**
No	**A**	**The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses.**
Analysis	See Finding **07-07-05(4) in Table 1**	
Criteria Met? **Yes**	**B**	**Duration of the proposed use.**
Analysis	According to the letter of intent (**Exhibit B2**), the applicant is proposing to be in operation for a maximum of ten (10) years. The hours of operation Monday through Saturday, 7 am – 7 pm.	
Criteria Met? **Yes**	**C**	**Setbacks from surrounding uses.**
Analysis	A minimum of a 30' setback is proposed along the property boundaries (**Exhibit B7**). According to CCCO §07-14-19(1)A, the required setbacks on all sides for a long-term mineral extraction are 30'.	
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 January 8, 2026, subject to conditions (**Plan No. S603031, Exhibit E7**). The operation consists of two (2) gravel pits. The northern site will be mined first, and work on the southern portion will not begin until the north site is completed. The gravel pit to the north is approximately 16.5 acres, and the pit to the south is approximately 16.7 acres. The lakes will be about twenty (20) feet deep including five (5) to six (6) feet from the ground to the water surface.	
Criteria Met? **Yes**	**E**	**The locations of all proposed pits and any accessory uses.**
Analysis	See Reclamation Plan (**Exhibit B7**) for discussion of the location of the two (2) mineral extractions. 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. There are no plans for storage of fuel, equipment products, wastes, or chemicals on the site. Heavy equipment to be used for the operations includes hydraulic excavators, dozers, and front-end loaders (**Exhibit E7**).	
Criteria Met? **Yes**	**F**	**Recommendations from applicable government agencies.**
Analysis	Southwest District Health provided comments on March 13, 2026; no recommendations or conditions were provided (**Exhibit E1**). Idaho Department of Environmental Quality (DEQ) provided comments on March 16, 2026; general recommendations were provided (**Exhibit E2**).	

	Canyon County Soil Conservation District provided comments on March 19, 2026; soil class was provided for the subject parcels (**Exhibit E3**). Idaho Transportation Department (ITD) provided comments on May 4, 2026; with a recommendation that trucks to and from the site be required to use the US20/26 & Notus Road intersection since there are turn lanes to facilitate traffic in both directions (**Exhibit E4**). Golden Gate Highway District provided comments on June 3, 2026; with a recommendation for a pavement analysis and an approach permit (**Exhibit E5**). *See **Staff Report Exhibit E** for all agency recommendations and comments.*

NOTIFICATION AND COMMENTS:
Notice of the public hearing was provided as per CCCO §07-05-01. Agencies were notified on March 13, 2026 and June 11, 2026. Property owners within 1,000 feet of the subject property boundaries were notified on June 11, 2026. A newspaper notice was published on June 16, 2026. The subject property was posted with a notice on June 16, 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 two (2) total written public comments by the materials deadline of July 6, 2026. The comments received were in favor. 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 for long-term mineral extraction is **not compliant** with Canyon County Ordinance 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, B2.1 and B3**). 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 time of approval. See **Exhibit B2.**
    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 **(Exhibit B2**).
    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. There shall be no rock crusher located on the subject parcels (**Exhibit B2**).
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.
    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 property lines as outlined in **Exhibit E8**.
5. The operation shall comply with the reclamation plan approved by the Idaho State Department of Lands (**S603031**; **Exhibit B7**). 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 Lower Centerpoint Ditch Company, Eureka Ditch Company and/or Drainage District No. 6.
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 Golden Gate Highway District requirements prior to gravel pit operations, including but not limited to a pavement analysis and an approach (**Exhibits E5**).
    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 pavement analysis 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 E4**).
    a. Trucks associated with the long-term mineral extraction coming to and from the job site shall be required to use the US 20/26 and Notus Road intersection.
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 roadway surface shall be watered to mitigate dust during the summer months of June, July, and August.
14. Stormwater drainage shall be retained onsite (**Exhibit B4**).
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 the requirements to operate in a Floodplain as outlined in the Floodplain Permit (**Exhibits B8**).

DECISION OPTIONS

- **Approval of the Application**: "I move to approve CU2026-0005, JJ&T LLC, finding the application **does** meet the criteria for approval under Article 07-07-05 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 CU2026-0005, JJ&T LLC finding the application **does not** meet the criteria for approval under Article 07-07-05 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 CU2026-0005, JJ&T LLC to a [*date certain or uncertain*]

EXHIBITS:

A. **Draft FCOS**

B. **Application Packet & Supporting Materials**
   1. Master Application
   2. Letter of Intent
      2.1. Updated Letter of Intent
   3. Site Plan(s)
   4. Land Use Worksheet
   5. Neighborhood Meeting
   6. Agency Acknowledgement
   7. Reclamation Plan S603031
   8. Floodplain Development Permits DP0004 & DP0005
   9. Applicant's PowerPoint Presentation

C. Supplemental Documents
   1. Parcel Information Report(s)
   2. Case Maps/Reports
      2.1. Aerial
      2.2. Small Air Photo 1 Mile
      2.3. FEMA Small Air Photo
      2.4. Small Vicinity Map
      2.5. Zoning & Classification Map
      2.6. Case Map & Summary
      2.7. Subdivision Map & Report
      2.8. Dairy, Feedlot, & Gravel Pit Map
      2.9. Lot Classification Map
      2.10. Soil & Prime Farmland Maps & Report
      2.11. Contour Map
      2.12. Nitrate Priority & Wells Map
      2.13. TAZ Household & Job Maps
      2.14. Slope Percent Map
      2.15. Future Land Use Map
   3. CU2025-0011 FCOs
   4. CR2019-0006 Staff Report
   5. CR2019-0006 FCOs
   6. Development Agreement 19-143
   7. Gravel Pits Located in the Intensive Agricultural Overlay
   8. Proposed Berm Locations
   9. Info Regarding Existing Pond on Property

D. Site Visit Photos: June 26, 2026

E. Agency Comments Received by: July 6, 2026
   1. Southwest District Health; Received: March 13, 2026
      1.1. Pre-Development Meeting Notes
   2. DEQ; Received: March 16, 2026
   3. CC Soil Conservation District; Received: March 19, 2026
   4. ITD; Received: May 4, 2026
   5. Golden Gate Highway District; Received: June 3, 2026

F. Public Comments Received by: July 6, 2026
   1. Shelly Henderson – In Favor; Received: June 15, 2026
   2. Hub & Kris Morphew – In Favor; Received: June 28, 2026

Exhibit A:

EXHIBIT A

Draft FCOs

Planning & Zoning Commission

Case #: CU2026-0005

Hearing Date: July 16, 2026

In the matter of the application of:
JJ&T, LLC – CU2026-0005

The Canyon County Planning and Zoning Commission considers the following:

Case No. CU2026-0005: The applicant, JJ&T, LLC, represented by Todd Lakey, is requesting a Conditional Use Permit to allow a long-term mineral extraction permit to include stockpiling, staging, and hauling the sand and gravel off the site on approximately 31.2 acres of 55.96 acres for a period not to exceed ten (10) years. The proposed general hours of operation are 7 am – 7 pm, Monday through Saturday. The subject properties are located at 23833 and 23579 CenterPoint Road, Caldwell, Idaho, also referenced as Parcels R35966 (zoned "CR-RR" (Conditional Rezone – Rural Residential)) and R35967 (zoned "A" (Agriculture), a portion of the NE quarter of Section 05, T4N, R4W, BM, Canyon County, Idaho.

Summary of the Record

1. The record is comprised of the following:

   A. The record includes all testimony, the staff report, exhibits, and documents in Case File CU2026-0005.
      1. All exhibits are located in the case staff report dated July 16, 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 §07-07-05 (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).

   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, CU2026-0005, was presented at a public hearing before the Canyon County Planning and Zoning Commission on July 16, 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 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**
No	**1**	**Is the proposed use permitted in the zone by conditional use permit?**
Analysis	*Pursuant to the Canyon County Code of Ordinances (*CCCO) §07-10-27, *a long-term mineral extraction is permitted in the "A" (Agricultural) zone by conditional use permit and is not permitted in the "RR" zone.* *The applicant submitted a conditional use permit for a long-term mineral extraction on* February 6, 2026, for parcels R35966 zoned "CR-RR" (Conditional Rezone-Rural Residential) and R35967 zoned "A" (Agricultural). *Although parcel R35966 is zoned "CR-RR," there is a condition for approximately 45 acres to remain zoned Agricultural (CR2019-0006). See* ***Exhibit A*** *for the application and submitted materials.* • *CCCO §07-02-03 defines a mineral extraction as "the various activities associated with the extraction of mineral resources, including, but not limited to, gravel, from the ground."*	

	Although a long-term mineral extraction is permitted with a conditional use permit in an "A" zone, the signed FCOs for the conditional rezone CR2019-0006 prohibit changing the historical agricultural use based on the analysis contained herein (**Exhibit C5**)*:* • ***Criteria A*** *states that "the result of the conditional rezone will preserve the agricultural uses on the subject parcel" and that "the applicant agrees to preserve land currently used for cattle and grazing, approximately 34 acres" (Page 2 of 5).* *The request for a long-term mineral extraction is not* aligned *with preserving the land used for cattle and grazing purposes. The reclamation plan for the long-term mineral extraction will not reclaim the land back into grazing land; it will* instead *create a large lake to be used as a recreational amenity to the property owners (**Exhibit B7**).* • ***Criteria B*** *states that "as conditioned by the development agreement, the result will preserve approximately 34 acres of farm ground in perpetuity" and "as conditioned, the result preserves agricultural farm ground to remain in production" (Page 2 of 5).* *The applicant states in the updated letter of intent that the lakes will be preserving agricultural land by way of aquaculture (**Exhibit B2.1**). However, the requested aquaculture is not in alignment with the historical agricultural use of grazing animals. In addition, the reclamation plan is creating two ponds; it does not include adding fish (**Exhibit B7**). There is not enough evidence to suggest that the ponds will be used for aquaculture.* *Therefore, the request for a long-term mineral extraction is not permitted in the zone based on the conditions of approval for the conditional rezone CR2019-0006.* *See project description analysis contained in Section 07-07-05(2) detailing the nature of the request.*
Criteria Met? **No**	**2** **What is the nature of the request?**
Analysis	The nature of the request involves operating a sand and gravel pit on Parcels R35966, consisting of approximately 44.97 acres, and R35967, consisting of approximately 10.99 acres, in the "A" (Agricultural) zone for a maximum of twenty (10) years (**Exhibit B2**). The proposal creates two ponds totaling approximately 30 acres. Parcel R35966 has an approved conditional rezone that permitted the property owner to split a 5-acre parcel from the 50-acres. The remaining 45 acres allowed the property owner to keep the residential development on what was determined to be the non-viable farm ground portion of the property and to preserve the remaining acreage for agricultural purposes in accordance with **Exhibit C** of the Development Agreement 19-143 (**Exhibit C6**). The updated letter of intent states that the request complies with the Development Agreement 19-143 because the primary concern was for further residential development based on condition number 2b, "*The remainder of the subject property shall be an approximately 45 acres parcel to remain zoned "A" (Agricultural). Residential development (including, but not limited to primary dwelling, secondary dwelling and accessory structures) and agricultural structures on the 45 acres to remain zoned "A" (Agricultural) shall only be allowed within the non-viable agricultural areas identified in the Site Plan (**Exhibit "C"**). No structures shall be allowed on the viable farm ground identified in the Site Plan (**Exhibit "C"**)"* (**Exhibit C6**). However, staff finds the condition intended to preserve the historical agricultural use of the viable farm ground based on the analysis contained herein*:* • The letter of intent for the conditional rezone stated that they "*would like to section off 5 acres to sell to family for a single family dwelling and keep the additional acreage as-is (Agricultural for grazing cattle)*" (**Exhibit C4**). This clearly shows the intent of the conditional rezone was always to preserve the viable farm ground for the historical use of grazing cattle.

	• **Exhibit 8** of the staff report is a letter in opposition stating they "*have seen productive farm ground being torn up to put subdivisions and gravel pits. We need farm ground for food. We need farm ground to raise hay for our cattle and pastures to run the cattle on*" (**Exhibit C4**). The letter in opposition shows that a public concern was not only for residential development but also for the agricultural land to be turned into a gravel pit. Therefore, staff finds that the nature of the request for a long-term mineral extraction is not consistent with the Development Agreement 19-143 for parcel R35966.	
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 parcels as "Agriculture" with an "Intensive Agriculture Overlay" on the future land use map (**Exhibit C2.15**). • The area primarily consists of agricultural uses (primarily livestock and grazing, with some crop production), feed lots, and limited residential uses (**Exhibits C2.4, C2.5, C2.6, and C2.8**). • The 2030 Comprehensive Plan describes intensive agriculture as "*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 gravel pit is not compatible with the intensive agricultural overlay as described because a gravel pit does not protect the working lands and operations of an agriculturally based use. There are nearby gravel pits; however, they are not located in the "Intensive Agriculture Overlay", except for case CU2006-180, which has a small portion located in the "Intensive Agriculture Overlay". Case CU2006-180 was approved in February 2008 prior to when the "Intensive Agricultural Overlay" became effective in October 2022 (**Exhibit C7**). The request does not align with the following goals and policies of the 2030 Canyon County Comprehensive Plan: • **Chapter 1 - Property Rights:** o Property Rights 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."* The proposed gravel pit is adjacent to several residential uses east of the proposed use. A long-term mineral extraction could potentially become a public nuisance to these property owners. See Finding **07-07-05(4).** • **Chapter 2 – Population:** o Population G2.01.00: *"Incorporate population growth trends & projections when making land-use decisions."* According to the TAZ Household and Job projections in this area for 2025-2050, this is not an area for growth (**Exhibit C2.13**). Placing a commercial operation such as a long-term mineral extraction in this area forces growth in a place that may not have the infrastructure for such growth. • **Chapter 3 – Economic Development:** o Economic Development G3.01.00: *"Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations."* o Economic Development P3.01.02: *"Support suitable sites for economic growth and expansion compatible with the surrounding area."*	

	The proposed gravel pit is not compatible with the surrounding area. See Finding **07-07-05(4).** • **Chapter 4 – Land Use and Community Design** o Land Use P4.02.01: *"Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses."* o Land Use G4.03.00: *"Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning."* Parcel R35966 was approved for a conditional rezone to allow the property owner to develop on the non-viable farm ground while preserving the remaining portion of the property for agricultural purposes in accordance with **Exhibit C** of the Development Agreement 19-143 (**Exhibit C6**). The proposed use is not compatible with the site as outlined in the Development Agreement 19-143 (**Exhibit C6**). *See criteria 07-07-05(4) for additional 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. **Character of the Area:** The subject properties are zoned "A" (Agricultural) (**Exhibit C2.5**), with the surrounding zoning also "A" (Agricultural). There are no subdivisions located nearby. Within 1,000 feet of the subject property, there are 24 parcels (**Exhibit C2.4**). The character of the area consists of livestock grazing, feed lots, mineral extraction operations, and some residences (**Exhibits C2.4, C2.5, C2.6, and C2.8**). *The historical use of the subject properties is for cattle and grazing purposes. The reclamation plan for the long-term mineral extraction will not reclaim the land back into grazing land. The reclamation plan is to create two large lakes for the property owners to enjoy for recreational purposes (**Exhibit B7**). The request will change the essential character of the area taking it out of an agricultural use.* **Adjacent Existing Conditions:**

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

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

Within a 2-mile radius, there are several approved gravel pits to the northeast and southeast of the subject parcels. However, they are not located in the "Intensive Agriculture Overlay", except for case CU2006-180, which has a small portion located in the "Intensive Agriculture Overlay". Case CU2006-180 was approved in February 2008 prior to when the "Intensive Agricultural Overlay" became effective in October 2022 (**Exhibit C7**). There are three (3) feedlots to the southeast, west, and northwest of the subject parcels (**Exhibit C2.8**).

Surrounding Land Use Cases:
A long-term mineral extraction case, CU2025-0011, was denied just south of the subject properties by the Planning and Zoning Commission on December 4, 2025. The decision found that adding another gravel pit to the surrounding area would be injurious to the other property in the immediate vicinity, would negatively change the essential character of the area, and would cause undue interference with the existing and future traffic patterns (**Exhibit C3**).

	Impacts: A long-term mineral extraction use will impact the surrounding area, due to an increase in noise, dust, lighting, and traffic related to the use. • TRAFFIC: *See Findings for criteria 07-07-05(7) in Table 1 for evidence.* • NOISE/DUST: Although rock crushing will not be located on the subject parcels, noise and dust levels may increase in the immediate vicinity due to the mining activities that are proposed to take place on site (**Exhibit B2).** The berms surrounding the mining activities do not create adequate fences to mitigate noise or dust coming from a gravel pit. The hours of operation proposed are Monday through Saturday, 7:00 a.m. through 7:00 p.m., with the operation closed on Sundays.	
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:** Per the land use matrix, no well is proposed (**Exhibit B4**). **Sewer:** No septic tank or drain field is proposed, as portable toilets will be provided for employees on site (**Exhibit B4**). Southwest District Health was notified of the request on March 13, 2026, and June 11, 2026. Comments were received on March 13, 2026, stating that a nutrient pathogen study and a septic system are not required (**Exhibit E1**). **Irrigation:** According to the land use worksheet, the applicant is not proposing to use irrigation water (**Exhibit B4**). Lower Center Point Irrigation District and Eureka Irrigation District were notified of the request on March 13, 2026, and June 11, 2026. No comments were received from Lower Center Point Irrigation District or Eureka Irrigation District by the materials deadline. **Drainage/Stormwater:** Stormwater shall be retained onsite per the applicant's letter of intent and land use worksheet (**Exhibits B2 and B4**). The stormwater shall be retained onsite in the proposed settling ponds within the pit. The stormwater will be used for dewatering. **Discharging/ Dewatering into Irrigation Facilities:** According to the letter of intent, groundwater from dewatering will go into the drainage ditch on the west side of the property with the approval of the ditch entity. The dewatering plan includes having a settling pond before the water enters the drainage ditch (**Exhibit B2**). The reclamation plan states that all the pumped water will go into a 100' long drainage ditch for settling before being discharged to the drainage ditch (**Exhibit B7**). Drainage Ditch 6 was notified of the application on March 13, 2026, and June 11, 2026, no comments were received. **Utility Systems:** Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on March 13, 2026, and June 11, 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:** Parcels R35966 and R35967 are located entirely within the "AE" Flood Zone (Floodplain with Base Flood Elevation (BFE)) due to the parcel's proximity to the Boise River (**Exhibit C2.3)** The applicant applied and was approved for the Floodplain Development Permits (**Exhibit B8**).	

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 development and will exist at the time of the development. Both Parcels take access off of Centerpoint Road (**Exhibit B2**). Golden Gate Highway District was notified of the request on March 13, 2026, and June 11, 2026. Golden Gate Highway District provided comment on June 3, 2026, advising that an approach permit application is required for the access proposed (**Exhibit E5**).	
Criteria Met?		
Yes	**7**	**Will there be undue interference with existing or future traffic patterns?**
Analysis	Based on comments from the Idaho Transportation Department and Golden Gate Highway District, there wouldn't be undue interference with the existing or future traffic patterns with mitigating conditions if the Commissioners choose to approve the application. • The subject parcels are located on Centerpoint Road and are under the jurisdiction of the Golden Gate Highway District. Centerpoint Road is classified as a Local Road according to the Golden Gate Highway District's comment. Golden Gate Highway District is not recommending a Traffic Impact Study (TIS), although they are recommending that a pavement analysis be required for Centerpoint Road between Boise River Road and Howe Road. See **Exhibit E5** for Golden Gate Highway District's comment letter. • According to the Idaho Transportation Department's (ITD's) comment received on May 4, 2026, the proposed application does not meet the threshold for requiring a traffic analysis. Idaho Transportation Department recommends that trucks to and from the site be required to use the US 20/26 & Notus Road intersection (Exhibit E4).	
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 Notus School District services the subject properties. Agency comments were sent out on March 13, 2026, and June 11, 2026; no comments were received by the school district. The proposed use is not anticipated to impact the Notus School District. **Police and Fire Protection:** The subject properties are under the jurisdiction of the Canyon County Sheriff's Office and Wilder Rural Fire District. The Canyon County Sheriff's Office and Wilder Rural Fire District are 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 March 13, 2026, and June 11, 2026, and no comments were received by the Sheriff's Office or Wilder Rural Fire District. **Emergency Medical Services:** Emergency Medical Services are provided to the subject properties. Canyon County Paramedics/EMT and Canyon County's Emergency Management Coordinator were notified of the application on March 13, 2026, and June 11, 2026, and no comments were received. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding. **Irrigation Facilities:** According to the land use worksheet, the applicant is not proposing to use irrigation water (**Exhibit B4**). Lower Center Point Irrigation District and Eureka Irrigation District were notified of the request on March	

	13, 2026, and June 11, 2026. No comments were received from Lower Center Point Irrigation District or Eureka Irrigation District by the materials deadline.

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**
No	**A**	**The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses.**
Analysis	See Finding **07-07-05(4) in Table 1**	
Criteria Met? **Yes**	**B**	**Duration of the proposed use.**
Analysis	According to the letter of intent (**Exhibit B2**), the applicant is proposing to be in operation for a maximum of ten (10) years. The hours of operation Monday through Saturday, 7 am – 7 pm.	
Criteria Met? **Yes**	**C**	**Setbacks from surrounding uses.**
Analysis	A minimum of a 30' setback is proposed along the property boundaries (**Exhibit B7**). According to CCCO §07-14-19(1)A, the required setbacks on all sides for a long-term mineral extraction are 30'.	
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 January 8, 2026, subject to conditions (**Plan No. S603031, Exhibit E7**). The operation consists of two (2) gravel pits. The northern site will be mined first, and work on the southern portion will not begin until the north site is completed. The gravel pit to the north is approximately 16.5 acres, and the pit to the south is approximately 16.7 acres. The lakes will be about twenty (20) feet deep including five (5) to six (6) feet from the ground to the water surface.	
Criteria Met? **Yes**	**E**	**The locations of all proposed pits and any accessory uses.**
Analysis	See Reclamation Plan (**Exhibit B7**) for discussion of the location of the two (2) mineral extractions. 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. There are no plans for storage of fuel, equipment products, wastes, or chemicals on the site. Heavy equipment to be used for the operations includes hydraulic excavators, dozers, and front-end loaders (**Exhibit E7**).	
Criteria Met? **Yes**	**F**	**Recommendations from applicable government agencies.**
Analysis	Southwest District Health provided comments on March 13, 2026; no recommendations or conditions were provided (**Exhibit E1**). Idaho Department of Environmental Quality (DEQ) provided comments on March 16, 2026; general recommendations were provided (**Exhibit E2**). Canyon County Soil Conservation District provided comments on March 19, 2026; soil class was provided for the subject parcels (**Exhibit E3**). Idaho Transportation Department (ITD) provided comments on May 4, 2026; with a recommendation that trucks to and from the site be required to use the US20/26 & Notus Road intersection since there are turn lanes to facilitate traffic in both directions (**Exhibit E4**). Golden Gate Highway District provided comments on June 3, 2026; with a recommendation for a pavement analysis and an approach permit (**Exhibit E5**).	

	*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 # CU2026-0005, a conditional use permit for a long-term mineral extraction.

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

1. The applicant may remove parcel R35966 from the proposed long-term mineral extraction and resubmit for the conditional use permit for a long-term mineral extraction for parcel R35967.

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 B:

EXHIBIT B

Application Packet & Supporting Materials

Planning & Zoning Commission

Case #: CU2026-0005

Hearing Date: July 16, 2026

Exhibit B1:

CONDITIONAL USE PERMIT
PUBLIC HEARING - APPLICATION

PROPERTY OWNER	OWNER NAME: Henderson Revocable Trust	
	MAILING ADDRESS: 23833 Centerpoint Rd., Caldwell, ID 83607	
	PHONE:	EMAIL:

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: 12/18/2025

APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER	APPLICANT NAME: Todd Lakey: Lakey-Villegas Law	
	COMPANY NAME: JJ & T, LLC	
	MAILING ADDRESS: 141 E. Carlton Ave., Meridian, ID 83642	
	PHONE: [redacted]	EMAIL: [redacted]

SITE INFO	STREET ADDRESS: 23833 Centerpoint Rd, Caldwell, ID 83607	
	PARCEL NUMBER: 35966000 0	
	PARCEL SIZE: 44.9 +/-	
	REQUESTED USE: Gravel Extraction - long term	
	FLOOD ZONE (YES/NO): Yes - AE Zone	ZONING DISTRICT: A

FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER	CU2026-0005	DATE RECEIVED:	2/6/26
RECEIVED BY:	MG	APPLICATION FEE: $2800.00	(CK) MO CC CASH

CONDITIONAL USE PERMIT
PUBLIC HEARING - APPLICATION

PROPERTY OWNER	OWNER NAME: Tim Charles + Valentine Kennedy	
	MAILING ADDRESS: 23579 Centerpoint Rd., Caldwell, ID 83607	
	PHONE:	EMAIL:

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: [signature] Date: 12/19/2025

APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER	APPLICANT NAME: Todd Lakey: Lakey-Villegas Law	
	COMPANY NAME: JJ&T, LLC	
	MAILING ADDRESS: 141 E. Carlton Ave., Meridian, ID 83642	
	PHONE: [redacted]	EMAIL: [redacted]

SITE INFO	STREET ADDRESS: 23579 Centerpoint Rd., Caldwell, ID 83607	
	PARCEL NUMBER: 35967000 0	
	PARCEL SIZE: 10.99 acres +/-	
	REQUESTED USE: Gravel Extraction - long term	
	FLOOD ZONE (YES/NO): Yes - AE Zone	ZONING DISTRICT: A

FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER	CU2026-0005	DATE RECEIVED:	2-6-26
RECEIVED BY:	MG	APPLICATION FEE: $2800.00	(CK) MO CC CASH

CONDITIONAL USE PERMIT
PUBLIC HEARING - APPLICATION

PROPERTY OWNER	OWNER NAME: Hubert G. and Kristine K Morphew Family Trust	
	MAILING ADDRESS: 22543 Boise River Rd, Caldwell, ID 83607	
	PHONE:	EMAIL:

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: 12/18/25

APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER	APPLICANT NAME: Todd Lakey: Lakey-Villegas Law	
	COMPANY NAME: JJ&T, LLC	
	MAILING ADDRESS: 141 E. Carlton Ave, Meridian, ID 83642	
	PHONE: [redacted]	EMAIL: [redacted]

SITE INFO	STREET ADDRESS: R3596011	
	PARCEL NUMBER: 22543 Boise River Rd., Caldwell, ID	
	PARCEL SIZE: 5 ac. +/-	
	REQUESTED USE: Long term gravel extraction/adjacent	
	FLOOD ZONE (YES/NO) Yes - AE Zone	ZONING DISTRICT: CR-R

FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER	CU2026-0005	DATE RECEIVED:	2-6-26
RECEIVED BY:	MG	APPLICATION FEE: $2800.00	CK MO CC CASH

NOTE

This signed Application Form is submitted only to demonstrate consent to the CUP application. This contiguous five acre parcel owned by the Hubert G and Kristine K Morphew Family Trust is not part of the CUP but will be the subject of a short term mineral extraction application in the future to extract material from approximately 2 acres of their property and connect with the pond on the adjacent property which is part of this CUP. The short term mineral extraction application is necessary because this parcel is zoned CRR.

Exhibit B2:

LAKEY - VILLEGAS
LAW AND POLICY

141 E. CARLTON AVE., MERIDIAN, IDAHO 83642
[redacted]

January 24, 2026

Canyon County Development Services
111North 11th Avenue, No. 140
Caldwell, ID 83605

Re: JJ&T Application for CUP – Gravel Operations – Parcels 35966000 0 and 35967000 0

Dear Development Services,

I am submitting this letter of intent on behalf of my client, JJ&T, LLC. The company is owned by the Wright family who also own Wright Construction Company. This is a local multigenerational family-owned small business. We are requesting a conditional use permit ("CUP") to conduct gravel extraction on two parcels consisting of approximately 56 acres. The subject properties contain homesites, outbuildings, pasture area and/or small hayfields and an existing pond. The purpose of the gravel extraction operation is to expand an existing pond for the Hendersons and Morphews and complete a new pond for the Hendersons and Tim Charles and Valentine Kennedy. These are the existing property owners who live on the subject properties. The northern portion of the Henderson property will involve an expansion of their existing pond. The five acre parcel adjacent to the West and owned by the Morphews will ultimately share the pond. However, the excavation on the Morphew property will be accomplished with an application for short term mineral extraction because that five acre parcel is zoned CRR. The southern portion of the Henderson property and the parcel owned by Charles and Kennedy will contain a new separate shared pond.

This application is not for the typical gravel extraction CUP. Only a portion of the properties will be utilized for the ponds and the gravel extraction. The two ponds will ultimately comprise approximately 30 acres of the approximately 61 acres containing the three parcels. Unlike other nearby gravel operations, this request is not to extract material from the large majority of the subject parcel(s) as is common for gravel extraction operations. The property owners will continue to live on the subject properties in close proximity to these extraction activities. They have the opportunity to oversee the operations and help make sure the operations are conducted properly and any impacts are correctly mitigated in accordance with the CUP. Gravel pits are also generally approved for crushing of the material and commonly include a batch plant. There are many gravel pits in this area and most provide for crushing and batching. We are not requesting approval for crushing material or a batch plant on the subject

property. So neither will occur on the site. The focus here is on the ponds as amenities for the property owners. These ponds will also attract wildlife and provide an aesthetically pleasing view and landscape profile for the property and the area. The gravel material extracted from the property will either be hauled directly to a project or hauled to Wright's existing gravel operations on Red Top Road for crushing.

High quality mineral resources are located in this area, and these resources are of vital importance to the County because they are needed for construction of infrastructure and homes in Canyon County. There are numerous historic and current gravel operations in this area because this area is where the natural resources are located. This is a relatively small operation and is less impactful than most of the other operations approved in the area. We are proposing hours of operation from 7am to 7pm. Monday through Saturday. No operations on Sunday. We are not requesting any 24/7 operations. Some operations in the area can operate 24/7 as needed and/or when they have a contract requiring night work etc. The operators will use best management practices to minimize any fugitive dust. This is a wet operation in that the material extracted will be wet because of the water table. Practically speaking the wet nature of this extraction area reduces dust generation compared to other dry gravel operations. Again, there will be no crushing on site. Since there will not be crushing that further reduces the potential for fugitive dust. Internal haul roads will be regularly watered as needed to further minimize the potential for fugitive dust. Crushing is the part of any gravel operation that generates the most sound and that sound will not exist on this operation. We are requesting a ten year timeframe for the CUP. The use of the property will be market driven and we anticipate that the ponds will be completed well before that timeframe is reached. This is a relatively small operation with a shorter lifespan compared to other operations in the area. The reclamation plan has also been approved by the Idaho Department of lands and is included with this application.

My client estimates that there is between 750,000 and 850,000 yards of material that will be removed from the site to create the ponds. The amount of material, the load capacity of the trucks and the days and hours of operation were used to calculate the annual average number of trips per day that would come from the site. The mineral lease with the property owners is for a ten year period with an option to extend if needed. The amount of time it will take to complete the work on the site is market driven. Based on current market conditions we anticipate that it will take significantly less than ten years to remove the material and complete the ponds. The following tables contain the estimated annual truck trips per day and per hour based on a 3, 5 and 10 year time frame for both ends of the estimated amount of material.

850,000 cubic yards

Years	Days	Yards/Day	Trips/Day	Trips/Hour
3	939	905	50.27	4.18
5	1565	543	30.16	2.5
10	3130	272	15.11	1.25

750,000 cubic yards

Years	Days	Yards/Day	Trips/Day	Trips/Hour
3	939	798	44.33	3.69
5	1565	479	26.44	2.2
10	3130	239	13.27	1.10

For calculation purposes we utilize the 850,000 cubic yards and the five year time frame to be more conservative and not use the lowest numbers for the trip calculation. It is also important to note that these are average numbers, which is the approach taken by traffic experts and the highway district in evaluating traffic impacts. The use of the property is market driven so there will be periods of time when the property is not in use at all and no trucks will be coming and going and there will be times when they are busier and more truck trips will occur. Unlike residential uses and some commercial uses the peak hours do not significantly impact the number of trips generated on a daily basis. The trips are spread throughout the day and not impacted by commuter trips. The Golden Gate Highway District standards manual notes that a traffic impact study (TIS) is required if the proposed development exceeds 50 peak hour trips or 500 annual average daily trips in rural areas. The estimated annual average trips per hour is 2.5 with the average daily trips being 26.44 neither of which comes close to the threshold requirements for a TIS. The highway district has the final authority to determine whether a TIS is required but this small, short-term project is not anywhere near the highway district threshold standards for a TIS. The properties have frontage on Centerpoint Rd. The two extraction areas are separated by a ditch. The work for the northern pond and the southern pond will each utilize a separate temporary access onto Centerpoint Road as shown on the site plan. We will work with the highway district as to the exact location of those temporary accesses. We will also work with the highway district and meet the applicable appropriate requirements and any access improvements.

The project will maintain the required setbacks for its operations. There is a ditch that separates the two pond areas. The operations and resulting ponds will maintain the proper setbacks and not impact any corresponding easements. The Hendersons also have a portion of their property on the west side and north of that ditch that will remain in pasture, hay or other similar uses and not be included in the extraction and subsequent pond areas. The project will be dewatered into an existing drainage ditch with the approval of the applicable drainage entity. The dewatering plan includes a settling pond/area before the water enters the drainage ditch.

The subject property is located in the AE flood plain. The subject property is located more than half a mile from the Boise River with another larger gravel operation, ditches, structures and roadways located between this subject property and the Boise River. This is an extraction operation so the ponds will not have any negative impact on the flood plain or base flood elevation. There is no risk of pit capture by the Boise River because the property is not near the river. Our engineer has reviewed the property, the flood plain and the proposed operation and has determined that this will have no impact on the base flood elevation. This

operation which will expand one pond and create another presents no risk to the flood plain. The operation will comply with the county flood plain ordinance.

My clients anticipate up to six employees will be working on the site. It depends on the nature of the operation – some activities will require six employees, some will involve fewer employees and at times there will be no activities and no employees on the site. There are large flat gravel areas that will be used for employees to park their vehicles. The property owners will continue to reside on the property while the excavation occurs and the ponds are created. The existing fencing on the subject property will be maintained.

This application conforms well with the comprehensive plan and meets the requirements in the applicable sections of the county zoning ordinance and should be approved. The following analysis demonstrates that compliance and serves as our proposed findings and conclusions regarding the CUP.

07-07-05: HEARING CRITERIA:

(1) Is the proposed use permitted in the zone by conditional use permit?

Yes.

The subject parcels are zoned A "Agriculture" and long term mineral extraction (over 6 months) is allowed by conditional use permit in the Ag zone under CCC Section 07-10-27.

(2) What is the nature of the request?

To conduct gravel extraction from the subject properties in order to expand an existing pond and create a new one for the existing property owners. There will be some stockpiling of overburden and/or material on site. There will not be a scale or scale house on the property.

(3) Is the proposed use consistent with the comprehensive plan?

Yes.

See the analysis noted below demonstrating general conformance with the comprehensive plan. The following goals and policies in the comprehensive plan support this application for a conditional use permit:

PROPERTY RIGHTS

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, to use their property wisely, maintain it in good condition and preserve it for future generations without becoming a public nuisance.

This proposed gravel extraction is less impactful than the many other gravel operations in the area. It is smaller in scope and shorter in time and the property will be reclaimed in a comparably shorter period of time. The existing homeowners will continue to live on the property while these ponds are being excavated and completed. With the property owners still living on the property they will see that the project reasonably controls its impacts in accordance with the CUP. The conditions in the CUP along with the requirement to comply with applicable standards and regulations will ensure that the operation conforms with public health, safety and welfare. The end result will be two ponds that are an amenity for the current and future property owners and to some extent others in the area. This application achieves the right balance in protecting property rights and public health and safety.

POPULATION

G2.01.00 Incorporate population growth trends & projections when making land-use decisions.

P2.01.01 Plan for anticipated population and households that the community can support with adequate services and amenities.

G2.02.00 Promote housing, business, and service types needed to meet the demand of the future and existing population.

Canyon County has experienced substantial growth over the last 30 years and is projected to continue to grow at a strong pace. The material from this operation provides a critical resource needed to support the population growth and infrastructure needs in the County. That population growth drives the increasing need for housing, commercial businesses, roadways, parking areas and other infrastructure. The material from this operation will be used on construction and infrastructure projects driven by population growth and will also support the construction, repair and replacement needs of the existing population. This operation supports a small family-owned business that helps provide some competition to the larger sand and gravel companies that operate in the area.

ECONOMIC DEVELOPMENT

G3.01.00 Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.

P3.01.02 Support suitable sites for economic growth and expansion compatible with the surrounding area.

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.

This CUP supports an Idaho based family-owned small business. The Wrights and Wright Construction have operated for many years in Canyon and Ada Counties and they have an excellent reputation in the industry. Land that contains mineral resources is being purchased in sizable swaths by the larger companies. This CUP helps provide the necessary resources for

this small company to operate in the Treasure Valley and compete with the larger sand and gravel companies for certain business. This operation as proposed is less impactful and is compatible with the area which contains numerous other gravel operations that are much larger and existing agricultural uses. Gravel is an important resource for the commercial, residential and industrial components of Canyon County's economy. This CUP helps provide that necessary resource to support the economy.

LAND USE

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

P4.02.01 Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.

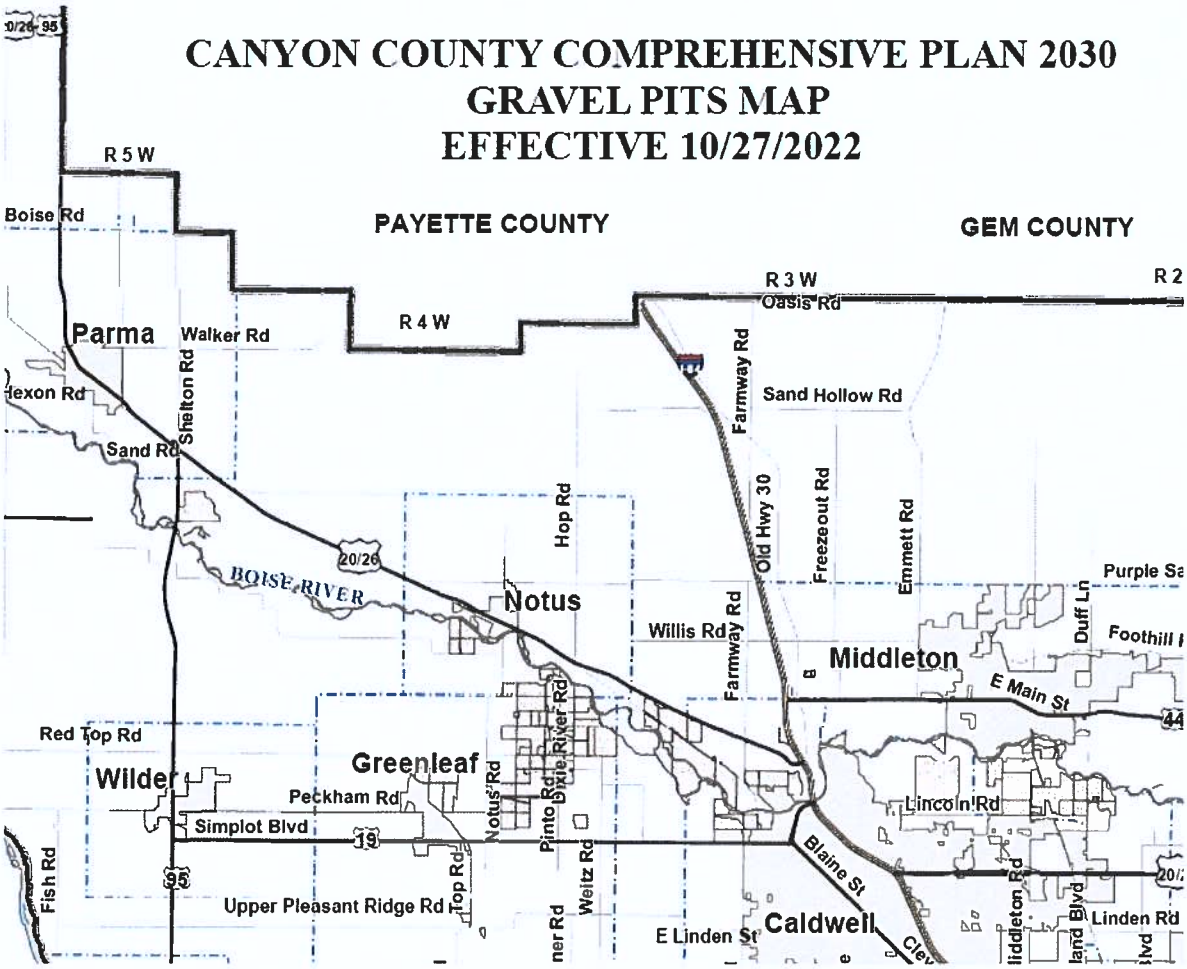
G4.03.00 Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.

P4.03.01 Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.

P4.03.03 Recognize that each land use application is unique and that agricultural and nonagricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.

P4.07.01 Plan land uses that are compatible with the surrounding community.

The following is the gravel pit map in the natural resources chapter in the Comp. Plan. The map does not contain all current and historic operations. The map is part of the comprehensive plan to recognize and help protect areas where gravel resources are found.



The area contains high quality mineral resources that can meet public road construction standards. This natural resource is found where nature puts it. One cannot zone for and create sand and gravel. However, it is orderly development to recognize and protect this resource in this area, and the county has done so in the comprehensive plan land use maps. That map shows the location of the resources in the area based on use and should help guide land use decisions to preserve this necessary resource and its use. Because the material is found in this location there are many historic gravel pits in the area. There are older pits that have been reclaimed and many that are still in operation. Allowing gravel operations with appropriate conditions in this area provides for orderly growth and development of this natural resource.

The community has an overall interest in making sure this material is available for construction and infrastructure projects. The public interest in health and safety is met through the conditions of approval placed on this CUP. Again this is a less impactful proposal than the other operations that exist in this area because it does not include crushing, does not include 24/7 operations, is smaller in scale and will be reclaimed and turned into two pond amenities for the

existing and future property owners in a shorter period of time compared to other gravel operations in the area.

The character of the area consists mostly of agricultural uses, gravel operations and some low density rural residential uses. Gravel pits have been a part of the character of this area for many years. Agricultural uses and gravel operations have similar impacts and can and have co-existed in this area for decades. Long term mineral extraction is allowed by CUP in the AG zone because the use is compatible with agricultural uses and conditions of approval help ensure reasonable compatibility. The comprehensive plan recognizes that agricultural and non-agricultural uses can compatibly co-exist in and area. This operation is compatible with and will have less impact on the area than many of the existing operations.

NATURAL RESOURCES

G5.03.00 Support the conservation of productive mineral lands and discourage incompatible uses upon or adjacent to these lands.

Again, this is an example of the comprehensive plan supporting this application in this area where mineral resources are found and emphasizing the need to protect sand and gravel resources.

(4) Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?

No.

The character of the area is comprised of agricultural uses, gravel operations, reclaimed gravel operations and ponds and some low density rural residential uses. Gravel pits have been a part of the character of the area for many years because the resource is found in this area. Unlike most larger operations in the area, this application is smaller in scale and will not include crushing of material, we are not proposing any 24/7operations, the completion of the operations and reclamation of the properties to create two pond amenities will likely occur in a much shorter time frame than other operations in the area. This proposal will be less impactful and more compatible than the other gravel operations in the area, particularly with appropriate conditions of approval. For these reasons the proposed use will not negatively change the character of the area or be injurious to other property in the vicinity.

(5) Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?

Yes.

The use does not utilize or need potable water, sewer, irrigation or additional utility systems. Any stormwater generated will be retained on site. Groundwater from dewatering will go into the drainage ditch on the west side on the property with the approval of the ditch entity.

(6) Does legal access to the subject property for the development exist or will it exist at the time of development?

Yes.

The two parcels have frontage on Centerpoint Rd.

(7) Will there be undue interference with existing or future traffic patterns?

No.

This is a smaller operation of relatively short duration compared to other operations in the area. The average daily trips from the operation do not come close to the Highway District requirements for a traffic study. I will reiterate some of the points from above. The following tables contain the estimated annual truck trips per day and per hour based on a 3, 5 and 10 year time frame for both ends of the estimated amount of material.

850,000 cubic yards

Years	Days	Yards/Day	Trips/Day	Trips/Hour
3	939	905	50.27	4.18
5	1565	543	30.16	2.5
10	3130	272	15.11	1.25

750,000 cubic yards

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For calculation purposes we plan to utilize the 850,000 cubic yards and the five year time frame to be more conservative and not use the lowest possible numbers for the trip calculation. These are average numbers. The use of the property is market driven so there will be periods of time when the property is not in use and no trucks will be coming and going and there will be times when they are busier and more truck trips will occur. Unlike residential uses and some commercial uses, the peak hours do not significantly impact the number of trips generated on a daily basis by this operation. The trips are spread throughout the day and not impacted by commuter traffic. The Golden Gate Highway District standards manual notes that a traffic impact study (TIS) is required if the proposed development exceeds 50 peak hour trips or 500 annual average daily trips in rural areas. The estimated annual average trips per hour is 2.5 with the average daily trips being 26.44 which do not come close to the threshold requirements for a TIS. The highway district has the final authority to determine whether a TIS is required but this small, short term project does not come close to the threshold standards for a TIS. The

properties have frontage on Centerpoint Rd. We will work with the highway district as to the exact location of the temporary accesses connecting with the northern and southern pond areas. We will also work with the highway and address required and proportionate road/access improvements.

(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.

Because this is a gravel extraction operation, the use will have little to no impact on schools, police, fire, EMS and irrigation facilities. The operations will include setbacks from any existing irrigation facilities, so those easements are protected.

The application complies with the additional standards and criteria for long-term mineral extraction. The analysis below describes such compliance.

07-14-19: MINERAL EXTRACTION LONG TERM:

(1) If a conditional use permit is required, the following standards shall apply:
A. Setbacks:

Front	Side	Rear	Corner
30'	30'	30'	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.

As shown is the site plan this operation will comply with the applicable setbacks.

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.

Other properties in the area contain agricultural uses and gravel pits. This proposal is less impactful than existing gravel operations because it does not include crushing, will not involve 24/7 operations and is smaller in scope and shorter in duration. The property owners will continue to live on the property while the material is being extracted and the ponds are completed. The existing homeowners on the property

will help with mitigation of potential impacts and ensure compliance with the conditions of the CUP.

(B) Duration of the proposed use.

The duration requested is 10 years. That matches the term of mineral lease for the property. The completion of the ponds is market driven, which we do not fully control. The property owners would like their ponds completed as soon as possible. My client anticipates that they will be done and completed in significantly less than ten years.

(C) Setbacks from surrounding uses.

The project will comply with the required setbacks. The extraction areas and resulting ponds will be shared by the participating landowners.

(D) Reclamation plan as approved by Idaho Department of Lands.

The Idaho Department of Lands has approved the reclamation plan. The reclamation plan is included with this application.

(E) The locations of all proposed pits and any accessory uses.

The location of the mineral extraction areas is noted in the reclamation plan. The operation involves only extraction of material. There will be no crushing or batching.

(F) Recommendations from applicable government agencies.

The applicant intends to comply with the requirements of the applicable agencies.

CONCLUSION

This application has fewer impacts than the typical gravel pit and those operating in the area. The smaller scale shorter term operation meets the criteria in the Canyon County Zoning Ordinance Section 07-07-05 pertaining to conditional use permits and Section 07-14-19 pertaining to long term mineral extraction. We request approval of this application with the conditions proposed in this application. Please contact me if you have any questions.

Sincerely,

Todd M. Lakey
Lakey-Villegas Law

Exhibit B2.1:

LAKEY - VILLEGAS
LAW AND POLICY

141 E. CARLTON AVE., MERIDIAN, IDAHO 83642
(208) 908-4415 (OFFICE) (208) 493-4610 (FAX)

May 13, 2026

Canyon County Development Services
111North 11th Avenue, No. 140
Caldwell, ID 83605

Re: JJ&T Application for CUP – Gravel Operations – Parcels 35966000 0 and 35967000 0

Dear Development Services,

I am submitting this letter of intent on behalf of my client, JJ&T, LLC. The company is owned by the Wright family who also own Wright Construction Company. This is a local multigenerational family-owned small business. We are requesting a conditional use permit ("CUP") to conduct gravel extraction on two parcels consisting of approximately 56 acres. The subject properties contain homesites, outbuildings, pasture area and/or small hayfields and an existing pond. The purpose of the gravel extraction operation is to expand an existing pond for the Hendersons and Morphews and complete a new pond for the Hendersons and Tim Charles and Valentine Kennedy. These are the existing property owners who live on the subject properties. The property owners will be planting and cultivating fish in the ponds for personal use and consumption. The northern portion of the Henderson property will involve an expansion of their existing pond. The five acre parcel adjacent to the West and owned by the Morphews will ultimately share the pond. However, the excavation on the Morphew property will be accomplished with an application for short term mineral extraction because that five acre parcel is zoned CRR. The southern portion of the Henderson property and the parcel owned by Charles and Kennedy will contain a new separate shared pond.

This application is not for the typical gravel operation CUP. The primary purpose of the application is to dig ponds for the owners. Only a portion of the properties will be utilized for the ponds and the gravel extraction. The two ponds will ultimately comprise approximately 30 acres of the approximately 61 acres containing the three parcels. Unlike other nearby gravel operations, this request is not to extract material from the large majority of the subject parcel(s) as is common for gravel pit operations. The property owners will continue to live on the subject properties in close proximity to these

extraction activities. They have the opportunity to oversee the operations and help make sure the operations are conducted properly and any impacts are correctly mitigated in accordance with the CUP. Gravel pit operations also typically include and are approved for crushing of the material and commonly include a batch plant. There are many gravel pits in this area and most provide for crushing and batching. We are not requesting approval for crushing material or a batch plant on the subject property. So neither will occur on the site. The focus here is on the ponds as a benefit to the property owners and an opportunity to raise fish and enjoy related activities. These ponds will also attract wildlife and provide an aesthetically pleasing view and landscape profile for the property and the area. The gravel material extracted from the property will either be hauled directly to a project or hauled to Wright's existing gravel operations on Red Top Road for crushing.

The Application Complies with the Development Agreement 19-143 ("DA").

The Henderson property (Parcel R35966) and the Morphew property (Parcel R35966011 0) were the subject of a conditional rezone that was granted to help divide off the five acre parcel now belonging to the Morphews. The Morphew parcel was conditionally rezoned by the county to CR-R-R while the Henderson property was to remain zoned A. The two parcels are subject to a development agreement. Some of the applicable conditions of the DA are as follows:

- The property can only be developed into two parcels in substantial conformance with the Site Plan.
- One parcel shall be a maximum of 5 acres, zoned CR-R-R and cannot have an ADU.
- The remainder of the subject property shall be an approximately 45 acre parcel to remain zoned "A" (Agricultural). Residential development (including, but not limited to primary dwelling, secondary dwelling and accessory structures) and agricultural structures on the 45 acres to remain zoned "A" (Agricultural) shall only be allowed in the non-viable agricultural areas identified in the Site Plan. No structures shall be allowed on the viable farm ground identified in the Site Plan.
- No further divisions are allowed for the Subject Property.

The clear language in the DA notes that the property outside the home site and unusable Ag area is to remain zoned A. Uses authorized in the A zone include those that are allowed or allowed by CUP as set forth in CCC 07-10-27. The primary concern was for further residential development: the conditions prohibiting further divisions of the property and further residential development reflect that primary purpose. It also pushes the buildings on the property into the designated unusable Ag area. The conditions do not call out any specific uses among the spectrum of uses allowed in the A zone as either being required to be maintained or being prohibited in the portion of the property remaining zoned A. Other than the location of buildings, the DA only requires that the A zoning be maintained. Practically speaking locating ponds on the property instead of maintaining it uses as pasture or hay will make it much less likely that someone will come forward in the future and try to develop more residential uses on the property

because they would have to fill in the pond instead of having flat more developable pasture ground.

"Agriculture" is an allowed use the AG zone. The county defines "Agriculture" in CCC 07-02-03 as follows:

> 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.
>
> (Empasis added)

Agriculture includes "aquaculture." The county defines "Aquaculture" in CCC 07-02-03 as "The cultivation of the natural produce of water such as plants or fish." The property owners will be conducting aquaculture on their property because they will be planting and raising fish in their ponds. The owners plan to stock and maintain an approximate population of 100-200 fish per pond from any of the following species: trout, bass, bluegill and/or crappie. The fish population will be monitored and replenished as the fish are harvested or lost through natural causes or predation. These fish will be utilized for personal enjoyment as well as a source of food for human consumption by the property owners and their families. Aquaculture is Agriculture by county definition and allowed in the AG zone. Raising fish in aquaculture is no different than keeping a couple cows or some goats, sheep or chickens in the pasture for personal use, enjoyment and as a source of milk or food for personal consumption. All of the foregoing are appropriate uses in the A zone and under the DA with the County. The DA does not direct what kind of agricultural has to be conducted on the Henderson property. The agricultural use can be comprised of chickens, cows, sheep or goats in the pasture or fish in the ponds – it is the same.

The Hendersons have a permit from Idaho Fish and Game for their existing pond to plant and raise fish on their property. A pond is the mechanism to be able to engage in a type of agriculture that the landowners are allowed to engage in and that they have chosen for a portion of their property. That choice does not violate the DA. The only prohibition in the conditions are that residential uses and buildings are not allowed in the Ag designated area. The condition in the DA requires that the A zoning be maintained – it does not specify or direct any particular use be conducted. It does not state that the land may not be altered for another agricultural use. Since the Idaho settlers began to remove the sage brush, land was altered and prepared for agricultural use. Different

lands and different Ag uses require different preparations such as grading, leveling or in this case digging ponds. This CUP in the A zone pertains to a temporary use that is allowed in the A zone by CUP. Extracting the gravel to build the ponds for continued agricultural use requires a CUP in this case. That CUP does not change the zoning - it is still zoned A as required by the DA. This application is only to dig the ponds and haul away the material; this is not a typical gravel pit operation. This is a temporary, short term use creating a new agricultural opportunity. The excavation will cease when each pond is completed and ready to be put to the new agricultural use (aquaculture) and planted with fish.

The applicable conditions of the DA require:

> The agricultural zoning of the 45 acre parcel be maintained. That A zoning is being maintained.
>
> Residential structures and agricultural structures have to be kept in the unusable Ag area on the site plan and no structures are to be built on the designated Ag area noted in the Site Plan attached to the DA. A structure is defined as a building used or intended for supporting or sheltering any use or occupancy as defined in the Canyon County Building Code. These ponds and the excavation of these ponds do not include the construction of buildings. In fact, the ponds further the objective of the DA because they make it very unlikely from a practical standpoint that buildings will be built on that portion of the Ag designated area of the property.

Neither excavation of the ponds nor the future pond and agriculture/aquaculture use violate the terms of the DA. The DA requires the property remain zoned A and that it not be developed into residential use or other buildings. We are complying with those requirements. The ponds preserve and Ag use on the property.

The Application conforms with the zoning ordinance criteria for approval.

This application has a dual benefit to the existing property owners and while proving material needed for infrastructure and the high level of construction activity in the valley. High quality mineral resources are located in this area, and these resources are of vital importance to the County because they are needed for construction of infrastructure and homes in Canyon County. There are numerous historic and current gravel operations in this area because this area is where the natural resources are located. This is a relatively small extraction operation and is different and less impactful than most of the other operations approved in the area. We are proposing hours of operation from 7am to 7pm. Monday through Saturday. No operations on Sunday. We are not requesting any 24/7 operations. Some operations in the area can operate 24/7 as needed and/or when they have a contract requiring night work etc. The operators will use best

management practices to minimize any fugitive dust. This is a wet operation in that the material extracted will be wet because of the water table. Practically speaking the wet nature of this extraction area reduces dust generation compared to other dry gravel operations. Again, unlike other operations in the area there will be no crushing of material on site. Since there will not be crushing that further reduces the potential for fugitive dust. Internal haul roads will be regularly watered as needed to further minimize the potential for fugitive dust. Crushing is the part of any gravel operation that generates the most sound and that sound will not exist on this operation. We are requesting a ten year timeframe for the CUP. The use of the property will be market driven and we anticipate that the ponds will be completed well before that timeframe is reached. This is a relatively small operation with a shorter lifespan compared to other operations in the area. The ponds will be developed one at a time. While one pond is being completed the other portions of the property with the second pond site will not be continue in its normal use. Upon completion of the first pond, it will be put into the new proposed agricultural use and then work on the second pond will commence. Upon completion it will be put into the new agricultural use The reclamation plan for the property has been approved by the Idaho Department of lands and is included with this application.

My client estimates that there is between 750,000 and 850,000 yards of material that will be removed from the site to create the ponds. The amount of material, the load capacity of the trucks and the days and hours of operation were used to calculate the annual average number of trips per day that would come from the site. The mineral lease with the property owners is for a ten year period. The amount of time it will take to complete the work on the site is market driven. Based on current market conditions we anticipate that it will take much less than ten years to remove the material and complete the ponds. The following tables contain the estimated annual truck trips per day and per hour based on a 3, 5 and 10 year time frame for both ends of the estimated amount of material.

850,000 cubic yards

Years	Days	Yards/Day	Trips/Day	Trips/Hour
3	939	905	50.27	4.18
5	1565	543	30.16	2.5
10	3130	272	15.11	1.25

750,000 cubic yards

Years	Days	Yards/Day	Trips/Day	Trips/Hour
3	939	798	44.33	3.69
5	1565	479	26.44	2.2
10	3130	239	13.27	1.10

For calculation purposes we utilize the 850,000 cubic yards and the five year time frame to be more conservative and not use the lowest numbers for the trip calculation. It is also important to note that these are average numbers, which is the approach taken by traffic experts and the highway district in evaluating traffic impacts. The use of the property is market driven so there will be periods of time when the property is not in use at all and no trucks will be coming and going and there will be times when they are busier and more truck trips will occur. Unlike residential uses and some commercial uses the peak hours do not significantly impact the number of trips generated on a daily basis. The trips are spread throughout the day and not impacted by commuter trips. The Golden Gate Highway District standards manual notes that a traffic impact study (TIS) is required if the proposed development exceeds 50 peak hour trips or 500 annual average daily trips in rural areas. The estimated annual average trips per hour is 2.5 with the average daily trips being 26.44 neither of which comes close to the threshold requirements for a TIS. The highway district has the final authority to determine whether a TIS is required but this small, short-term project is not anywhere near the highway district threshold standards for a TIS. The properties have frontage on Centerpoint Rd. The two extraction areas are separated by a ditch. The work for the northern pond and the southern pond will each utilize a separate temporary access onto Centerpoint Road as shown on the site plan. We will work with the highway district as to the exact location of those temporary accesses. We will also work with the highway district and meet the applicable appropriate requirements and any access improvements.

The project will maintain the required setbacks for its operations. There is a ditch that separates the two pond areas. The operations and resulting ponds will maintain the proper setbacks and not impact any corresponding easements. The Hendersons also have a portion of their property on the west side and north of that ditch that will remain in pasture, hay or other similar uses and not be included in the extraction and subsequent pond areas. The project will be dewatered into an existing drainage ditch with the approval of the applicable drainage entity. The dewatering plan includes a settling pond/area before the water enters the drainage ditch.

The subject property is located in the AE flood plain. The subject property is located more than half a mile from the Boise River with another larger gravel operation, ditches, structures and roadways located between this subject property and the Boise River. This is an extraction operation so the ponds will not have any negative impact on the flood plain or base flood elevation. There is no risk of pit capture by the Boise River because the property is not near the river. Our engineer has reviewed the property, the flood plain and the proposed operation and has determined that this will have no impact on the base flood elevation. This operation which will expand one pond and create another presents no risk to the flood plain. The operation will comply with the county flood plain ordinance.

My clients anticipate up to six employees may be working on the site. It depends on the nature of the operation – some activities will require six employees, some will

involve fewer employees and at times there will be no activities and no employees on the site. There are large flat gravel areas that will be used for employees to park their vehicles. The property owners will continue to reside on the property while the excavation occurs and the ponds are created. The existing fencing on the subject property will be maintained.

This application conforms well with the comprehensive plan and meets the requirements in the applicable sections of the county zoning ordinance and should be approved. The following analysis demonstrates that compliance and serves as our proposed findings and conclusions regarding the CUP.

07-07-05: HEARING CRITERIA:

(1) Is the proposed use permitted in the zone by conditional use permit?

Yes.

The subject parcels are zoned A "Agriculture" and long term mineral extraction (over 6 months) is allowed by conditional use permit in the Ag zone under CCC Section 07-10-27.

(2) What is the nature of the request?

To conduct gravel extraction from the subject properties in order to expand an existing pond and create a new one for the existing property owners. There will be some stockpiling of overburden and/or material on site. There will not be a scale or scale house on the property.

(3) Is the proposed use consistent with the comprehensive plan?

Yes.

See the analysis noted below demonstrating general conformance with the comprehensive plan. The following goals and policies in the comprehensive plan support this application for a conditional use permit:

PROPERTY RIGHTS

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, to use their property wisely, maintain it in good condition and preserve it for future generations without becoming a public nuisance.

This proposed gravel extraction to create two ponds is less impactful than the many other gravel operations in the area. It is smaller in scope and shorter in time and the property will be reclaimed and put into agricultural use in a comparably shorter period of time. The existing homeowners will continue to live on the property while these ponds are being excavated and completed. With the property owners still living on the property they will see that the project reasonably controls its impacts in accordance with the CUP. The conditions in the CUP along with the requirement to comply with applicable standards and regulations will ensure that the operation conforms with public health, safety and welfare. The end result will be two ponds that are an enhancement to the existing agricultural and residential character of the area. This application achieves the right balance in protecting property rights and public health and safety.

POPULATION

G2.01.00 Incorporate population growth trends & projections when making land-use decisions.

P2.01.01 Plan for anticipated population and households that the community can support with adequate services and amenities.

G2.02.00 Promote housing, business, and service types needed to meet the demand of the future and existing population.

Canyon County has experienced substantial growth over the last 30 years and is projected to continue to grow at a strong pace. The material from this operation provides a critical resource needed to support the population growth and infrastructure needs in the County. That population growth drives the increasing need for housing, commercial businesses, roadways, parking areas and other infrastructure. The material from this operation will be used on construction and infrastructure projects driven by population growth and will also support the construction, repair and replacement needs of the existing population. This operation supports a small family-owned business that helps provide some competition to the larger sand and gravel companies that operate in the area.

ECONOMIC DEVELOPMENT

G3.01.00 Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.

P3.01.02 Support suitable sites for economic growth and expansion compatible with the surrounding area.

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.

This CUP supports an Idaho based family-owned small business. The Wrights and Wright Construction have operated for many years in Canyon and Ada Counties and they have an excellent reputation in the industry. Land that contains mineral resources is being purchased in sizable swaths by the larger companies. This CUP helps provide the necessary resources for this small company to operate in the Treasure Valley and compete with the larger sand and gravel companies for certain business. This operation as proposed is less impactful and is compatible with the area which contains numerous other gravel operations that are much larger and existing agricultural uses. Gravel is an important resource for the commercial, residential and industrial components of Canyon County's economy. This CUP helps provide that necessary resource to support the economy.

LAND USE

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

P4.02.01 Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.

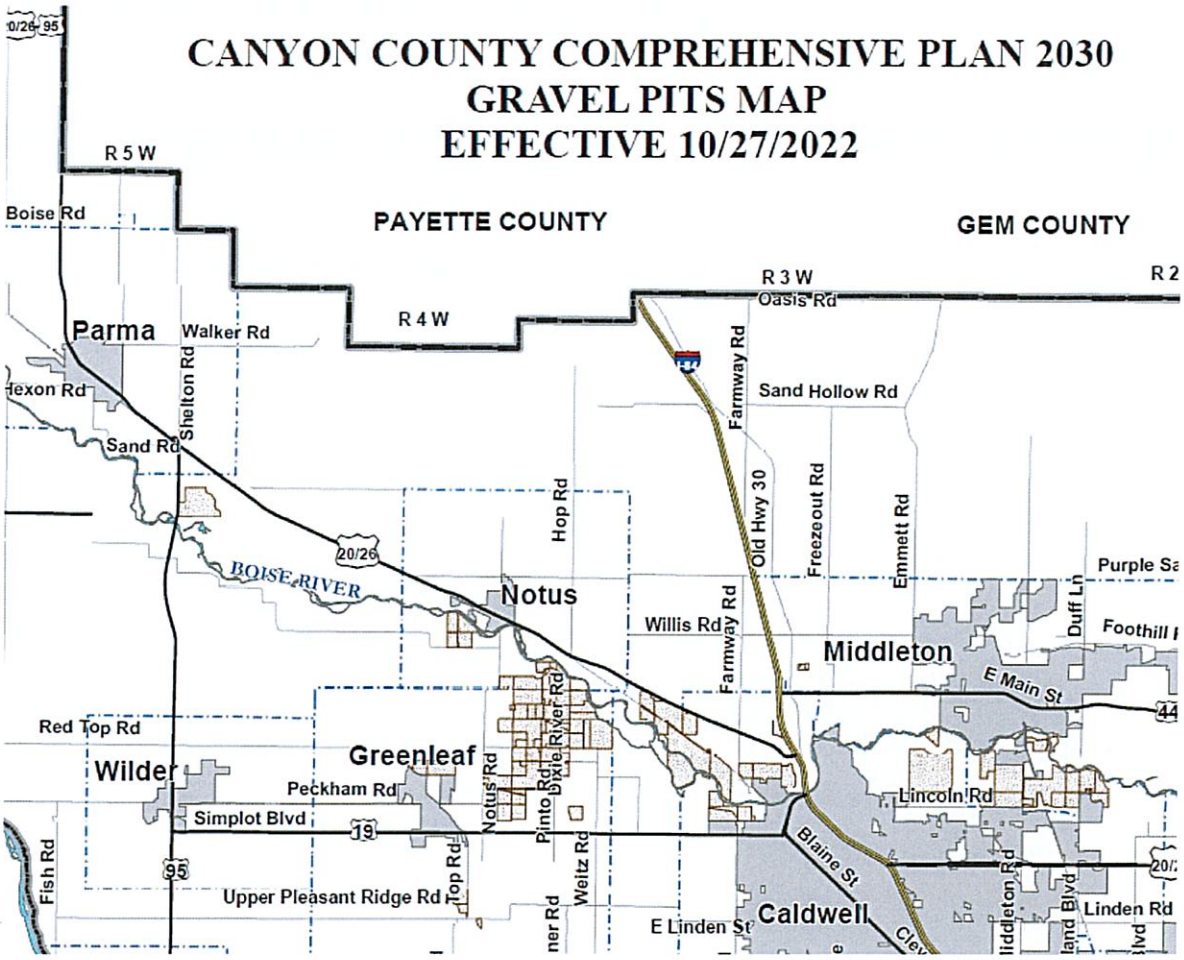
G4.03.00 Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.

P4.03.01 Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.

P4.03.03 Recognize that each land use application is unique and that agricultural and nonagricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.

P4.07.01 Plan land uses that are compatible with the surrounding community.

The following is the gravel pit map in the natural resources chapter in the Comp. Plan. The map does not contain all current and historic operations. The map is part of the comprehensive plan to recognize and help protect areas where gravel resources are found.



The area contains high quality mineral resources that can meet public road construction standards. This natural resource is found where nature puts it. One cannot zone for and create sand and gravel. However, it is orderly development to recognize and protect this resource in this area, and the county has done so in the comprehensive plan land use maps. That map shows the location of the resources in the area based on use and should help guide land use decisions to preserve this necessary resource and its use. Because the material is found in this location there are many historic gravel pits in the area. There are older pits that have been reclaimed and many that are still in operation. Allowing gravel operations with appropriate conditions in this area provides for orderly growth and development of this natural resource.

The community has an overall interest in making sure this material is available for construction and infrastructure projects. The public interest in health and safety is met through the conditions of approval placed on this CUP. Again this is a less impactful proposal than the other operations that exist in this area because it does not include crushing, does not include 24/7 operations, is smaller in scale and will be reclaimed and turned into two ponds for continued agricultural use by the existing and future property owners in a shorter period of time compared to other gravel operations in the area.

The character of the area consists mostly of agricultural uses, gravel operations and some low density rural residential uses. Gravel pits have been a part of the character of this area for many years. Agricultural uses and gravel operations have similar impacts and can and have co-existed in this area for decades. Long term mineral extraction is allowed by CUP in the AG zone because the use is compatible with agricultural uses and conditions of approval help ensure reasonable compatibility. The comprehensive plan recognizes that agricultural and non-agricultural uses can compatibly co-exist in and area. This operation is compatible with and will have less impact on the area than many of the existing operations.

NATURAL RESOURCES

G5.03.00 Support the conservation of productive mineral lands and discourage incompatible uses upon or adjacent to these lands.

Again, this is an example of the comprehensive plan supporting this application in this area where mineral resources are found and emphasizing the need to protect sand and gravel resources.

(4) Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?

No.

The character of the area is comprised of agricultural uses, gravel operations, reclaimed gravel operations and ponds and some low density rural residential uses. Traditional and larger scale gravel pits have been a part of the character of the area for many years because the resource is found in this area. Unlike most larger operations in the area, this application is smaller in scale and will not include crushing of material, we are not proposing any 24/7operations, the completion of the operations and reclamation of the properties to create two ponds for continued agricultural use and will likely occur in a much shorter time frame than other operations in the area. This proposal will be less impactful and more compatible than the other gravel operations in the area, particularly with appropriate conditions of approval. For these reasons the proposed use will not negatively change the character of the area or be injurious to other property in the vicinity.

(5) Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?

Yes.

The use does not utilize or need potable water, sewer, irrigation or additional utility systems. Any stormwater generated will be retained on site. Groundwater from

dewatering will go into the drainage ditch on the west side on the property with the approval of the ditch entity.

(6) Does legal access to the subject property for the development exist or will it exist at the time of development?

Yes.

The two parcels have frontage on Centerpoint Rd.

(7) Will there be undue interference with existing or future traffic patterns?

No.

This is a smaller operation of relatively short duration compared to other operations in the area. The average daily trips from the operation do not come close to the Highway District requirements for a traffic study. I will reiterate some of the points from above. The following tables contain the estimated annual truck trips per day and per hour based on a 3, 5 and 10 year time frame for both ends of the estimated amount of material.

850,000 cubic yards

Years	Days	Yards/Day	Trips/Day	Trips/Hour
3	939	905	50.27	4.18
5	1565	543	30.16	2.5
10	3130	272	15.11	1.25

750,000 cubic yards

Years	Days	Yards/Day	Trips/Day	Trips/Hour
3	939	798	44.33	3.69
5	1565	479	26.44	2.2
10	3130	239	13.27	1.10

For calculation purposes we plan to utilize the 850,000 cubic yards and the five year time frame to be more conservative and not use the lowest possible numbers for the trip calculation. These are average numbers. The use of the property is market driven so there will be periods of time when the property is not in use and no trucks will be coming and going and there will be times when they are busier and more truck trips will occur. Unlike residential uses and some commercial uses, the peak hours do not significantly impact the number of trips generated on a daily basis by this operation. The trips are spread throughout the day and not impacted by commuter traffic. The Golden Gate Highway District standards manual notes that a traffic impact study (TIS) is required if the proposed development exceeds 50 peak hour trips or 500 annual average daily trips in

rural areas. The estimated annual average trips per hour is 2.5 with the average daily trips being 26.44 which do not come close to the threshold requirements for a TIS. The highway district has the final authority to determine whether a TIS is required but this small, short term project does not come close to the threshold standards for a TIS. The properties have frontage on Centerpoint Rd. We will work with the highway district as to the exact location of the temporary accesses connecting with the northern and southern pond areas. We will also work with the highway and address required and proportionate road/access improvements.

(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.

Because this is a gravel extraction operation resulting in ongoing agricultural zoning and use, the gravel extraction will have little to no impact on schools, police, fire, EMS and irrigation facilities. The operations will include setbacks from any existing irrigation facilities, so those easements are protected.

The application complies with the additional standards and criteria for long-term mineral extraction. The analysis below describes such compliance.

07-14-19: MINERAL EXTRACTION LONG TERM:

(1) If a conditional use permit is required, the following standards shall apply:
A. Setbacks:

Front	Side	Rear	Corner
30'	30'	30'	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.

As shown is the site plan this operation will comply with the applicable setbacks.

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.

Other properties in the area contain agricultural uses and traditional and larger scale gravel pits. This proposal is less impactful than existing gravel operations because it does not include crushing, will not involve 24/7 operations and is smaller in scope and shorter in duration. The property owners will continue to live on the property while the material is being extracted and the ponds are completed. The existing homeowners on the property will help with mitigation of potential impacts and ensure compliance with the conditions of the CUP.

(B) Duration of the proposed use.

The duration requested maximum period is 10 years. That matches the term of mineral lease for the property. The completion of the ponds is market driven, which we do not fully control. The property owners would like their ponds completed as soon as possible. My client anticipates that they will be done and completed in much less time than ten years.

(C) Setbacks from surrounding uses.

The project will comply with the required setbacks. The extraction areas and resulting ponds will be shared by the participating landowners.

(D) Reclamation plan as approved by Idaho Department of Lands.

The Idaho Department of Lands has approved the reclamation plan. The reclamation plan is included with this application.

(E) The locations of all proposed pits and any accessory uses.

The location of the mineral extraction areas is noted in the reclamation plan. The operation involves only extraction of material. There will be no crushing or batching.

(F) Recommendations from applicable government agencies.

The applicant intends to comply with the requirements of the applicable agencies.

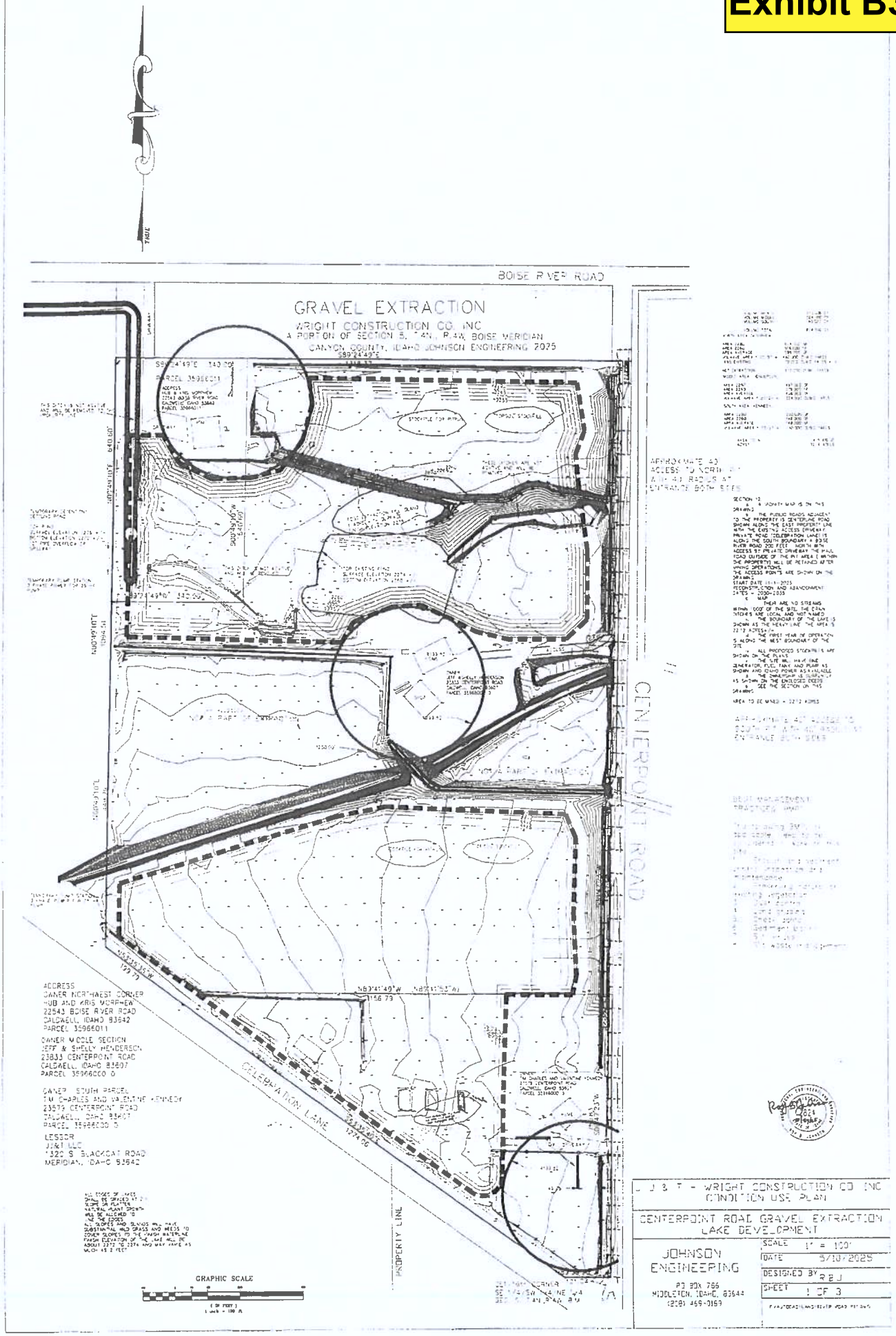
CONCLUSION

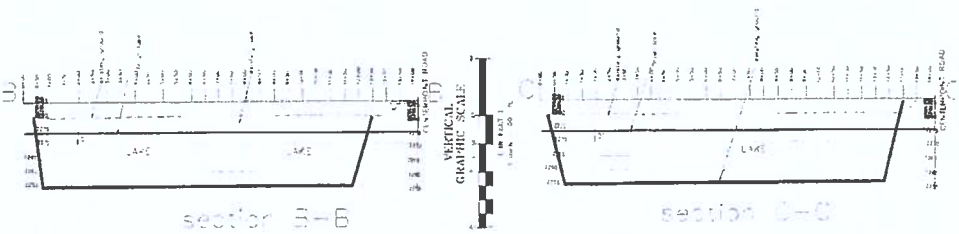
This application to excavate two ponds for continued agricultural use has fewer impacts than the typical gravel pit and those operating in the area. The application to excavate two ponds for continued agricultural/aquaculture use complies with the development agreement on the Henderson property and helps prevent further residential development of the property in the future. The smaller scale shorter term operation meets the criteria in the Canyon County Zoning Ordinance Section 07-07-05 pertaining to conditional use permits and Section 07-14-19 pertaining to long term mineral extraction. We request approval of this application with the conditions proposed in this application. Please contact me if you have any questions.

Sincerely,

Todd M. Lakey
Lakey-Villegas Law

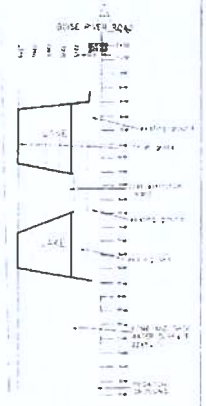
Exhibit B3:

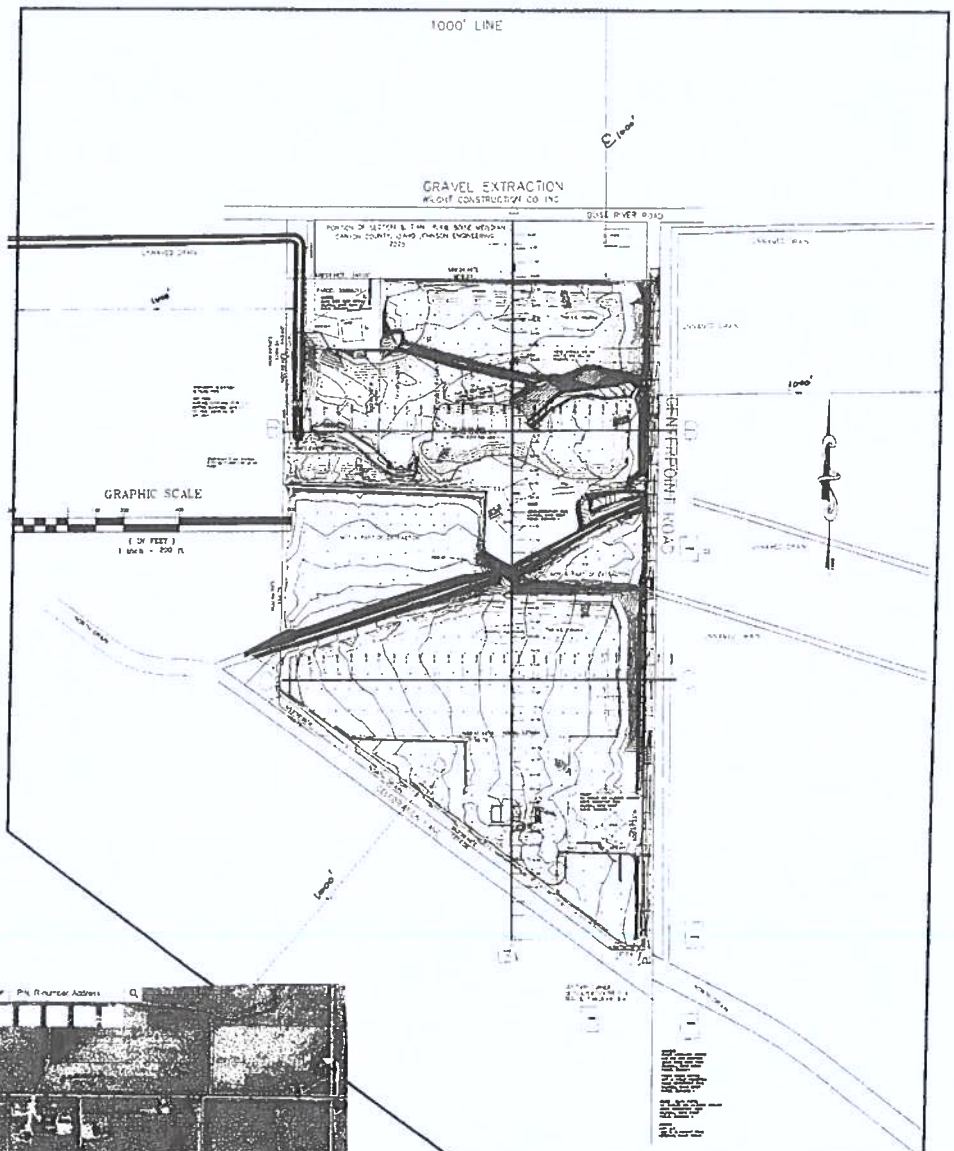

BOISE RIVER ROAD
GRAVEL EXTRACTION
WRIGHT CONSTRUCTION CO. INC
A PORTION OF SECTION 5, T4N., R4W, BOISE MERIDIAN
CANYON COUNTY, IDAHO JOHNSON ENGINEERING 2025
CENTERPOINT ROAD
CELEBRATION LANE
PROPERTY LINE
ADDRESS
OWNER NORTHEAST CORNER
HUB AND KRIS MORPHEW
22543 BOISE RIVER ROAD
CALDWELL, IDAHO 83642
PARCEL 35966011
OWNER MIDDLE SECTION
JEFF & SHELLY HENDERSON
23833 CENTERPOINT ROAD
CALDWELL, IDAHO 83607
PARCEL 35966000 0
OWNER SOUTH PARCEL
TIM CHARLES AND VALENTINE KENNEDY
23579 CENTERPOINT ROAD
CALDWELL, IDAHO 83607
PARCEL 35966000 0
LESSOR
J J&T LLC
1320 S. BLACKCAT ROAD
MERIDIAN, IDAHO 83642
GRAPHIC SCALE
J J & T - WRIGHT CONSTRUCTION CO INC
CONDITION USE PLAN
CENTERPOINT ROAD GRAVEL EXTRACTION
LAKE DEVELOPMENT
JOHNSON ENGINEERING
PO BOX 786
MIDDLETON, IDAHO, 83644
(208) 459-0159
SCALE 1" = 100'
DATE 5/10/2025
DESIGNED BY R B J
SHEET 1 OF 3

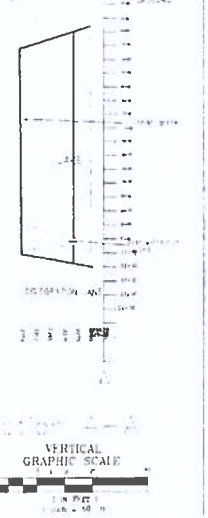


section B-B

section C-C

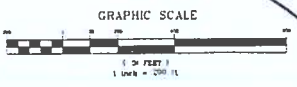






Section A-A





IRRIGATION AND DRAINAGE DITCHES

D R A F T - WRIGHT CONSTRUCTION CO. INC

CENTERPOINT ROAD GRAVEL EXTRACTION
1000' DRAINAGE/IRRIGATION DITCHES
CROSS SECTIONS

JOHNSON
ENGINEERING

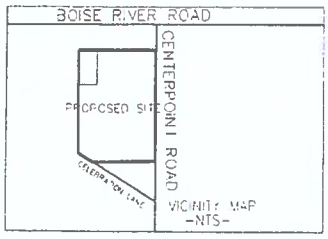
PO BOX 756
MIDDLETON, IDAHO 83644
(208) 459-7789

3 OF 3

GRAVEL EXTRACTION
WRIGHT CONSTRUCTION CO. INC

BOISE RIVER ROAD

A PORTION OF SECTION 5, T.4N., R.4W. BOISE MERIDIAN
CANYON COUNTY, IDAHO JOHNSON ENGINEERING
2025



S89°24'49"E
1318.37

S89°24'49"E
340.00'

640.60'

N00°49'10"E 640.60'

S00°49'10"W 640.60'

N89°24'49"W
340.00'

N00°49'10"E
1544.30'

N00°49'10"E
903.70'

CENTERPOINT ROAD

S00°47'23"W
1655.50'

S00°47'23"W
2406.33'

N53°35'40"W
199.79

N89°41'49"W (N89°41'53"W)
1156.79

CELEBRATION LANE

S53°35'40"E
274.06

S00°47'23"W
750.83

N89°39'29"W
12.04

POB - LEGAL DESCRIPTION

CE1/16th CORNER
SE 1/4/SW 1/4/NE 1/4
SEC. 5, T.4N.,R.4W. B.M.

LESSOR
JJ&T LLC
1320 S. BLACKCAT ROAD
MERIDIAN, IDAHO 83642

GRAPHIC SCALE

J & T - WRIGHT CONSTRUCTION CO. INC
CONDITION USE PLAN

NOTUS RIVER ROAD GRAVEL EXTRACTION
BOUNDARY

JOHNSON ENGINEERING
PO BOX 188
MIDDLETON IDAHO 83644
(208) 169-0199

SCALE
DATE 9/23/2025
DESIGNED BY
SHEET 1 OF 1

LAND USE WORKSHEET

Exhibit B4:

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: Gravel extraction - 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: Portable restrooms as Needed

3. **IRRIGATION WATER PROVIDED VIA:**

☐ Surface ☐ Irrigation Well ☒ None

4. **IF IRRIGATED, PROPOSED IRRIGATION:** N/A

☐ Pressurized ☐ Gravity

5. **ACCESS:**

☒ Frontage ☐ Easement Easement width_____Inst. # _____

6. **INTERNAL ROADS:** N/A

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

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

Type: Existing 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)

Ditches

RESIDENTIAL USES

1. **NUMBER OF LOTS REQUESTED:** N/A

☐ Residential _____ ☐ Commercial _____ ☐ Industrial _____

☐ Common _____ ☐ Non-Buildable _____

2. **FIRE SUPPRESSION:** N/A

☐ Water supply source: _____

3. **INCLUDED IN YOUR PROPOSED PLAN?** N/A

☐ Sidewalks ☐ Curbs ☐ Gutters ☐ Street Lights ☐ None

NON-RESIDENTIAL USES

1. **SPECIFIC USE:** Gravel extraction to create ponds for owners

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

☒	Monday	7am to	7 pm
☒	Tuesday	7am to	7 pm
☒	Wednesday	7am to	7 pm
☒	Thursday	7 am to	7 pm
☒	Friday	7 am to	7 pm
☒	Saturday	7 am to	7 pm
☐	Sunday	_____ to	_____

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

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

Height: _____ ft Width: _____ ft. Height above ground: _____ ft

What type of sign: _____Wall _____ Freestanding _____ Other

5. **PARKING AND LOADING:**

How many parking spaces? Large open area in gravel operation for employees to park when there.

Is there is a loading or unloading area? _____

ANIMAL CARE-RELATED USES

1. **MAXIMUM NUMBER OF ANIMALS:** N/A

2. **HOW WILL ANIMALS BE HOUSED AT THE LOCATION?**

☐ Building ☐ Kennel ☐ Individual Housing ☐ Other _____

3. **HOW DO YOU PROPOSE TO MITIGATE NOISE?**

☐ Building ☐ Enclosure ☐ Barrier/Berm ☐ Bark Collars

4. **ANIMAL WASTE DISPOSAL**

☐ Individual Domestic Septic System ☐ Animal Waste Only Septic System

☐ Other: _____

Exhibit B5:

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #310, Caldwell, ID 83605

zoninginfo@canyoncounty.id.gov Phone: 208-402-4164

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: 23833 Centerpoint Rd. 23579 Centerpoint Rd. 22543 Boise River Rd.	Parcel Number: R35966000 0, R35966011 0 R35967000 0	
City: Caldwell	State: ID	ZIP Code: 83607
Notices Mailed Date: 8-7-25	Number of Acres: 61 +/-	Current Zoning: A
Description of the Request: CUP – Gravel Extraction		

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Todd Lakey		
Company Name: Lakey-Villegas Law		
Current address: 141 E. Carlton Ave.		
City: Meridian	State: ID	ZIP Code: 83642
Phone: [redacted]	Cell: [redacted]	Fax:
Email: [redacted]		

MEETING INFORMATION

DATE OF MEETING: 8-25-25	MEETING LOCATION: Notus Community Center - 389 1st St. Notus
MEETING START TIME: 6:00pM	MEETING END TIME: 6:50

ATTENDEES:

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. Todd Lakey	Todd M Lakey	12905 Venezia Ct., Nampa ID
2. Mike Houston		23228 Boise River Rd
3. Scott Lowrey	Scott Lowrey	23760 Centerpoint Road
4. DEBRA MCCOY	Debra McCoy	23764 Centerpoint Rd
5. Tom CHARLES		23579 " "
6. Valentine Kennedy	Valentine Kennedy	" "
7. Linda Boosembark		22585 Boise River Rd
8. Niki Black	Niki Black	23762 Centerpoint Rd
9. Jordyn Black	Jordyn Black	23762 Centerpoint Rd

Revised 6/9/22

10.	Colby Brock	23532 Boise River Rd
11.	TUCKER SHAW	23020 HOWE RD

12.	Hub Morphew	22543 Boise River RD
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): Todd M. Lakey

APPLICANT/REPRESENTATIVE (Signature): _____

DATE: 1 / 8 / 26

Notice of Neighborhood Meeting

Pre-application requirement for a Public Hearing Date

August 7, 2025

Dear Neighbor,

We are in the process of presenting an application to Canyon County Development Services for a conditional use permit for gravel extraction that will ultimately result in ponds on the subject property. One of the requirements necessary, prior to submission, is to hold a "Neighborhood Meeting" and provide information to our surrounding neighbors about our application; Canyon County Zoning Ordinance § 07-01-15. This meeting for our surrounding neighbors is only for informational purposes. We would like to receive feedback from you, our neighbors, as we move through the land use application process with the county.

This neighborhood meeting is not a public hearing before a governing body of Canyon County. Once our application has been submitted to the county's Development Services Department, only then, will a public hearing date be scheduled. Also, only after our application is accepted and a public hearing is scheduled with a confirmed date by the county, will the surrounding neighbors receive an official notification from the county via postal mail. The notice will also appear in a newspaper publication and a sign will be displayed on the parcel notifying the public of a county Planning and Zoning land use hearing for our application.

The Neighborhood Meeting details are as follows:

Date: August 25, 2025

Time: 6:00 pm

Location: Notus Community Center – the community center is located next to the Post Office and the Library. The Address is 389 1st St., Notus, Idaho. (See attached Map).

Property description: The subject property at 23883 Centerpoint, Rd., Caldwell, Idaho. This is one of three parcels that will be the subject of the CUP – the assessors parcels numbers for the three parcels are noted below. (See attached Map).

The project is summarized below:

Site Location: Canyon County Assessor's Parcels 35966011 0, 35966000 0 and 35967000 0. These parcels are located on Centerpoint Road and are generally noted in the attached site map.

Proposed access: Frontage on Centerpoint Rd.

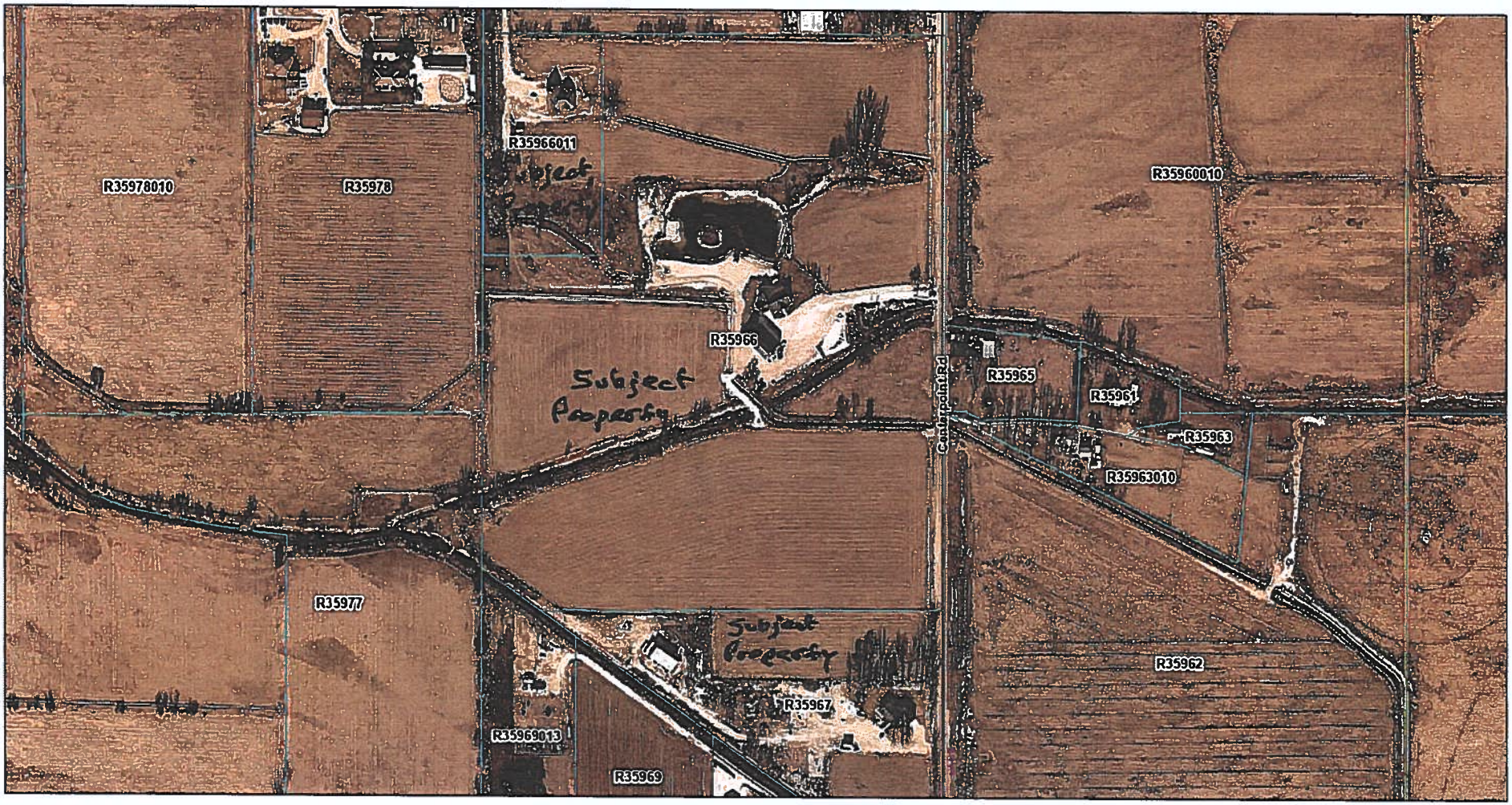
Total acreage: Approximately 61 acres +/-

We look forward to our neighborhood meeting and encourage you, as our neighbor, to attend. During our meeting, we will answer any questions you may have. Please note, the county does not currently have any information on our project. Also, please do not call the county regarding this meeting or our application as this meeting is a PRE-APPLICATION requirement; we have not submitted the application to the county for consideration at this time. Feel free to contact me at Lakey- Villegas Law [redacted] if you have any questions.

Sincerely,

Todd M. Lakey
Lakey-Villegas Law

Canyon County Assessor



7/31/2025, 5:07:53 PM

Imagery 2025

Red: Band_1

Green: Band_2

Blue: Band_3

Taxparcels

Canyon County Roads

Canyon County Roads

Sections-Adjusted for Assessment

County

1:4,514

0 0.04 0.08 0.16 mi

0 0.05 0.1 0.2 km

Public

Maps and data are to be used for reference purposes only and Canyon County, Idaho is not responsible for any inaccuracies herein contained.

Exhibit B6:

12-1-25

AGENCY ACKNOWLEDGMENT

Date: 1/8/26

Applicant: JJ & T / Wright Construction

Parcel Number: R 35966 & R 35967

Site Address:

OFFICIAL USE ONLY BELOW THIS LINE – ACKNOWLEDGMENT ACTION:

Southwest District Health:

☒ Applicant submitted/met for official review.

Date: 11/17/25 Signed: _____

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: 11/24/25 Signed: _____

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

Irrigation District: District: Golden Gate Highway #3

☐ Applicant submitted/met for official review.

Date: 12/1/25 Signed: _____

Authorized Irrigation Representative
(This signature does not guarantee project or permit approval) *
EUREKA Irrig District

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: _____ Signed: _____

Canyon County Development Services Staff

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

AGENCY ACKNOWLEDGMENT

Date: 1/8/26
Applicant: JJ & T / Wright Construction
Parcel Number: R 35966 & R 35967
Site Address:

OFFICIAL USE ONLY BELOW THIS LINE – ACKNOWLEDGMENT ACTION:

Southwest District Health:
☒ Applicant submitted/met for official review.
Date: 11/17/25 Signed: _____
Authorized Southwest District Health Representative
(This signature does not guarantee project or permit approval)

Fire District: District: Wilder Fire
☒ Applicant submitted/met for official review.
Date: 11/24/2025 Signed: _____
Authorized Fire District Representative
(This signature does not guarantee project or permit approval)

Highway District: District: _____
☐ Applicant submitted/met for official review.
Date: 11/24/25 Signed: _____
Authorized Highway District Representative
(This signature does not guarantee project or permit approval)

Irrigation District: District: Golden Gate Highway #3
☐ 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: _____ Signed: _____
Canyon County Development Services Staff

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

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

Exhibit B7:

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

January 8, 2026

JJ & T LLC
1320 S Blackcat Rd
Meridian, ID 83669

To whom it may concern,

This correspondence is notification that the following reclamation plan was approved on 1/8/2026:

PLAN NO.	ACRES	COUNTY	LEGAL DESCRIPTION
S603031	61	Canyon	Pts SWNE Sec 5 T04N R04W

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. A reclamation bond in the amount of $40,000 for 16 acres of disturbance will be submitted to and maintained with the Idaho Department of Lands prior to conducting surface 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), wastewater 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 January 22, 2026, the stipulations will be considered as accepted.

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

Sincerely,

Connor MacMahon
Lands Resource Specialist—Minerals

SURFACE MINE APPROVAL MEMORANDUM

RECLAMATION PLAN NUMBER:	S603031
APPLICANT:	JJ & T LLC; 1320 S Blackcat Rd Meridian, ID 83669
LEGAL DESCRIPTION:	Pts SWNE Section 5 Township 04N R01W B.M.
AGENCY REVIEW	The application was sent out for agency review. No comments were received.
OPERATIONAL DETAIL:	The proposed project consists of two 16-acre sites that will be mined. The northern site will be mined first and work on the southern portion will not begin until the north site is completed. Mine life is estimated at 3-10 years. Pit depth will be approximately 20 feet. Access will be from Centerpoint Road.
RECLAMATION DETAIL:	Reclamation will consist of turning the pits into lakes. Pond slopes will be 2:1 from water surface to ground level. Topsoil will be used as a growth medium and seeded with alfalfa and a pasture mix.
BONDING:	A reclamation bond in the amount of $40,000 for up to 16 acres of disturbance will be submitted to IDL prior to operations commencing.
STIPULATIONS:	Approve the application subject to the standard stipulations.

Preparer: Connor MacMahon Date: 1/08/2026 C.M.

IDAHO DEPARTMENT OF LANDS

APPLICATION FOR RECLAMATION PLAN APPROVAL

Reclamation Plan Number:

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 JJ & T LLC_____ d/b/a: _____

2. ADDRESS: 1320 S. BLACKCAT ROAD

   CITY, STATE, ZIP CODE: MERIDIAN, IDAHO 83669

3. TELEPHONE and EMAIL: 208-888-1307 _____
   (000-000-0000) (e.g. john.doe@email.com)

4. DESIGNATED IN-STATE AGENT AND ADDRESS: (if Company's main place of business is 'out of state')

   JERRY WRIGHT 1320 S. BLACKCAT ROAD, MERIDIAN, IDAHO 83669

5. PROOF OF BUSINESS REGISTRATION (if applicable): If applicant is a business, please attach proof of registration with the Idaho Secretary of State.
   ATTACHED

6. LEGAL DESCRIPTION (Section, Township, and Range) TO THE QUARTER-QUARTER SECTION:
   ATTACHED

7. ACREAGE and COUNTY(ies): 61.01 canyon county _____ (Acres) (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: surface gravel extraction November 2025

10. SITE NAME OR MINE NAME (if any): CENTERPOINT PIT

11. TYPE OF MINING: (check applicable) ■ Surface ☐ Underground ☐ Both

SECTIO
069
Fee: See Attached Schedule, page 3

$ 750.00

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.
Attached on site plan

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.
A site map is enclosed @1" = 100 feet

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.

These requirements are shown on the location map.
The location map is provided as sheet #2 to show offsite drainages and an enlarged vicinity map.

ii. The approximate boundaries and acreage of the lands:

1. That will become affected by the mining operation.
The site map shows the three separate properties in this application
2. That will be affected during the first year of operations.
The site map shows the initial area to be mined at 1"=100 feet.
All of the pits, stockpiles, topsoil, and sediment ponds are shown on the site plan.
Overburden and tailings remaining are not expected on this site. There are no existing mines on this property.

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.

iii. Location of all underground mine openings at the ground surface, if any.
None

v. The planned location of storage for fuel, equipment maintenance products, wastes, and chemicals utilized in the surface mining operation.
There is no plan for storage of fuel, equipment products, wastes, or chemicals on this site.

d. A surface and mineral control or ownership map of appropriate scale for boundary identification.
Ownership is shown on the site plan. Deeds are attached.

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

A typical section of completed mining is shown on the site plan.

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. Best management practices are shown on the drawing.

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.

Water pumped from this site is very clean and does not require any further treatment. All pumped water goes into a 100' long drainage ditch for settling before being discharged to the drainage ditch.

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

None

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

None

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.

All edges of lakes shall be graded at 2:1 slopes or flatter. Natural plant growth will be allowed to line the edges. All slopes and islands will have substantial wild grass with water type plants and weeds to cover slopes to the finish waterline. Finish elevations of the lakes will be at about 2272 to 2274 and may vary as much as 2 feet.

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

The sediment pond will be filled in accordance with the land owner.

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.

None

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.

Both entrances to the site from centerpoint road will be removed as part of the mining operation. The detention settling pond will be filled as part of one of the land owners yards when the mining is completed and as the owner wishes at that time (several years). Fill of all ditches will be done with the appropriate approvals of the governing agencies.

APPLICANT SIGNATURE: Jerry Wright **DATE:** 10/3/25

Fee: See Attached Schedule, page 3

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	

JOHNSON ENGINEERING
PO BOX 786
Middleton, Idaho 83644
208-469-0189

October 23, 2025

Idaho Department of Lands
8355 W state street
Boise, Idaho 83714 phone 208-334-3488

Re: Response to letter dated 10/9/2025 for application for reclamation plan
Pit name: CENTERPOINT NOTUS PIT

Conner McMahon:

This is response to your comments:

1. Sheets are now properly numbered Including a 3rd sheet.
   A vicinity map has been added to sheet 2 showing all definable ditches.
   There are no creeks or bodies of water within 1000' of this project.
2. The entire North area will be stripped initially with part of the material removed from the site. The South area will not be disturbed until the North area is completed. The area of the north pit is approximately 16.5 acres. The area of the south area is 16.7 acres for a total of 33.2 acres. The post islands fill, stockpile of pitrun material and stripped material will all be located inside the bounds of the pit areas.
3. Cross sections are shown on sheet 2 of the plans.
4. The area around each lake is about .5 acres based on 5 feet from the water edge to the existing ground at a slope of 2:1 resulting in a strip 10 feet wide. With 3 feet of topsoil from the adjacent field, the alfalfa and associated weed plants will take over the entire 10 feet. Any bare areas can be dealt with by the land owners as needed.

   Extraction start date of this project is desired as soon as March 2026 and as late as June 2026 (or as allowed by permitting) and will continue for 3 to 10 years, depending on the economy. Extraction of gravel will begin at the North West corner of the project near the pump station and work Easterly until the North pit is completed. The entire North 16 acre site will be striped of vegetation at the beginning of pitrun extraction. The South 16 acres will not be disturbed until the North pit has been completed. The pump station will be moved to the South location at that time. The result of this project will be 2 beautiful lakes as desired by the present owners and enhancing the view and enjoyment of all homes in this area.

5. There are 2 access points to Centerpoint road which will be left in place for use of the property owners. If the owners desire, these access points will be removed by the

contractor prior to leaving the site. The pump station will also be removed upon completion of the extraction. There are no roads to abandoned.

Thanks.

Roy Johnson PE/LS 2024
Project engineer



JOHNSON ENGINEERING
P.O.Box 786 -
Middleton, Idaho 83644
208-469-0189

October 2, 2025

Idaho Department of Lands
8355 W state street
Boise, Idaho 83714
208-334-3488

Re: Application for reclamation approval

Review Department:

This is a proposed gravel mining on 61.01 acres owned by the listed owners. They have decided to development two separate lakes as recreational amenities on the property creating a total of about 32 acres of surface water. The lakes will be about 20 feet deep including 5 to 6 feet from the ground to the water surface.

The approximately 32 acres is mostly farm ground, however the farmable areas is so small that it is not feasible to farm.. A portion that was mined for gravel several years ago is shown on the drawings. This site is within the Boise River flood plain and about 1 foot deep. The buildings were constructed above the flood elevation with material from the existing lake.

Access will be from S. CENTERPOINT ROAD.

Water will be from existing individual wells and sewer is from onsite septic tank and drainfields. All of these drainfields will be moved as needed to maintain required setbacks from water surfaces. Irrigation water will be provided for each lot from the lakes with current water rights. Irrigation water rights go with the individual lots according to the existing water rights. Power and telephone are from existing overhead lines. Power will be provided from existing 3 phase power along BOISE RIVER ROAD for operating the pumps for dewatering.

Temporary stockpiled material from overburden material and pitrun material for drying will be removed with completion of the mining. No fill will be left on the original pit area. Approximately 150 acre-feet of additional river water storage during a flood will result as a result of these lakes.

Extraction start date of this project is desired as soon as November 2025 and as late as March 2026 and will continue for 3 to 10 years , depending on the economy. Extraction will begin at the NorthWest corner of the project near the pump station and work Easterly until the North pit is completed. The pump station will be moved to the South location at that time.

The result of this project will be 2 beautiful lakes enhancing the enjoyment of all homes in this area with this view.

Thanks.

Roy Johnson PE/LS 2824
Project engineer

PROFESSIONAL ENGINEER / LAND SURVEYOR
REGISTERED
2824
STATE OF IDAHO
ROY B. JOHNSON

JOHNSON ENGINEERING
P.O.Box 786 -
Middleton, Idaho 83644
208-469-0189

October 2, 2025

CENTERPOINT GRAVEL EXTRACTION

BOUNDARY DESCRIPTION

A PORTION OF THE SW1/4 OF THE NE1/4 OF SECTION 5, T.4N., R. 1 W. BOISE MERIDIAN, CANYON COUNTY, IDAHO. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 3/4" pin marking the SE1/4 corner of the SW1/4 of the

NE1/4 of section 5, T.4N., R.4W., B.M., (being the CE1\16th corner of section 5), thence

N. 89°39'29" W. 121.04 feet to a point, thence

N. 53°35'40" W. 1274.06 feet to a point, thence

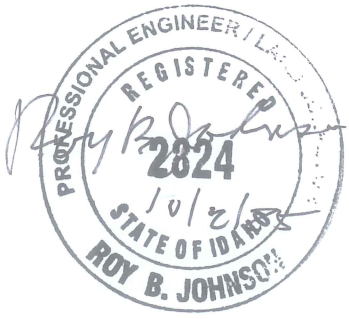
N. 53°35'40" W. 199.79 feet to a point, thence

N. 00°49'10" E. 1544.30 feet to a point, thence

S. 89°24'49" E. 1318.37 feet to a point on the West line of government lot 2 in section 5, Thence along said line

S. 00°47'23" W. 2406.33 feet to the POINT OF BEGINNING.

Contains 61.01 acres more or less



2024-008643
RECORDED
03/25/2024 12:51 PM
00802969202400086430030033
RICK HOGABOAM
CANYON COUNTY RECORDER
Pgs=3 NHANEY $15.00
DEED
JEFF & SHELLY HENDERSON

QUITCLAIM DEED

Jeffery Henderson and Shelly L. Henderson, husband and wife, hereinafter "Grantors," do release and forever quitclaim unto Hubert Gene Morphew and Kristine Kay Morphew, Trustees of The Hubert G. & Kristine K. Morphew Family Trust, whose address is 2201 W. Green Springs Rd El Dorado Hills CA, hereinafter "Grantees," and to their heirs and assigns, all right, title and interest which Grantors now have or may hereafter acquire in the following described real property situated in Canyon County, State of Idaho, to-wit:

22543 Boise River Rd. Caldwell ID 83607, more fully described as:
See Exhibit A attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto Grantee, and to its heirs and assigns forever.

WITNESS the hand of said Grantors this 25 day of March, 2024.

Jeffery Henderson

Shelly L. Henderson

STATE OF IDAHO)
:ss
County of Canyon)

On this 25th day of March, 2024, before me, a Notary Public, personally appeared Jeffery Henderson and Shelly L. Henderson, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

RACHEL E. WALSH
COMMISSION NO. 16033
NOTARY PUBLIC
STATE OF IDAHO

Notary Public for Idaho
Commission expires: 11/14/2029

Sawtooth Land Surveying, LLC

2030 S. Washington Ave.
Emmett, ID 83617
P: (208) 398-8104
F: (208) 398-8105

Parcel B Legal Description

BASIS OF BEARINGS for this description is South 89°24'49" East, between the 1/2" rebar marking the N1/4 corner of Section 5 and the 5/8" rebar marking the E1/16 corner on the north line of Section 5, both in T. 4 N., R. 4 W., B.M., Canyon County, Idaho.

A parcel of land being a portion of Government Lot 2, of Section 5, T. 4 N., R. 4 W., B.M., Canyon County, Idaho, more particularly described as follows:

COMMENCING at a 1/2" rebar marking the N1/4 corner of said Section 5;

Thence South 0°49'10" West, coincident with the west line of said Government Lot 2, a distance of 198.25 feet to an illegible 1/2" rebar and the **POINT OF BEGINNING**;

Thence South 89°24'49" East, parallel with the north line of said Government Lot 2, a distance of 340.00 feet;

Thence South 0°49'10" West, parallel with said west line, 640.60 feet;

Thence North 89°24'49" West, parallel with said north line, 340.00 feet to said west line;

Thence North 0°49'10" East, coincident with said west line, 640.60 feet to the **POINT OF BEGINNING**.

The above described parcel contains 5.00 acres more or less.

TOGETHER WITH a 40-wide ingress/egress easement, a portion of Government Lot 2, of Section 5, T. 4 N., R. 4 W., B.M., Canyon County, Idaho, more particularly described as follows:

COMMENCING at a 1/2" rebar marking the N1/4 corner of said Section 5;

Thence South 89°24'49" East, coincident with the north line of said Government Lot 2, a distance of 38.66 feet to the **POINT OF BEGINNING**;

Thence South 0°49'10" West, parallel with the west line of said Government Lot 2, a distance of 198.25 feet;

Thence South 89°24'49" East, parallel with said north line, 40.00 feet;

Thence North 0°49'10" East, parallel with said west line, 198.25 feet to said north line;

Thence North 89°24'49" West, coincident with said north line, 40.00 feet to the **POINT OF BEGINNING**.

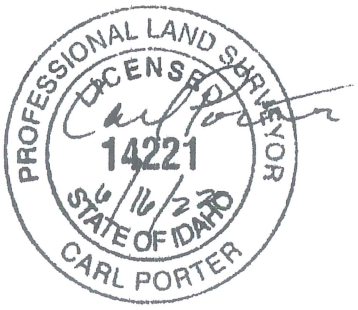


EXHIBIT A

2023-029794
RECORDED
09/13/2023 01:32 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=4 NHANEY $15.00
TYPE: DEED
KOOP LAW GROUP, LLC
ELECTRONICALLY RECORDED

QUITCLAIM DEED

For Value Received, **Jeffery Henderson and Shelly Henderson, husband and wife,** the Grantors, do hereby convey, release, remise and forever quitclaim unto **Jeffery Henderson and Shelly L. Henderson, Trustees of the Henderson Revocable Trust dated** 7/19, **2023 (to be held pursuant to Schedule A thereof as Community Property),** with an address of **23833 Centerpoint Road, Caldwell, Idaho 83607,** the Grantee, the premises situated in the County of Canyon, State of Idaho, to-wit, as further described on Exhibit A, attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the said premises, unto the said Grantee, its successors and assigns forever.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated this 19 day of July, 2023.

Jeffery Henderson

Shelly Henderson

STATE OF IDAHO)
) ss.
COUNTY OF Canyon)

Subscribed and sworn to or affirmed before me by **Jeffery Henderson** on this 19 day of July 2023.

Signature of Officer

Co-Trustee
Title of Officer

STATE OF IDAHO)
) ss.
COUNTY OF Canyon)

Subscribed and sworn to or affirmed before me by **Shelly Henderson** on this 19 day of July 2023.

Signature of Officer

Co-Trustee
Title of Officer

KAREN ZIMMERSCHIED
COMMISSION NO. 56789
NOTARY PUBLIC
STATE OF IDAHO

Ex. 9-20-28

EXHIBIT A

BASIS OF BEARINGS for this description is South 89°24'49" East, between the 1/2" rebar marking the N1/4 corner of Section 5 and the 5/8" rebar marking the E1/16 corner on the north line of Section 5, both in T. 4 N., R. 4 W., B.M., Canyon County, Idaho.

A parcel of land being a portion of Government Lot 2 and the SW1/4 of the NE1/4, of Section 5, T. 4 N., R. 4 W., B.M., Canyon County, Idaho, more particularly described as follows;

COMMENCING at a 5/8" rebar marking the E1/16 corner of said Section 5;

Thence South 0°47'23" West, coincident with the east line of said Government Lot 2, a distance of 198.25 feet to the **POINT OF BEGINNING**;

Thence continuing South 0°47'23" West, coincident with said east line, 1087.99 feet to the NE1/16 corner of said Section 5;

Thence continuing South 0°47'23" West, coincident with the east line of said SW1/4 of the NE1/4, a distance of 567.52 feet;

Thence North 89°41'49" West, parallel with the south line of said Government Lot 2, a distance of 1156.79 feet;

Thence North 53°35'35" West, 199.79 feet to the west line of said SW1/4 of the NE1/4;

Thence North 0°49'10" East, coincident with said west line, 449.79 feet to the CN1/16 corner of said Section 5;

Thence continuing North 0°49'10" East, coincident with the west line of said Government Lot 2, a distance of 453.91 feet;

Thence South 89°24'49" East, parallel with the north line of said Government Lot 2, a distance of 340.00 feet;

Thence North 0°49'10" East, parallel with the west line of said Government Lot 2, a distance of 640.60 feet;

Thence South 89°24'49" East, parallel with said north line, 978.37 feet to the **POINT OF BEGINNING.**

The above described parcel contains 45.00 acres more or less.



SELLER PROPERTY DISCLOSURE FORM

Seller's name and address: **Jeffery Henderson and Shelly L. Henderson**
23833 Centerpoint Road, Caldwell, Idaho 83607

Section 55-2501, et seq., Idaho Code, requires Sellers of residential real property to complete a property condition disclosure form.

PURPOSE OF STATEMENT: This is a statement of the conditions and information concerning the property known by the Seller. Unless otherwise advised, the Seller does not possess any expertise in construction, architectural, engineering or any other specific areas related to the construction or condition of the improvements on the property. Other than having lived at or owning the property, the Seller possesses no greater knowledge than that which could be obtained upon a careful inspection of the property by the potential buyer. Unless otherwise advised, the Seller has not conducted any inspection of generally inaccessible areas such as the foundation or roof. It is not a warranty of any kind by the Seller or by any agent representing any Seller in this transaction. It is not a substitute for any inspections. Purchaser is encouraged to obtain his/her own professional inspections.

1. All appliances and service systems included in the sale, (such as refrigerator/freezer, range/oven, dishwasher, disposal, hood/fan, central vacuum, microwave oven, trash compactor, smoke detectors, TV antenna/dish, fireplace/wood stove, water heater, garage door opener, pool/hot tub, etc.) are functioning properly except: (please list and explain): N/A

2. Specify problems with the following:

Basement water: N/A

Foundation: N/A

Roof condition and age: N/A

Well (type) : N/A Problem: _____

Septic system (type) : N/A Problem: _____

Plumbing: N/A

Drainage: N/A

Electrical: N/A

Heating: N/A

3. Describe any conditions that may affect your ability to clear title (such as encroachments, easements, zoning violations, lot line disputes, etc.) : N/A

4. Are you aware of any hazardous materials or pest infestations on the property? N/A

5. Have any substantial additions or alterations been made without a building permit? N/A

6. Any other problems, including legal, physical or other not listed above that you know concerning the property: N/A

The Seller certifies that the information herein is true and correct to the best of Seller's knowledge as of the date signed by the Seller. The Seller is familiar with the residential real property and each act performed in making a disclosure of an item of information is made and performed in good faith.

I/we acknowledge receipt of a copy of this statement.

Seller: _____
Jeffery Henderson
Date: _____

Seller: _____
Shelly L. Henderson
Date: _____

Buyer: _____
Jeffery Henderson, Trustee
Date: _____

Buyer: _____
Shelly L. Henderson, Trustee
Date: _____

2022-049700
RECORDED
11/03/2022 02:02 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=4 NHANEY $15.00
TYPE: DEED
FIRST AMERICAN TITLE INSURANCE
ELECTRONICALLY RECORDED

2022-046983
RECORDED
10/14/2022 08:44 AM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=3 ZBLAKESLEE $15.00
TYPE: DEED
FIRST AMERICAN TITLE INSURANCE
ELECTRONICALLY RECORDED

AFTER RECORDING MAIL TO:

Timothy Charles
23579 Centerpoint Road
Caldwell, ID 83607

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

Re-record to correct grantee vesting

WARRANTY DEED

File No.: 4106-4002043 **(WS)** Date: **October 06, 2022**

For Value Received, **David E. King and Judith K.S. King, husband and wife**, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto **Timothy Charles, an ~~unmarried man~~ XXXXXXXXXXXXXX** * **and Valentine Kennedy, ~~an unmarried woman~~ XXXXXXXXXXXXXX** hereinafter referred to as Grantee, whose current address is **23579 Centerpoint Road, Caldwell, ID 83607**, the following described premises, situated in **Canyon** County, **Idaho**, to wit:

** husband and wife

LEGAL DESCRIPTION: Real property in the County of Canyon, State of Idaho, described as follows:

THIS PARCEL IS A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5 IN TOWNSHIP 4 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN, CANYON COUNTY, IDAHO AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, (CE1/16 CORNER, SECTION 5), A FOUND 5/8 INCH DIAMETER REBAR; THENCE
NORTH 89°39'29" WEST ALONG THE SOUTH BOUNDARY OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 121.04 FEET TO A POINT ON THE CENTERLINE OF NORTH DRAIN; THENCE
NORTH 53°35'40" WEST ALONG SAID CENTERLINE A DISTANCE OF 1274.06 FEET TO A POINT WITNESSED BY A 5/8 X 24 INCH REBAR SET WITH A PLASTIC CAP STAMPED P.L.S. 15352 BEARING SOUTH 89° 41' 53" EAST A DISTANCE OF 67.00 FEET; THENCE LEAVING SAID CENTERLINE, BEARING SOUTH 89°41'53" EAST A DISTANCE OF 1156.79 FEET TO A POINT ON THE EAST BOUNDARY OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, A 5/8 X 24 INCH REBAR SET WITH A PLASTIC CAP STAMPED P.L.S. 15352; THENCE
SOUTH 00°47'17" WEST ALONG SAID EAST BOUNDARY A DISTANCE OF 750.85 FEET TO THE POINT OF BEGINNING, SAID PARCEL BEING 11.012 ACRES MORE OR LESS, AND BEING SUBJECT TO ANY AND ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OF IMPLIED.

APN: **35967000 0**

AFTER RECORDING MAIL TO:

Timothy Charles
23579 Centerpoint Road
Caldwell, ID 83607

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

WARRANTY DEED

File No.: 4106-4002043 **(WS)** Date: **October 06, 2022**

For Value Received, **David E. King and Judith K.S. King, husband and wife**, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto **Timothy Charles, an unmarried man and Valentine Kennedy, an unmarried woman**, hereinafter referred to as Grantee, whose current address is **23579 Centerpoint Road, Caldwell, ID 83607**, the following described premises, situated in **Canyon** County, **Idaho**, to wit:

LEGAL DESCRIPTION: Real property in the County of Canyon, State of Idaho, described as follows:

THIS PARCEL IS A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5 IN TOWNSHIP 4 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN, CANYON COUNTY, IDAHO AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, (CE1/16 CORNER, SECTION 5), A FOUND 5/8 INCH DIAMETER REBAR; THENCE
NORTH 89°39'29" WEST ALONG THE SOUTH BOUNDARY OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 121.04 FEET TO A POINT ON THE CENTERLINE OF NORTH DRAIN; THENCE
NORTH 53°35'40" WEST ALONG SAID CENTERLINE A DISTANCE OF 1274.06 FEET TO A POINT WITNESSED BY A 5/8 X 24 INCH REBAR SET WITH A PLASTIC CAP STAMPED P.L.S. 15352 BEARING SOUTH 89° 41' 53" EAST A DISTANCE OF 67.00 FEET; THENCE LEAVING SAID CENTERLINE, BEARING SOUTH 89°41'53" EAST A DISTANCE OF 1156.79 FEET TO A POINT ON THE EAST BOUNDARY OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, A 5/8 X 24 INCH REBAR SET WITH A PLASTIC CAP STAMPED P.L.S. 15352; THENCE
SOUTH 00°47'17" WEST ALONG SAID EAST BOUNDARY A DISTANCE OF 750.85 FEET TO THE POINT OF BEGINNING, SAID PARCEL BEING 11.012 ACRES MORE OR LESS, AND BEING SUBJECT TO ANY AND ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OF IMPLIED.

APN: **35967000 0**

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

David E. King

Judith K.S. King

STATE OF Idaho)
SS.
COUNTY OF Ada)

This record was acknowledged before me on 10.12.2022 by David E. King and Judith K.S. King.

Signature of Notary Public
My Commission Expires: _____

HEATHER DINES
COMMISSION #67377
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 03/31/2028

JOHNSON ENGINEERING
PO BOX 786, MIDDLETON, IDAHO 83644
CELL PHONE 208-469-0189
e-mail royjohnson0505@yahoo.com

November 24, 2025

SouthWest supervisory area
8355 State Street
Boise, Idaho 83714

Re: CENTERPOINT ROAD extraction
Reclamation cost estimate

Lessor: JJ&T LLC
1320 S. Blackcat road
Meridian, Idaho 83669

Conner:

The following is an estimate of reclamation of CENTERPOINT Road proposed gravel extraction in the event the project defaults. This estimate is based on $2500.00 per acre for the area described in the reclamation plan consisting of two separate areas of about 16 acres each. The North section will be done first starting along the West boundary.

Construction:

1. Construct small hole for pump, install
2. Strip about 1' deep from 12 acres = 20,000 cubic yards placed in a pile near the East side.
3. Construct silt fence as needed.
4. Build access driveway
5. Install 3 ph power

Reclamation:

		Units	#	cost	TOTAL
1.	Remove pump, motor, pwr. pole and settling/skimmer dam	L.S.	1	$4000.00	$4000.00
2.	Backfill pit as desired by owners	L.S.	1	$2000.00	$2000.00
3.	Remove silt fence	L.S.	1	$2800.00	$2800.00
4.	Place the 20,000 cy to the striped areas.	CY.	20,000	$1.00	$20000.00
5.	Re-grade fill areas and re-seed with pasture seed.	AC	16	$700.00	$11200.00

TOTAL BOND AMOUNT $40.000.00

If you need anything else, please let me know.

Sincerely
Roy B Johnson
Roy B. Johnson PE/LS 2824

TRUE

BOISE RIVER ROAD

GRAVEL EXTRACTION

WRIGHT CONSTRUCTION CO. INC

A PORTION OF SECTION 5, T.4N., R.4W, BOISE MERIDIAN

CANYON COUNTY, IDAHO JOHNSON ENGINEERING 2025

S89°24'49"E 1318.37

S89°24'49"E 340.00'

PARCEL 35966011

ADDRESS
HUB & KRIS MORPHEW
22543 BOISE RIVER ROAD
CALDWELL, IDAHO 83642
PARCEL 35966011

DRIVEWAY

3PH

THIS DITCH IS NOT ACVTIVE AND WILL BE REMOVED TO THE PROPERTY LINE.

HOME

MOVE DF

STOCKPILE FOR PITRUN

TOPSOIL STOCKPILE

N00°49'10"E 640.60'

S00°49'10"W 640.60'

THESE DITCHES ARE NOT ACVTIVE AND WILL BE REMOVED.

POST EXTRACTION FILL ISLAND
1 ACRE +/- SURFACE
FINISH ELEVATION 2275 +/-

TEMPORARY DETENTION SETTLING POND

TOP POND
SURFACE ELEVATION 2276 +/-
BOTTOM ELEVATION 2272 +/-
12" PIPE OVERFLOW OR SPILLWAY

92'

THIS DITCH IS NOT ACVTIVE AND WILL BE REMOVED.

TOP EXISTING POND
SURFACE ELEVATION 2274 +/-
BOTTOM ELEVATION 2260 +/-

TEMPORARY PUMP STATION
3 PHASE POWER FOR 25 HP PUMP

N89°24'49"W 340.00'

N00°49'10"E 1094.51

R199.82'
HOME

OWNER
JEFF &SHELLY HENDERSON
23833 CENTERPOINT ROAD
CALDWELL, IDAHO 83607
PARCEL 35966000 0

SHOP

R199.82'

ACCESS

R250.0000'

NOT A PART OF EXTRACTION

R250.00'

OPEN DITCH TO DRAIN

N00°49'10"E 449.79

NOT A PART OF EXTRACTION

STOCKPILE FOR PITRUN

TOPSOIL STOCKPILE

W 1274.06

TEMPORARY PUMP STATION
3 PHASE POWER FOR 25 HP PUMP

N53°35'35"W 199.79

NORTH DRAIN

CELEBRATION LANE

S53°35'40"E 1274.06

N89°41'49"W (N89°41'53"W) 1156.79

ADDRESS
OWNER NORTHWEST CORNER
HUB AND KRIS MORPHEW
22543 BOISE RIVER ROAD
CALDWELL, IDAHO 83642
PARCEL 35966011

OWNER MIDDLE SECTION
JEFF & SHELLY HENDERSON
23833 CENTERPOINT ROAD
CALDWELL, IDAHO 83607
PARCEL 35966000 0

OWNER SOUTH PARCEL
TIM CHARLES AND VALENTINE KENNEDY
23579 CENTERPOINT ROAD
CALDWELL, IDAHO 83607
PARCEL 35966000 0

LESSOR
JJ&T LLC
1320 S. BLACKCAT ROAD
MERIDIAN, IDAHO 83642

OWNER
TIM CHARLES AND VALENTINE KENNEDY
23579 CENTERPOINT ROAD
CALDWELL, IDAHO 83607
PARCEL 35966000 0

HOME

DRIVEWAY

MOVE DF

R199.82'

49.95'

S00°47'23"W 750.83

N89°39'29"W 121.04

CE1/16th CORNER
SE 1/4/SW 1/4/NE 1/4
SEC. 5, T.4N.,R.4W. B.M.

PROPERTY LINE

CENTERPOINT ROAD

ALL EDGES OF LAKES SHALL BE GRADED AT 2:1 SLOPE OR FLATTER. NATURAL PLANT GROWTH WILL BE ALLOWED TO LINE THE EDGES. ALL SLOPES AND ISLANDS WILL HAVE SUBSTANTIAL WILD GRASS AND WEEDS TO COVER SLOPES TO THE FINISH WATERLINE. FINISH ELEVATION OF THE LAKE WILL BE ABOUT 2272 TO 2274 AND MAY VARIE AS MUCH AS 2 FEET.

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

VOLUME NORTH	370,000 CY
VOLUME MIDDLE	324,000 CY
VOLUME SOUTH	140,000 CY
VOLUME TOTAL	834,000 CY

NORTH AREA (MORPHEW)

AREA 2280	674,000 SF
AREA 2260	516,000 SF
AREA AVERAGE	595,000 SF
VOL=AVE AREA * 20/27 =	440,000 CUBIC YARDS
LESS EXISTING	70,000 CUBIC YARDS +/-
NET EXTRACTION	370,000 CUBIC YARDS

MIDDLE AREA (HENDERSON)

AREA 2280	497,000 SF
AREA 2260	379,000 SF
AREA AVERAGE	438,000 SF
VOL=AVE AREA * 20/27 =	324,000 CUBIC YARDS

SOUTH AREA (KENNEDY)

AREA 2280	230,000 SF
AREA 2260	146,000 SF
AREA AVERAGE	188,000 SF
VOL=AVE AREA * 20/27 =	140,000 CUBIC YARDS
AREA TOTAL	1,401,000 SF
ACRES	32.16 ACRES

APPROXIMATE 40' ACCESS TO NORTH PIT WITH 40' RADIUS AT ENTRANCE BOTH SIDES.

SECTION 12.
a. A VICINITY MAP IS ON THIS DRAWING
b. THE PUBLIC ROADS ADJACENT TO THE PROPERTY IS CENTERLINE ROAD SHOWN ALONG THE EAST PROPERTY LINE WITH THE EXISTING ACCESS DRIVEWAY, PRIVATE ROAD (CELEBRATION LANE) IS ALONG THE SOUTH BOUNDARY A BOISE RIVER ROAD 200 FEET NORTH WITH ACCESS BY PRIVATE DRIVEWAY THE HAUL ROAD OUTSIDE OF THE PIT AREA (WITHIIN THE PROPERTY) WILL BE RETAINED AFTER MINING OPERATIONS.
THE ACCESS POINTS ARE SHOWN ON THE DRAWING.
START DATE 11-1-2025
RECONSTRUCTION AND ABANDONMENT DATES - 2030-2035
c. MAP
i. THEIR ARE NO STREAMS WITHIN 1000' OF THE SITE. THE DRAIN DITCHES ARE LOCAL AND NOT NAMED.
ii. THE BOUNDARY OF THE LAKE IS SHOWN AS THE HEAVY LINE. THE AREA IS 22.12 ACRES+/-.
iii. THE FIRST YEAR OF OPERATION IS ALONG THE WEST BOUNDARY OF THE SITE.
iv. ALL PROPOSED STOCKPILES ARE SHOWN ON THE PLANS.
v. THE SITE WILL HAVE ONE GENERATOR, FUEL TANK AND PUMP AS SHOWN AND IDAHO POWER AS AVAILABLE.
d. THE OWNERSHIP IS CURRENTLY AS SHOWN ON THE ENCLOSED DEEDS.
e. SEE THE SECTION ON THIS DRAWING.

AREA TO BE MINED = 22.12 ACRES

APPROXIMATE 40' ACCESS TO SOUTH PIT WITH 40' RADIUS AT ENTRANCE BOTH SIDES.

BEST MANAGEMENT PRACTICES (BMP)

The following BMP, as applicaple, need to be considered in work on this site.
1. Erosion and sediment control inspection and maintenance
2. Preserving natural or existing vegetation.
3. Dust control
4. Land grading
5. Check dams
6. Sediment basins
7. Silt fences
8. Silt waste management

PROFESSIONAL ENGINEER/LAND SURVEYOR REGISTERED 2824 STATE OF IDAHO ROY B. JOHNSON 5/27/25

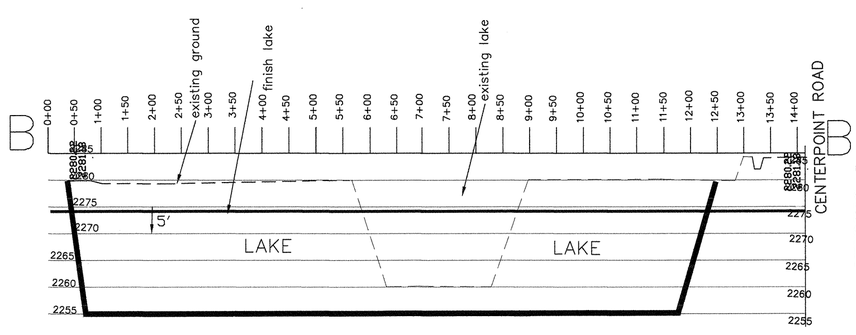
J J & T - WRIGHT CONSTRUCTION CO. INC.
CONDITION USE PLAN

CENTERPOINT ROAD GRAVEL EXTRACTION
LAKE DEVELOPMENT

JOHNSON ENGINEERING
PO BOX 786
MIDDLETON, IDAHO, 83644
(208) 469-0189

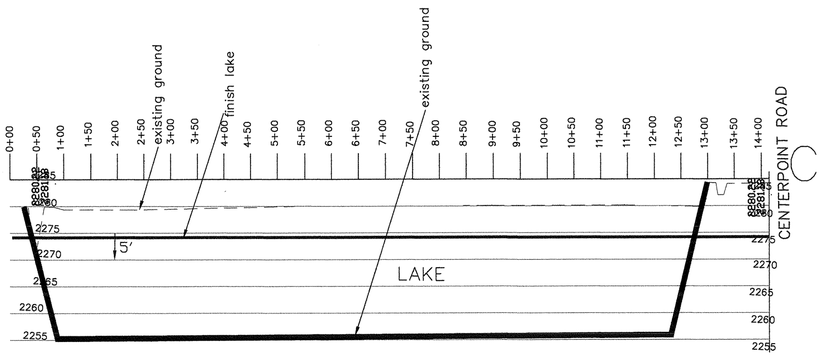
SCALE:	1" = 100'
DATE:	5/10/2025
DESIGNED BY:	R.B.J.
SHEET:	1 OF 3

F:/AUTOCAD\LAND\RIVER ROAD PIT.DWG

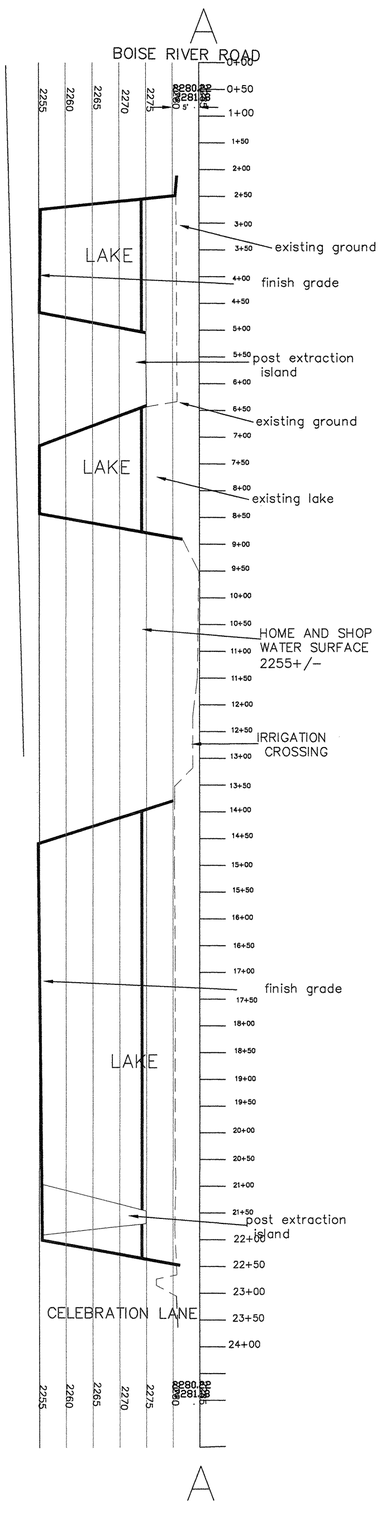


section B–B

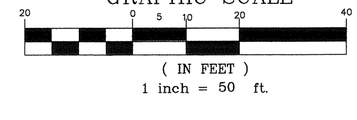


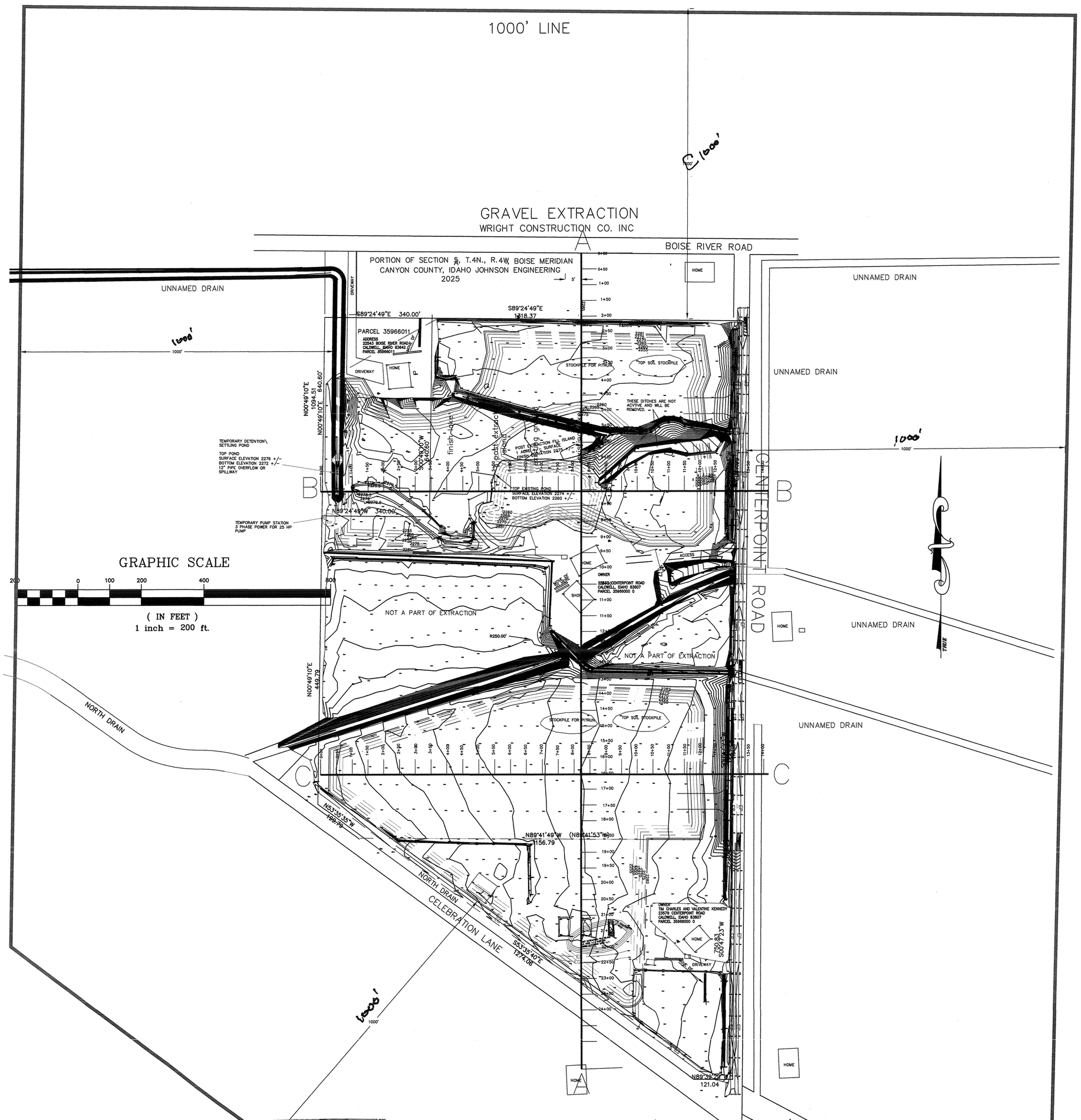


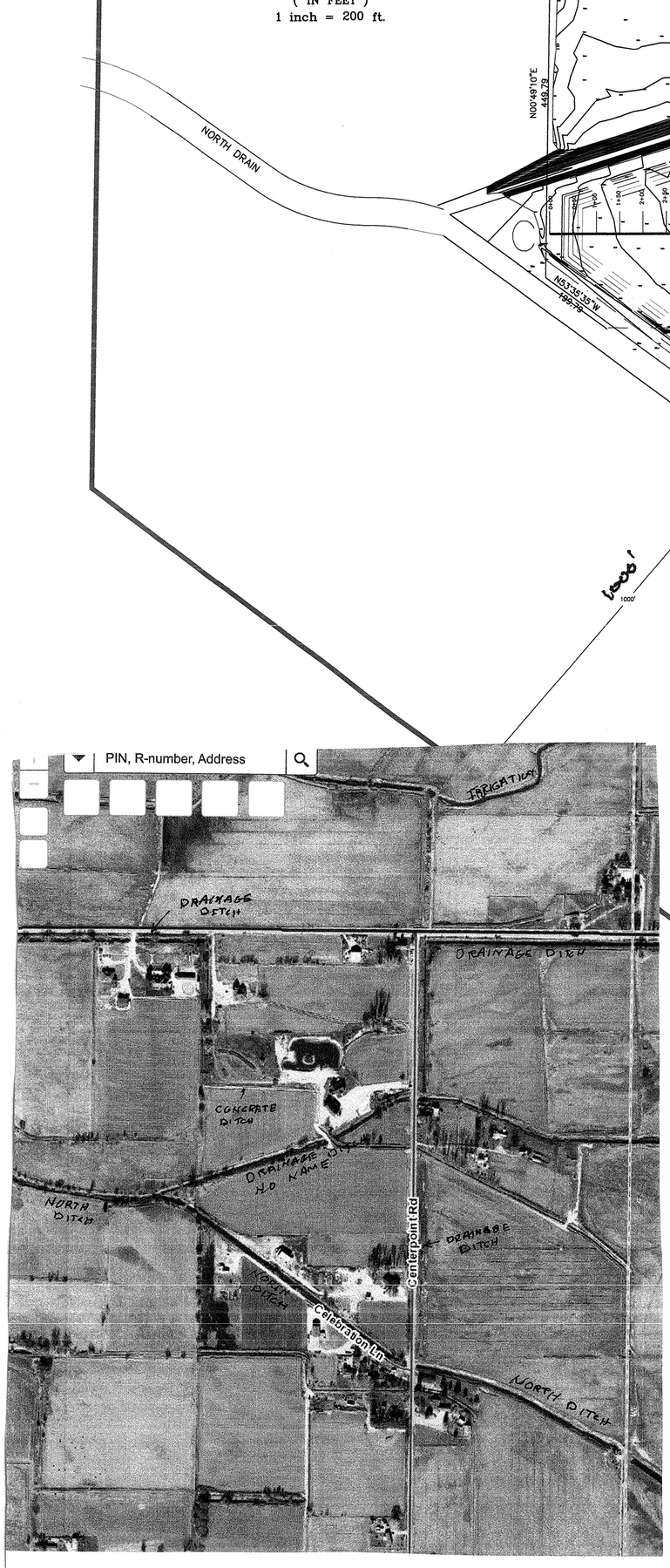
section C–C



section A–A







IRRIGATION AND DRAINAGE DITCHES

GRAPHIC SCALE
200 0 100 200 400 800
(IN FEET)
1 inch = 200 ft.

PROFESSIONAL ENGINEER/LAND SURVEYOR
REGISTERED
2824
STATE OF IDAHO
ROY B. JOHNSON

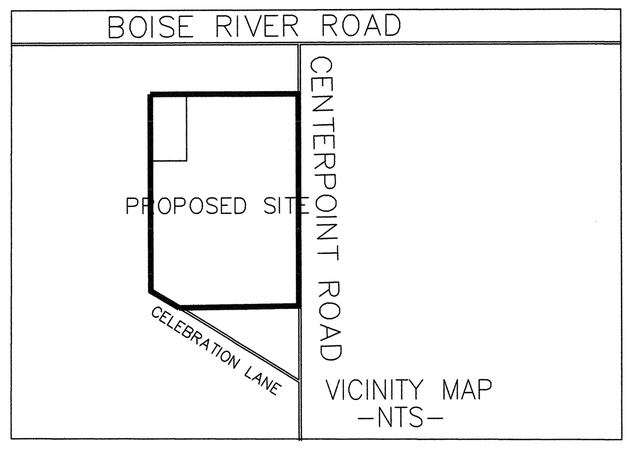
J J & T - WRIGHT CONSTRUCTION CO. INC.

CENTERPOINT ROAD GRAVEL EXTRACTION
1000' DRANAGE\IRRIGATION DITCHES
CROSS SECTIONS

JOHNSON ENGINEERING
PO BOX 786
MIDDLETON, IDAHO, 83644
(208) 469-0189

GRAVEL EXTRACTION
WRIGHT CONSTRUCTION CO. INC

A PORTION OF SECTION 5, T.4N., R.4W, BOISE MERIDIAN ,
CANYON COUNTY, IDAHO JOHNSON ENGINEERING
2025



BOISE RIVER ROAD

S89°24'49"E
1318.37

S89°24'49"E
340.00'

N00°49'10"E 640.60'

S00°49'10"W 640.60'

N89°24'49"W
340.00'

N00°49'10"E
1544.30'

N00°49'10"E
903.70'

CENTERPOINT ROAD

S00°47'23"W
1655.50'

S00°47'23"W
2406.33

TRUE

N53°35'40"W
199.79

N89°41'49"W (N89°41'53"W)
1156.79

CELEBRATION LANE

S53°35'40"E
274.06

S00°47'23"W
750.83

N89°39'29"W
121.04

POB LEGAL DESCRIPTION

CE1/16th CORNER
SE 1/4/SW 1/4/NE 1/4
SEC. 5, T.4N.,R.4W. B.M.

LESSOR
JJ&T LLC
1320 S. BLACKCAT ROAD
MERIDIAN, IDAHO 83642

GRAPHIC SCALE
100 0 50 100 200 400
(IN FEET)
1 inch = 100 ft.

PROFESSIONAL ENGINEER/LAND SURVEYOR
2824
STATE OF IDAHO
ROY B JOHNSON

J J & T - WRIGHT CONSTRUCTION CO. INC. CONDITION USE PLAN	
NOTUS RIVER ROAD GRAVEL EXTRACTION BOUNDARY	
JOHNSON ENGINEERING PO BOX 786 MIDDLETON, IDAHO, 83644 (208) 469 0189	SCALE: 1" = 327' DATE: 9/20/2025 DESIGNED BY: R.B.J. SHEET: 3 OF 3 F:/AUTOCAD\LAND\RIVER ROAD PIT.DWG

Exhibit B8:

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:

DP2026-0004

Date:

02/09/2026

Project Name: CONDITIONAL USE PERMIT - MINERAL EXTRACTION

Parcel Number:	35966000 0	Site Address:	23833 CENTERPOINT RD Caldwell ID 83607
Latitude:			
Longitude:			
Section:	5	Project Flood Zone:	
Township:	4N	Parcel Flood Zone:	Zone AE – w/BFE Determined,
Range:	4W		
Parcel Acreage:	44.97		

Property Owner:

HENDERSON REVOCABLE TRUST
23833 CENTERPOINT RD
CALDWELL ID 83607

Applicant:

Contractor:

Comments:

Standard Zoning / Building Condition(s)

✓	Reclaimation Plan
✓	Flood Emergency / Evacuation Plan
✓	completion letter, as-built plans showing final excavation and pond elevations.

Fees

Date	Fee Item	Amount
02/09/2026	Flood Plain Development Permit (Engineering Fees May Also Apply)	$150.00
		$150.00

Receipts

Date	Recipt Number		Amount
02/09/2026	87496		$150.00
		Total Paid:	**$150.00**

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: _____

DSD Staff Accepting Application:  Date: April 20, 2026

DSD Flood Plain Administrator: _____ Date: _____

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:

DP2026-0005

Date:

02/09/2026

Project Name: CONDITIONAL USE PERMIT - MINERAL EXTRACTION

Parcel Number: 35966000 0

Latitude:

Longitude:

Section: 5

Township: 4N

Range: 4W

Parcel Acreage: 44.97

Site Address: 23833 CENTERPOINT RD
Caldwell ID 83607

Project Flood Zone:
Parcel Flood Zone: Zone AE – w/BFE Determined,

Property Owner:

HENDERSON REVOCABLE TRUST
23833 CENTERPOINT RD
CALDWELL ID 83607

Applicant:

Contractor:

Comments:

Standard Zoning / Building Condition(s)

✓	Reclamation plan
✓	Flood Emergency / Evacuation Plan
✓	Completion letter, as-built plans showing final excavation and pond elevations

Fees

Date	Fee Item	Amount
02/09/2026	Flood Plain Development Permit (Engineering Fees May Also Apply)	$150.00
		$150.00

Receipts

Date	Recipt Number		Amount
02/09/2026	87497		$150.00
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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: _____

DSD Staff Accepting Application: DALIA Date: April 20, 2026

DSD Flood Plain Administrator: _____ Date: _____

Exhibit B9:

JJ&T – JERRY WRIGHT

Conditional Use Permit

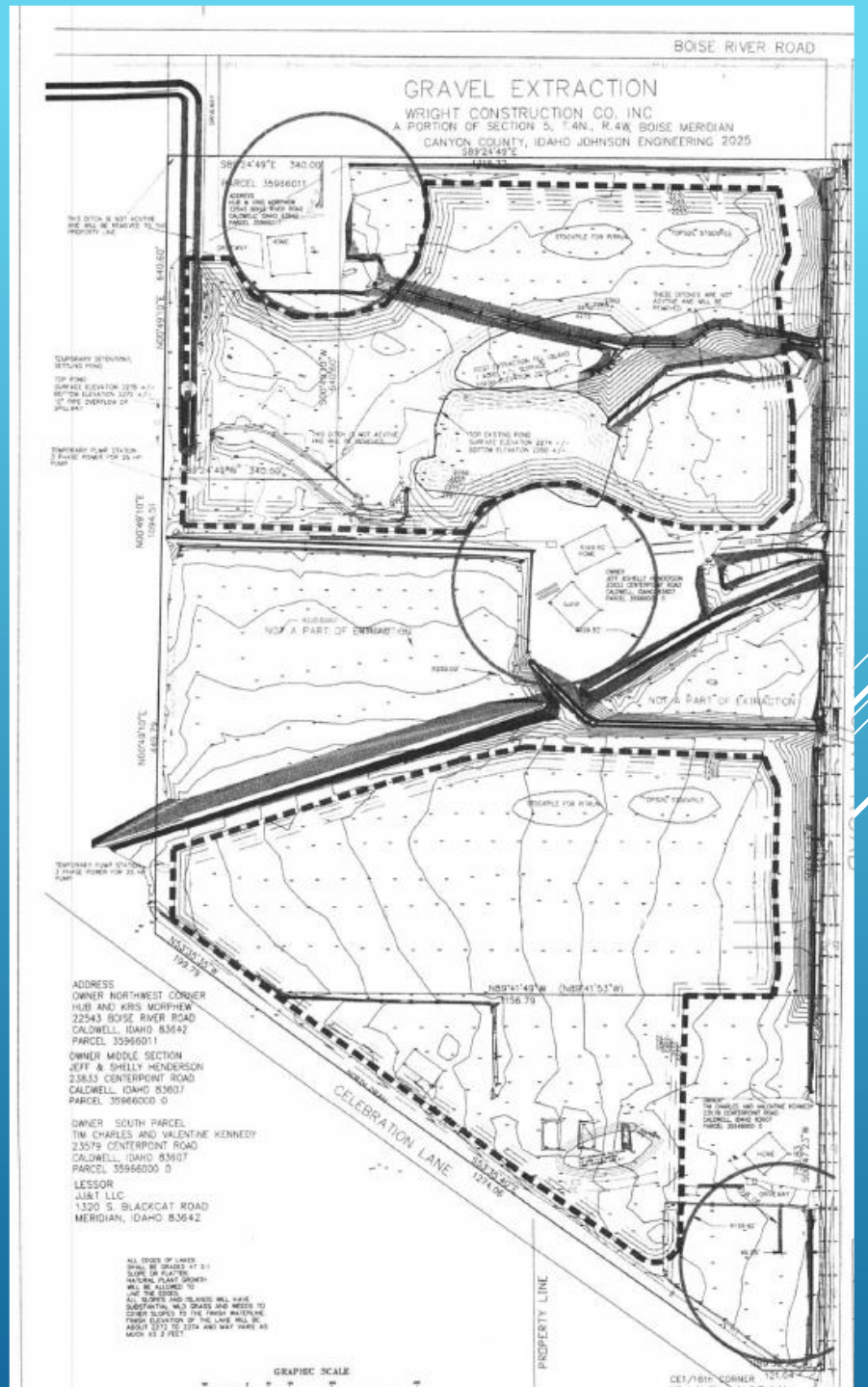
Excavation 2 Separate Ponds on Apprx. 56 Acres

- Wrights live in area - longtime small family business
- Responsible Operator in Canyon County for many years.
- Smaller Scope/Less Impacts – Only Pond Excavation
- Not typical Gravel Operation in Area with many Gravel Operations
- Critical Resource – located where nature puts it – Rural Area
- Support Small Business - Multiple Suppliers – Benefit of Competition

Creates

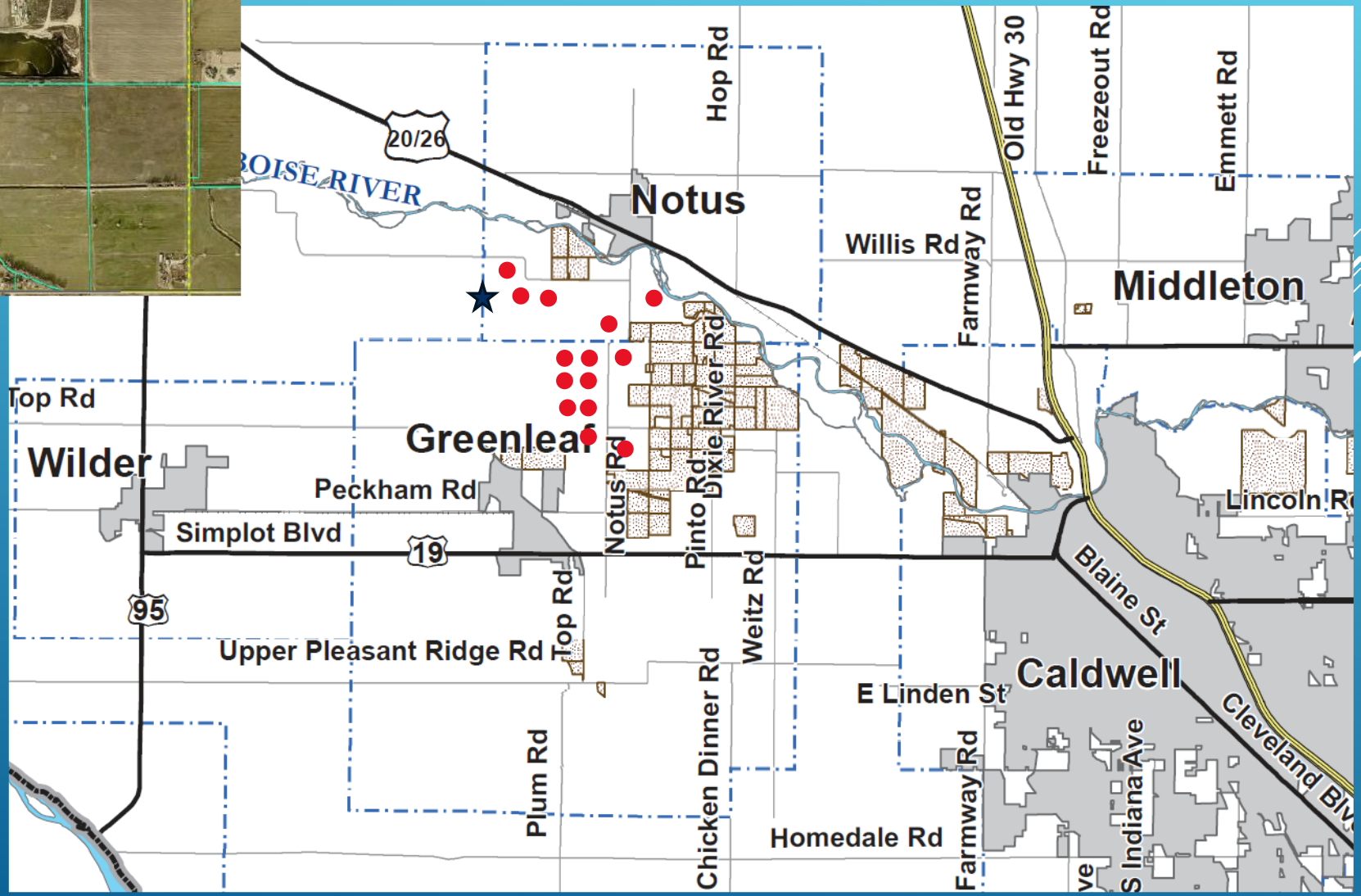
2 Ponds







Not all approved gravel pits on Map – See Red dots



Character of the Area/ Compatibility:

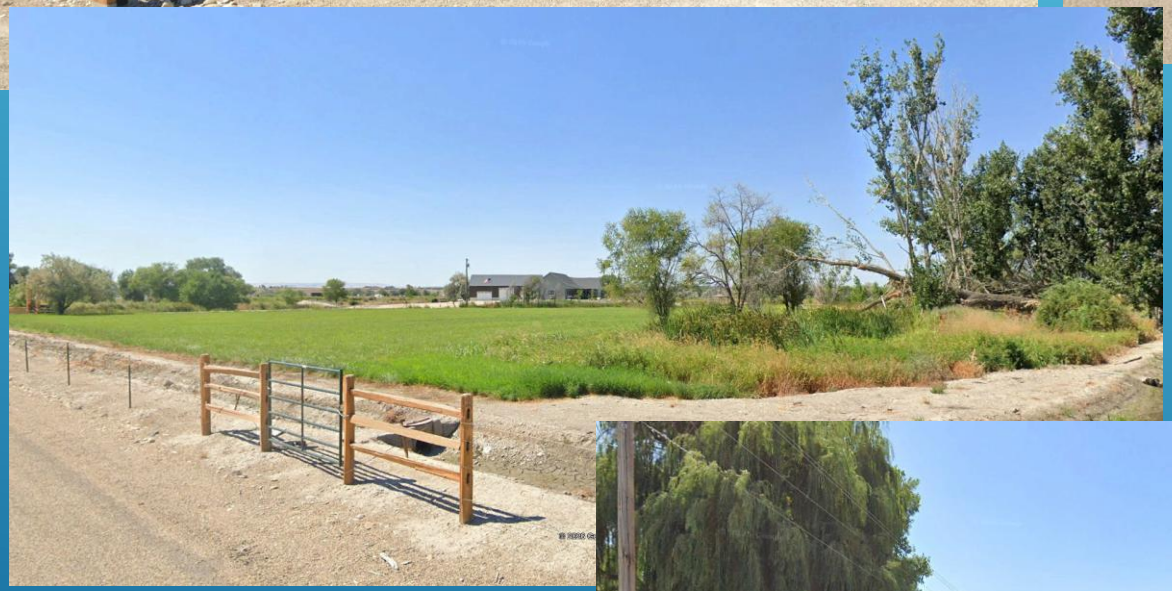
Resource located here

Rural


Notus
The Garage Café
Notus Rd
Notus Rd
Notus Rd
Rocky Mountain Kennels
Red Top Pond
Image © 2025 Airbus
Google Earth








Google Earth


Google Earth





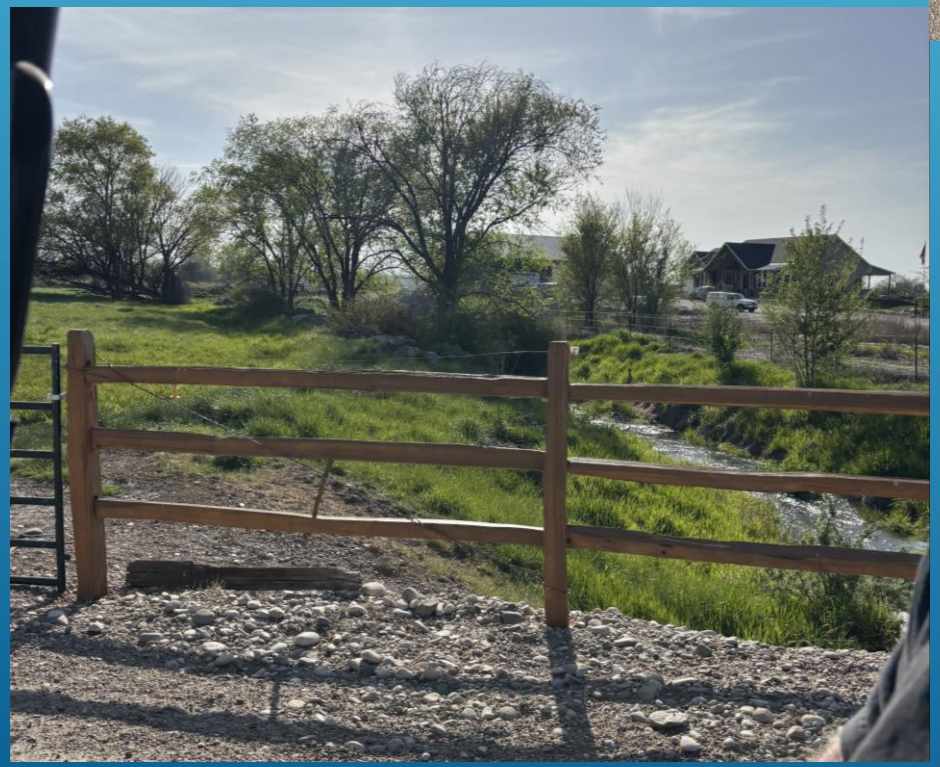








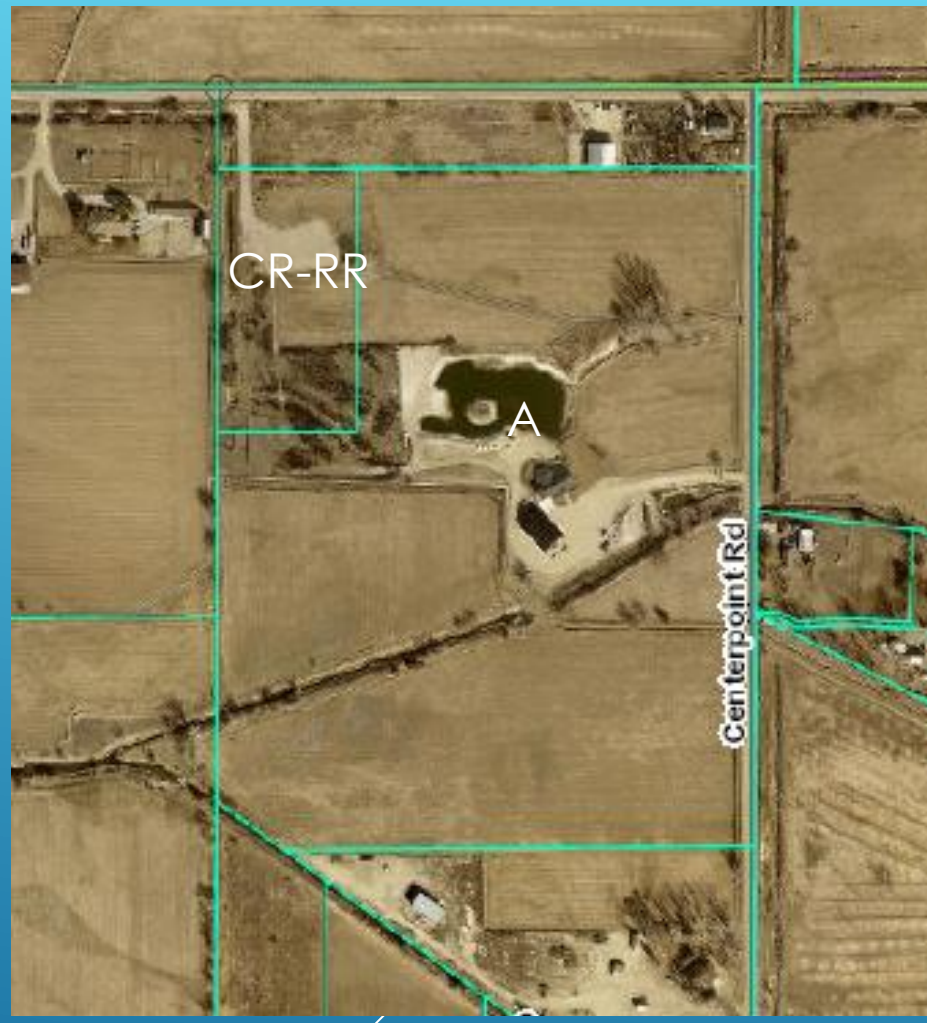






HENDERSON CONDITIONAL REZONE 2019 - CONDITIONS

- 1 - 5 AC. PARCEL
- The remaining approx. 45 acres to remain zoned "A". Residential development and agricultural structures to remain zoned "A" shall only be allowed on the non-viable ag. areas identified in the Site Plan. No structures shall be allowed on the viable farm ground identified in the Site Plan.
- Ponds much better long term open space protection from Residential Development



CONDITION LANGUAGE & SITE PLAN

- Condition language is to preserve Ag zoning and restrict residential and Ag. structures.
- Does not limit uses in Ag Zone.
- Does not pick between different Ag uses.



CANNOT PICK ONE AG USE OVER ANOTHER

- **The definition of Agriculture includes Aquaculture - Aquaculture is Agriculture by definition. 07-02-03**
- **Aquaculture is the cultivation of natural produce from water including plants or fish.**
- **Property currently has grass and pasture with some horses. Largely personal use and enjoyment. Appropriate in Ag zone.**
- **Having a few goats, cows or horses on your property largely for personal use and enjoyment is no different than maintaining and cultivating several hundred fish on your property as a personal food source and for personal enjoyment. They all meet the definition of Agriculture.**

COUNTY DOESN'T GET TO PICK ONE AG USE OVER ANOTHER

- **The zoning of the Property remains AG**
- **The BOCC condition exists to limit structures which may take ground from Ag use.**
- **Land must be prepared for different Ag uses.**
- **A CUP is required to dig these ponds for an ongoing agricultural use.**
- **The CUP to remove material from the property to create ponds. We are not crushing or processing or batching material like typical gravel pit operations including the majority of those already approved in the area.**

COMPREHENSIVE PLAN CONFORMANCE

- **Natural Resources**
  - G5.03.00: Support the conservation of productive mineral lands and discourage incompatible uses upon the adjacent lands to these lands.
- **Economic Development**
  - G3.01.00: Support suitable sites for economic growth and expansion compatible with the surrounding area.
- **Land Use Community Design**
  - P4.01.02 Planning, zoning and land use decision should balance the community's interests and protect private property rights.
  - G4.03.00: Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.

COMPREHENSIVE PLAN SUPPORT

- **Agriculture**
  - P12.01.01 Preserve and maintain agriculturally designated lands for agricultural use.

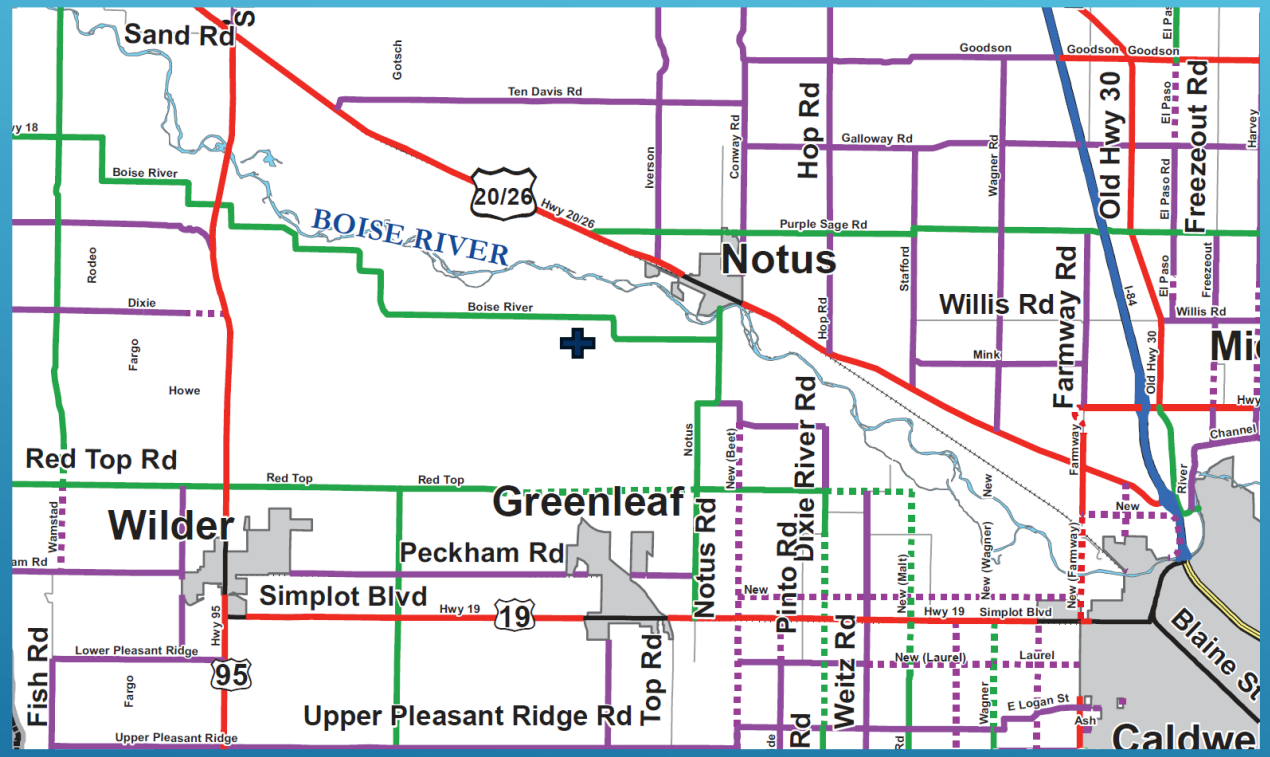
- **Property Rights**
  - G1.02.00: Acknowledge the responsibilities of each property owner as a **steward of the land** to use their property wisely, maintain it in good condition and preserve it for future generation without becoming a nuisance.

EXCAVATION OF TWO PONDS FOR CONTINUED AG. USE

MEETS CRITERIA

QUESTIONS?

BOISE RIVER ROAD



- Minor Arterial : Planned for higher use than collectors and local roads. Interconnect Principal Arterials. Designed to distribute trips while allowing more access than on Principal Arterials.
- Low volume and high LOS – Hwy District no TIS required

Exhibit C:

EXHIBIT C

Supplemental Documents

Planning & Zoning Commission

Case #: CU2026-0005

Hearing Date: July 16, 2026

CANYON COUNTY DEVELOPMENT SERVICES MAKES NO WARRANTY WITH RESPECT TO THE ACCURACY, COMPLETENESS, OR USEFULNESS OF THIS PARCEL INFORMATION TOOL.

Exhibit C1:

R35966 PARCEL INFORMATION REPORT

7/2/2026 1:35:58 PM

PARCEL NUMBER:	R35966
OWNER NAME:	HENDERSON REVOCABLE TRUST
CO-OWNER:	HENDERSON SHELLY L TRUSTEE
MAILING ADDRESS:	23833 CENTERPOINT RD CALDWELL ID 83607
SITE ADDRESS:	23833 CENTERPOINT RD
TAX CODE:	1710000
TWP:	4N **RNG:** 4W **SEC:** 05 **QUARTER:** NE
ACRES:	44.97
HOME OWNERS EXEMPTION:	Yes
AG-EXEMPT:	Yes
DRAIN DISTRICT:	DD6
ZONING DESCRIPTION:	CR-RR / CONDITIONAL REZONE - RURAL RESIDENTIAL
HIGHWAY DISTRICT:	GOLDEN-GATE HWY #3
FIRE DISTRICT:	WILDER FIRE
SCHOOL DISTRICT:	NOTUS SCHOOL DIST #135
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:	LOWER CENTERPOINT DITCH CO / EUREKA DITCH CO NO 2
FEMA FLOOD ZONE:	X / AE **FLOODWAY:** NOT In FLOODWAY **FIRM PANEL:** 16027C0204G
WETLAND:	Riverine / Riverine / Riverine
NITRATE PRIORITY:	NO Nitrate Prio
FUNCTIONAL Classification:	NOT In COLLECTOR
INSTRUMENT NO. :	2023029794
SCENIC BYWAY:	NOT In Scenic Byway
LEGAL DESCRIPTION:	05-4N-4W NE TX 22475 IN GOVT LT 2 & SWNE
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.

CANYON COUNTY DEVELOPMENT SERVICES MAKES NO WARRANTY WITH RESPECT TO THE ACCURACY, COMPLETENESS, OR USEFULNESS OF THIS PARCEL INFORMATION TOOL.

R35967 PARCEL INFORMATION REPORT

7/2/2026 1:37:13 PM

PARCEL NUMBER:	R35967
OWNER NAME:	CHARLES TIMOTHY WALTER
CO-OWNER:	KENNEDY SUZANNE VALENTINE
MAILING ADDRESS:	23579 CENTERPOINT RD CALDWELL ID 83607
SITE ADDRESS:	23579 CENTERPOINT RD
TAX CODE:	1710000
TWP:	4N **RNG:** 4W **SEC:** 05 **QUARTER:** NE
ACRES:	10.99
HOME OWNERS EXEMPTION:	Yes
AG-EXEMPT:	Yes
DRAIN DISTRICT:	DD6
ZONING DESCRIPTION:	AG / AGRICULTURE
HIGHWAY DISTRICT:	GOLDEN-GATE HWY #3
FIRE DISTRICT:	WILDER FIRE
SCHOOL DISTRICT:	NOTUS SCHOOL DIST #135
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:	EUREKA DITCH CO NO 2
FEMA FLOOD ZONE:	X / AE **FLOODWAY:** NOT In FLOODWAY **FIRM PANEL:** 16027C0204G
WETLAND:	NOT In WETLAND
NITRATE PRIORITY:	NO Nitrate Prio
FUNCTIONAL Classification:	NOT In COLLECTOR
INSTRUMENT NO. :	2025039452
SCENIC BYWAY:	NOT In Scenic Byway
LEGAL DESCRIPTION:	05-4N-4W NE TX 22665 IN SWNE
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.
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Exhibit C2:

EXHIBIT C2

Case Maps/Reports

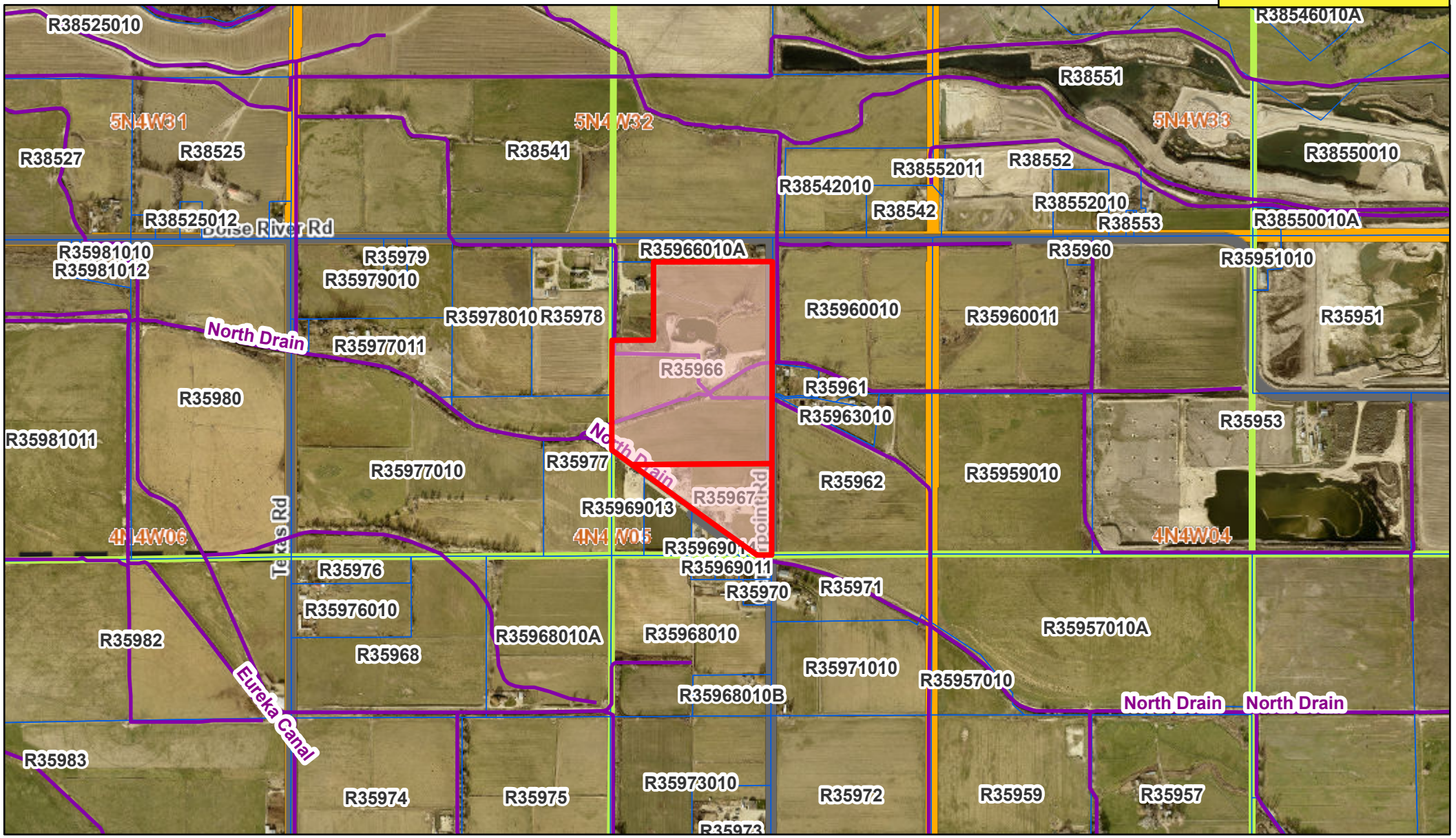
Planning & Zoning Commission

Case #: CU2026-0005

Hearing Date: July 16, 2026

Canyon County, ID Web Map

Exhibit C2.1:



3/11/2026, 2:49:27 PM

- Multiple Parcel Search _Query result
- Hydro_NHDFlowline
- Quarter Line
- CanyonCountyRoads
- Roads
- CC_PrivateRoads
- County Boundary
- Current Impact Area
- City Limits
- Sections

1:18,056

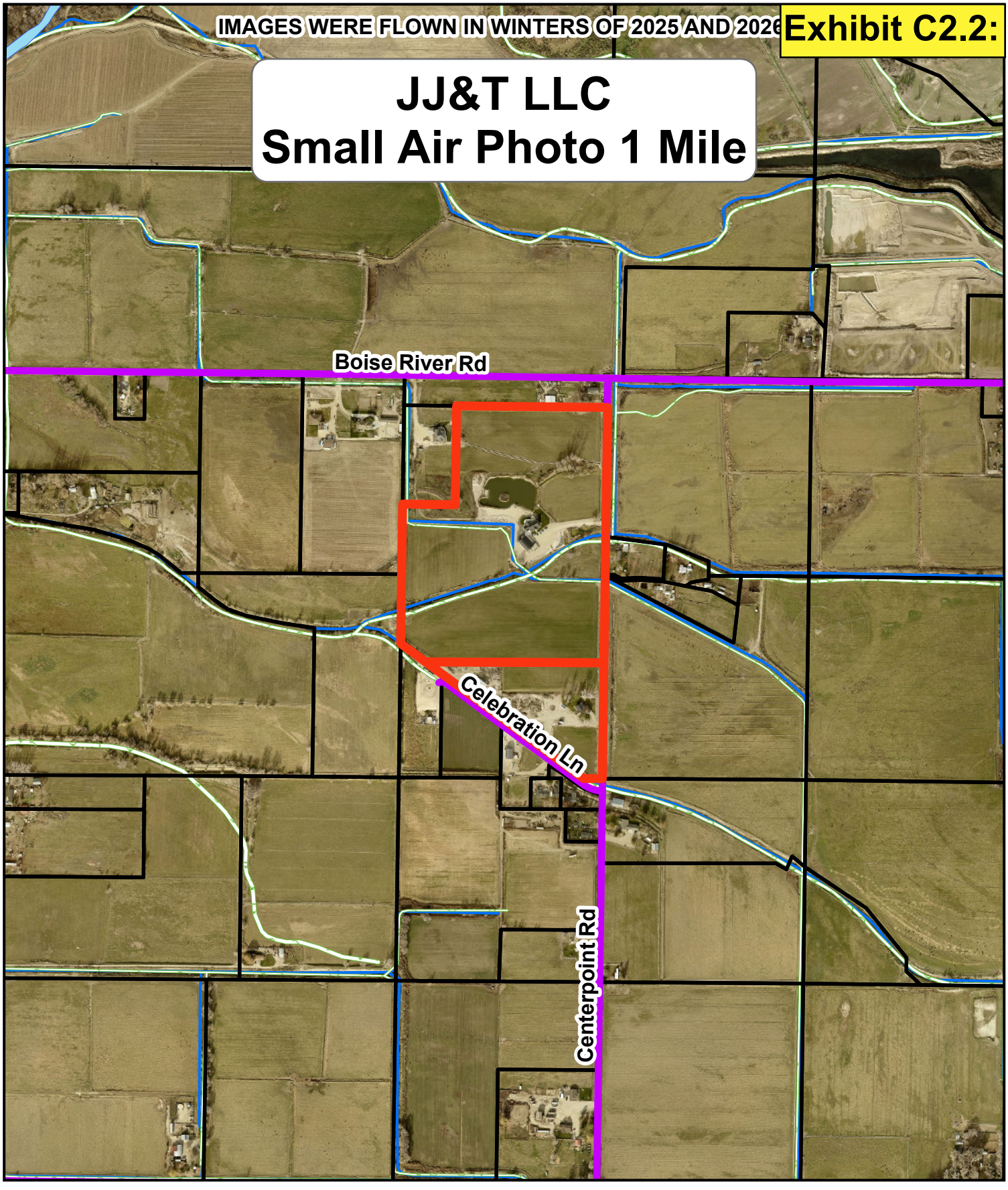
0 0.1 0.2 0.4 mi

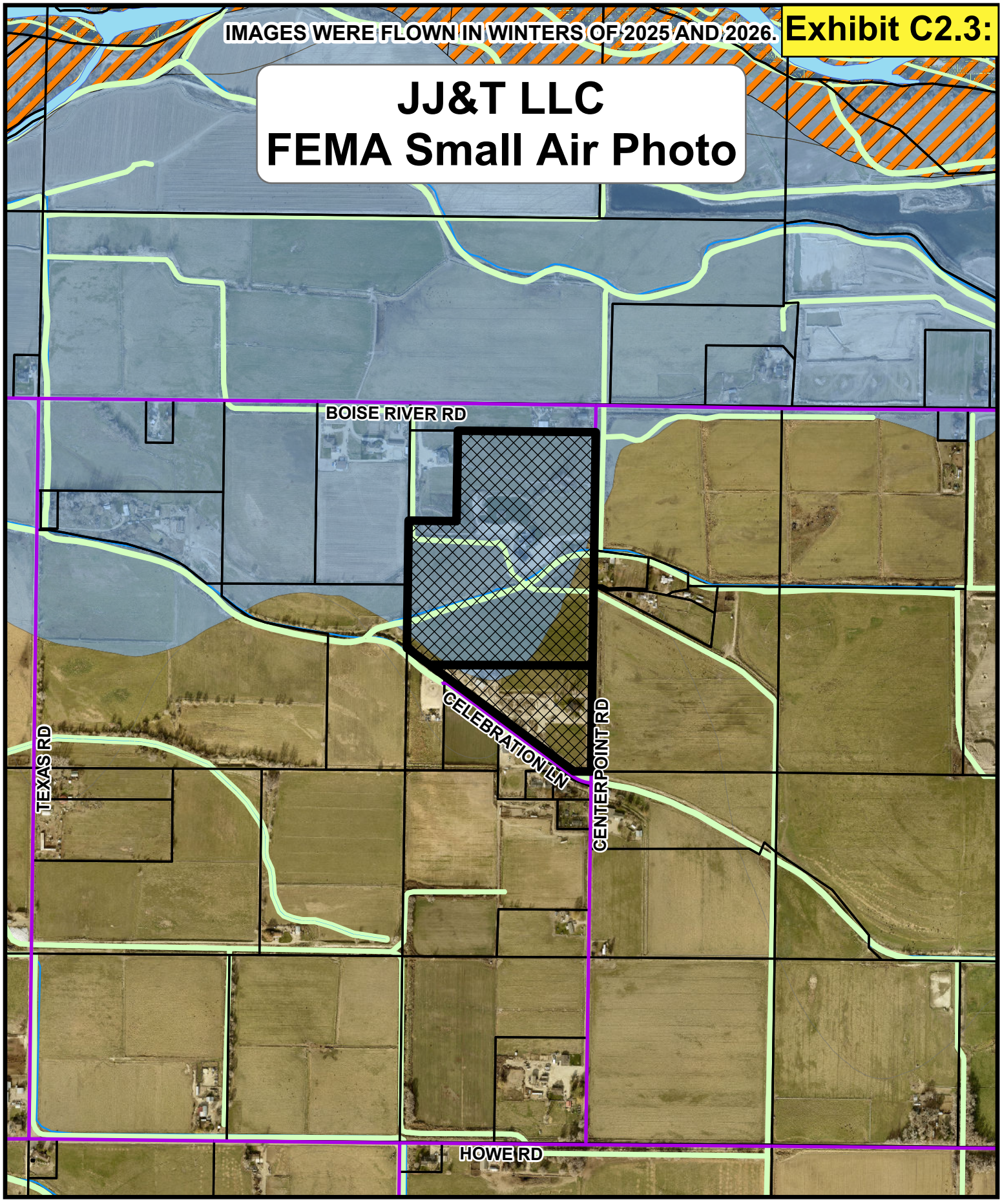
0 0.17 0.35 0.7 km

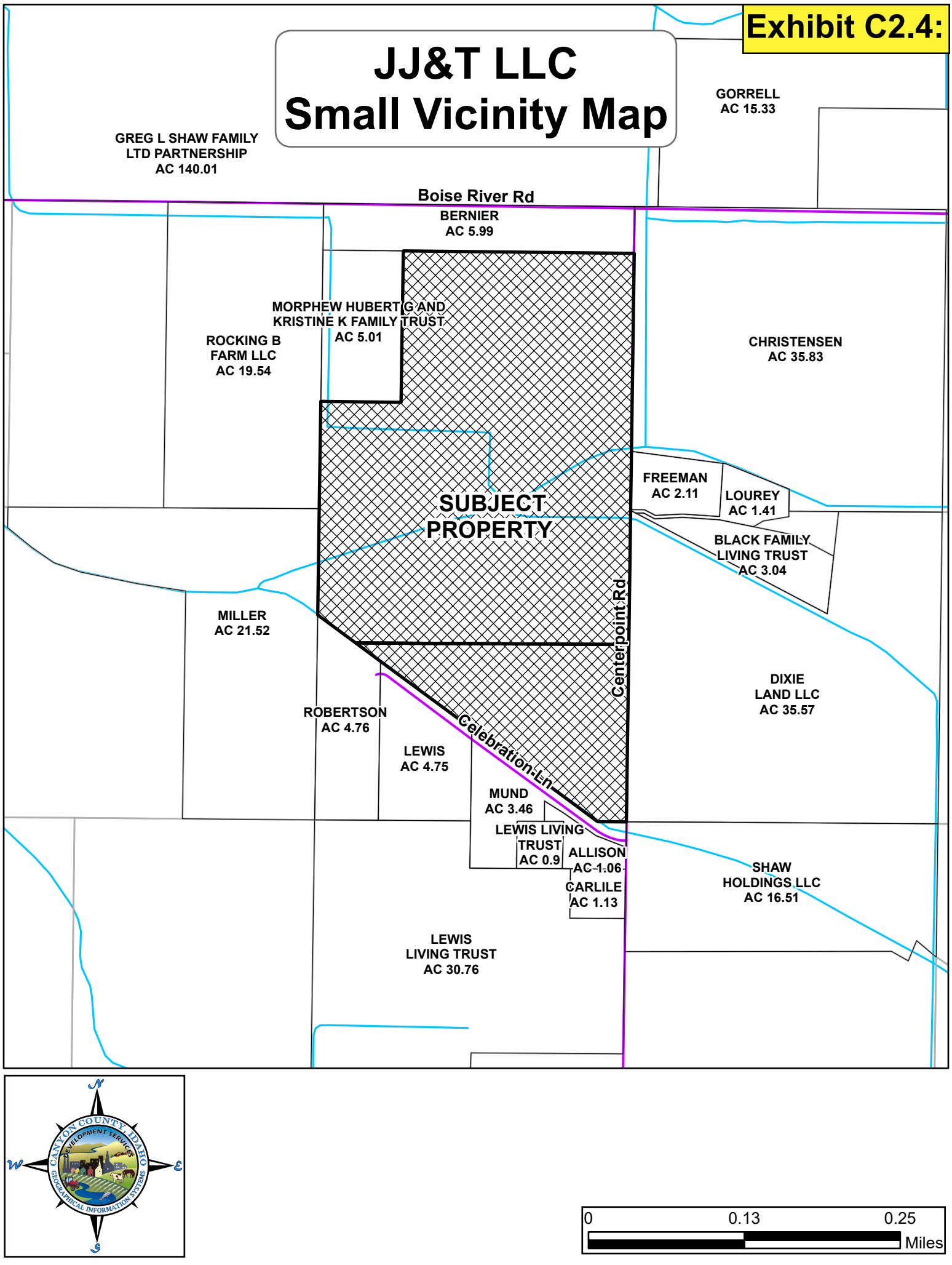
Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA

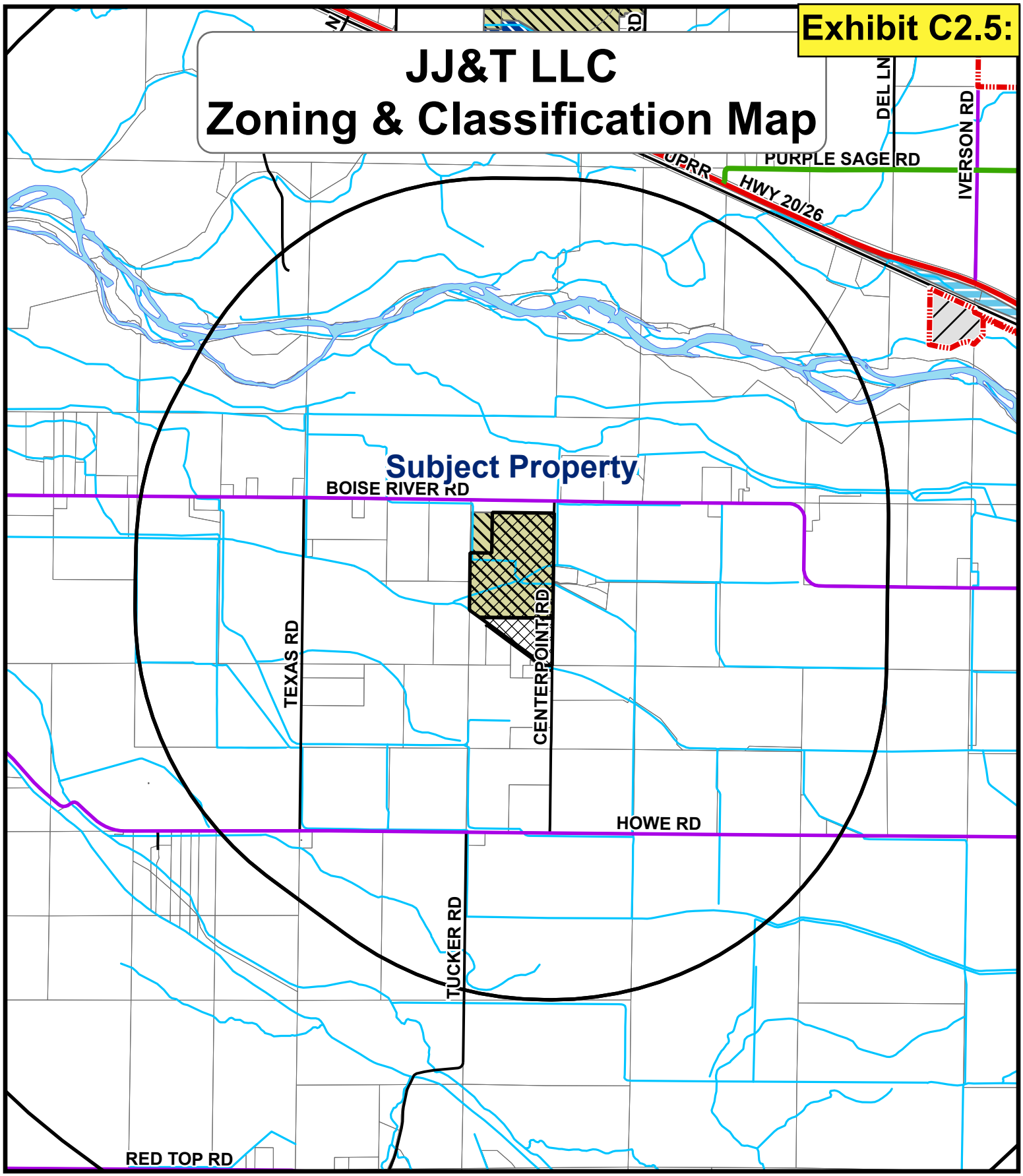
Canyon County, ID

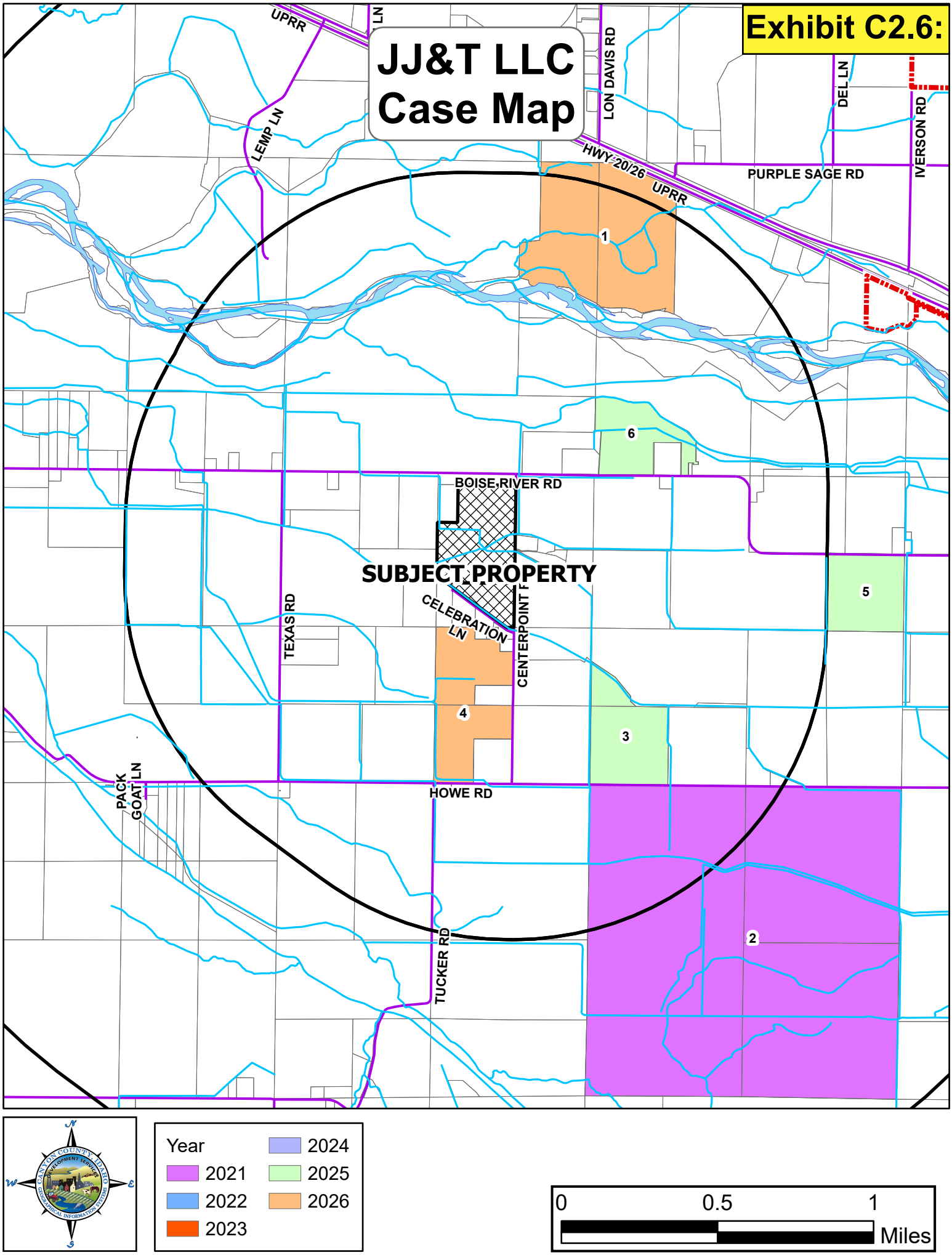
Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA | City of Nampa |


IMAGES WERE FLOWN IN WINTERS OF 2025 AND 2026
Exhibit C2.2:
JJ&T LLC
Small Air Photo 1 Mile
Boise River Rd
Celebration Ln
Centerpoint Rd
City_Limits
Wetlands
0
0.25
0.5
Miles


IMAGES WERE FLOWN IN WINTERS OF 2025 AND 2026.
Exhibit C2.3:
JJ&T LLC
FEMA Small Air Photo
BOISE RIVER RD
CELEBRATION LN
CENTERPOINT RD
TEXAS RD
HOWE RD
Legend
SUBJECT_PROPERTY
TAXLOTS
WETLANDS
A
AE
X
400
0
400
Feet

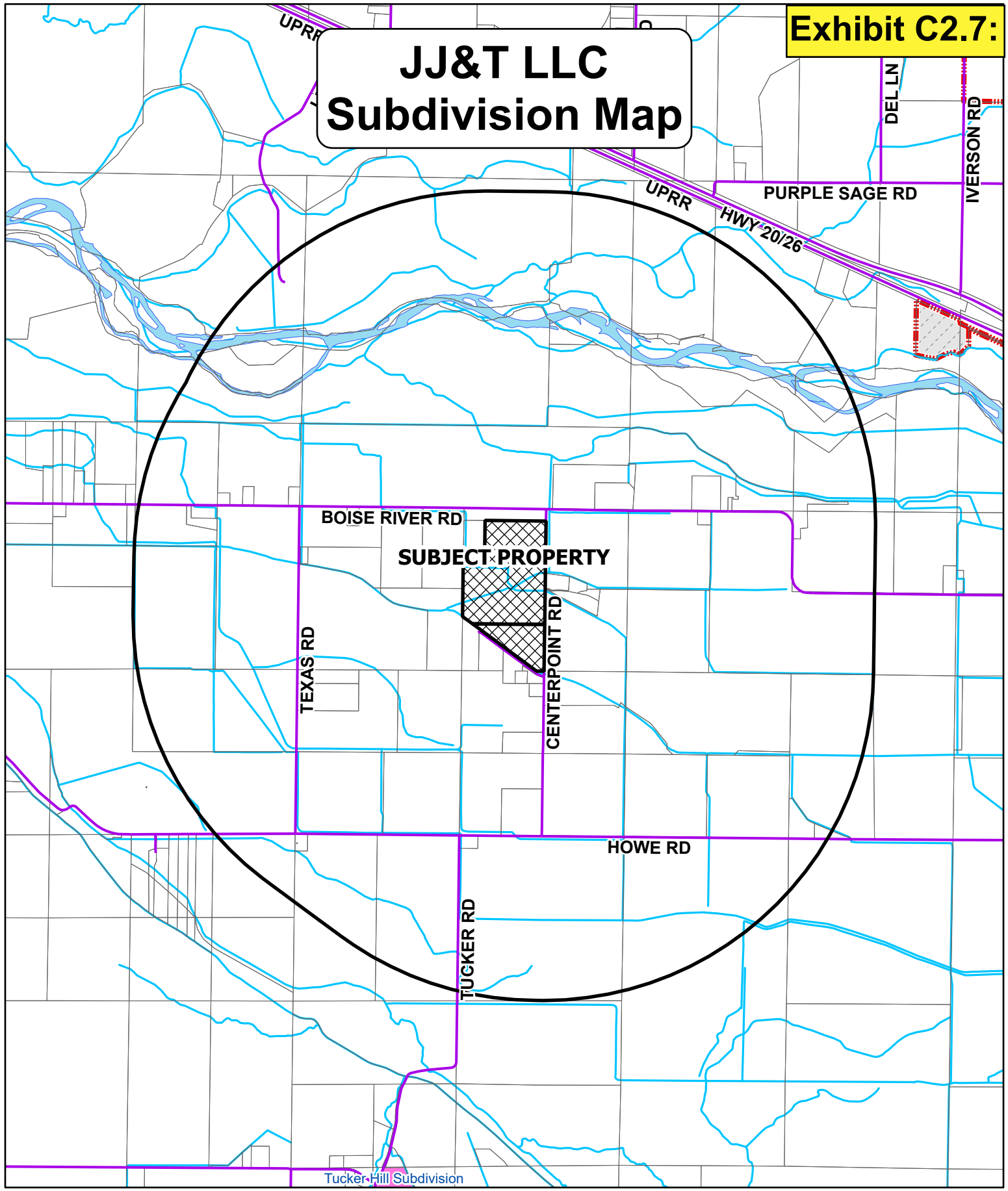

Exhibit C2.4:
JJ&T LLC
Small Vicinity Map
GREG L SHAW FAMILY
LTD PARTNERSHIP
AC 140.01
GORRELL
AC 15.33
Boise River Rd
BERNIER
AC 5.99
MORPHEW HUBERT G AND
KRISTINE K FAMILY TRUST
AC 5.01
ROCKING B
FARM LLC
AC 19.54
CHRISTENSEN
AC 35.83
SUBJECT
PROPERTY
FREEMAN
AC 2.11
LOUREY
AC 1.41
BLACK FAMILY
LIVING TRUST
AC 3.04
Centerpoint Rd
MILLER
AC 21.52
DIXIE
LAND LLC
AC 35.57
ROBERTSON
AC 4.76
LEWIS
AC 4.75
Celebration Ln
MUND
AC 3.46
LEWIS LIVING
TRUST
AC 0.9
ALLISON
AC 1.06
CARLILE
AC 1.13
SHAW
HOLDINGS LLC
AC 16.51
LEWIS
LIVING TRUST
AC 30.76
N
W
E
S
CANYON COUNTY, IDAHO
DEVELOPMENT SERVICES
GEOGRAPHICAL INFORMATION SYSTEMS
0
0.13
0.25
Miles


Exhibit C2.5:
JJ&T LLC
Zoning & Classification Map
DEL LN
IVERSON RD
PURPLE SAGE RD
UPRR
HWY 20/26
Subject Property
BOISE RIVER RD
TEXAS RD
CENTERPOINT RD
HOWE RD
TUCKER RD
RED TOP RD
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 C2.6:
JJ&T LLC
Case Map
UPRR
LN
LEMP LN
LON DAVIS RD
DEL LN
IVERSON RD
HWY 20/26
UPRR
PURPLE SAGE RD
1
6
BOISE RIVER RD
SUBJECT PROPERTY
CELEBRATION LN
TEXAS RD
CENTERPOINT F
5
4
3
PACK GOAT LN
HOWE RD
TUCKER RD
2
Year
2021
2022
2023
2024
2025
2026
0
0.5
1
Miles

CASE SUMMARY

ID	CASENUM	REQUEST	CASENAME	FINALDECIS
1	CU2024-0024	Mineral extraction long-term	Burnett/Arrowhead	APPROVED
2	CU2020-0005	CUP Mineral Extraction	Idaho Materials & Construction	APPROVED
3	CU2025-0009	CUP - Mineral extraction	Knife River Corp (Notus West Pit)	APPROVED
4	CU2025-0011	CUP - Mineral extraction	Knife River/Mountain West	DENIED
5	CU2024-0014	CUP - Mineral Extraction (long-term)	Nampa Paving	APPROVED
6	CU2024-0009	CUP - Mineral extraction (long-term)	Sunroc Corporation	APPROVED


Exhibit C2.7:
JJ&T LLC
Subdivision Map
UPRR
DEL LN
IVERSON RD
PURPLE SAGE RD
UPRR
HWY 20/26
BOISE RIVER RD
SUBJECT PROPERTY
TEXAS RD
CENTERPOINT RD
HOWE RD
TUCKER RD
Tucker Hill Subdivision
SUBDIVISIONS
Plat Type,Plat Status
Preliminary,Approved
Preliminary,Pending
MOBILE HOME PARKS
0
0.25
0.5
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
28	19.84	8.51	0.80	140.01

NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM
0				

PLATTED SUBDIVISIONS

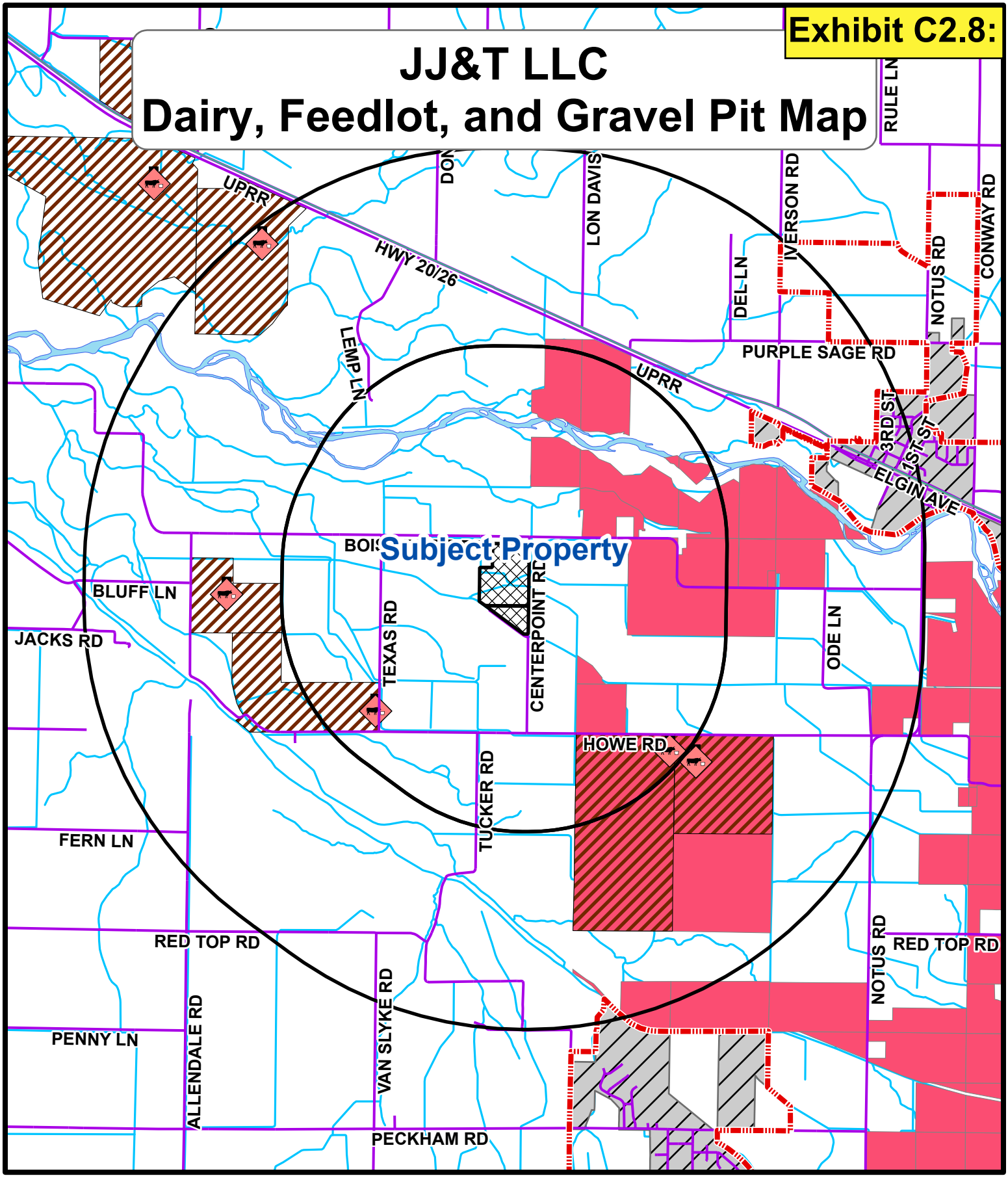
SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF…	Year

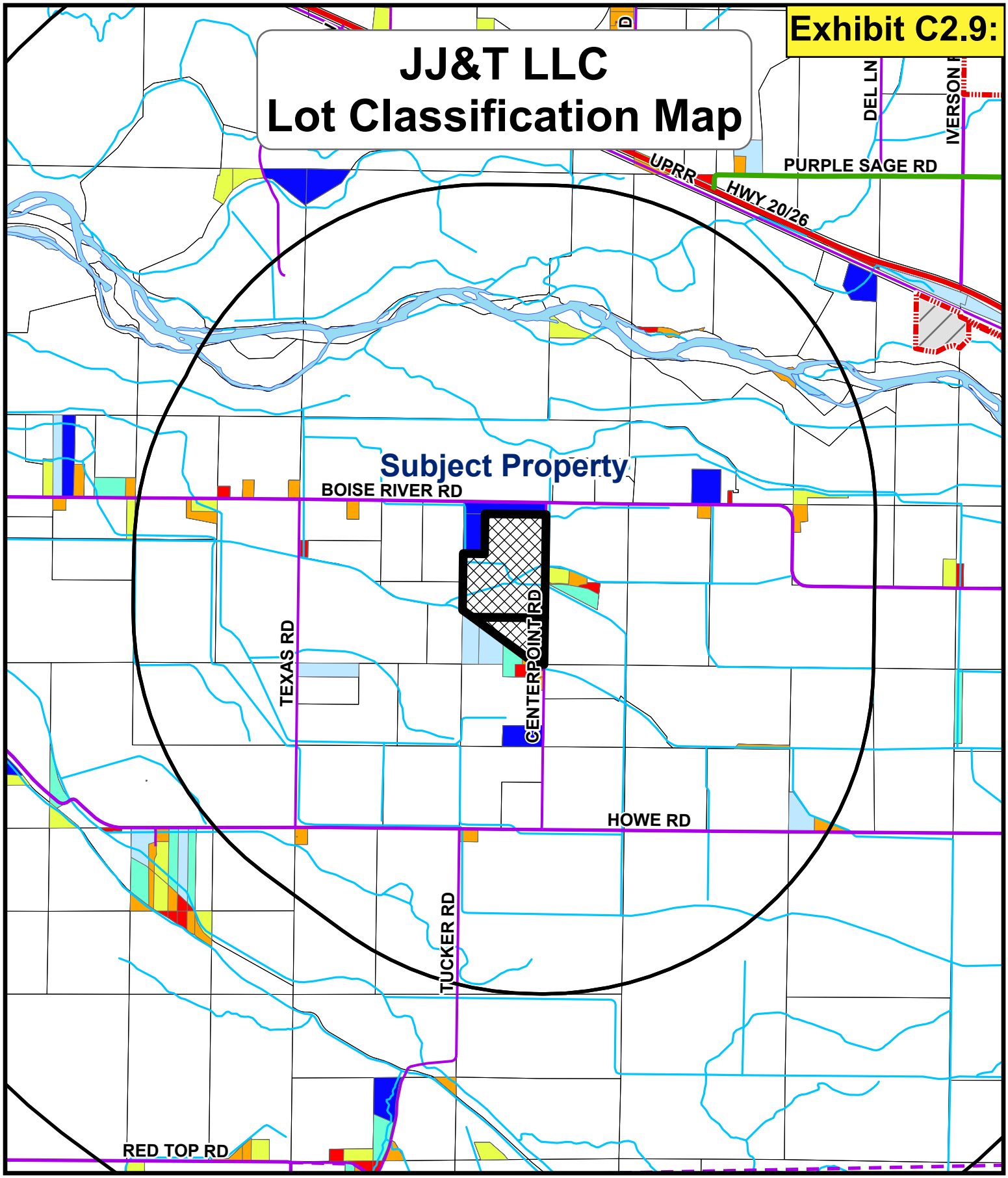
SUBDIVISIONS IN PLATTING

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…

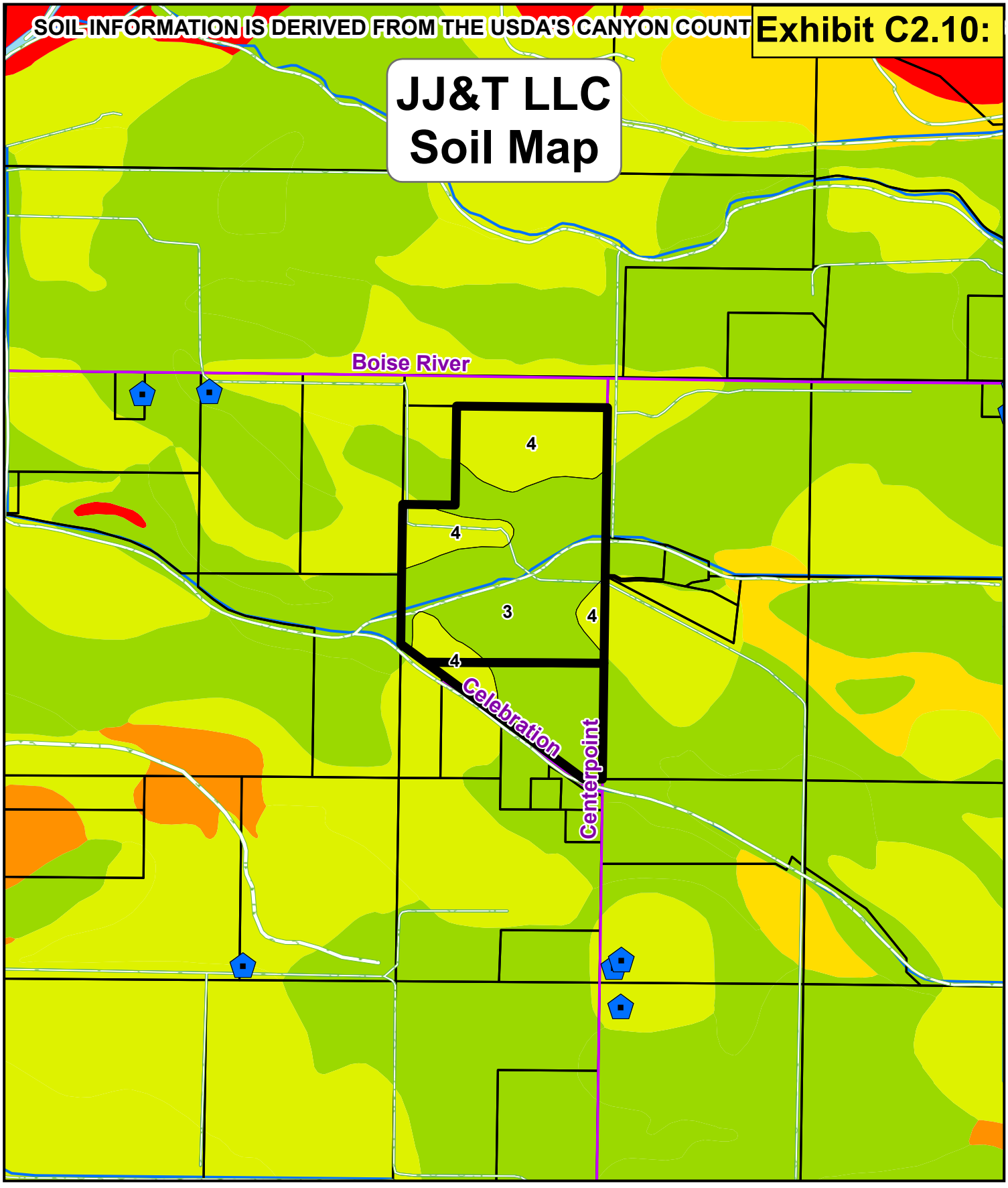

Exhibit C2.8:
JJ&T LLC
Dairy, Feedlot, and Gravel Pit Map
UPRR
HWY 20/26
LON DAVIS
IVERSON RD
DEL LN
NOTUS RD
CONWAY RD
RULE LN
PURPLE SAGE RD
LEMP LN
UPRR
3RD ST
1ST ST
ELGIN AVE
Subject Property
BLUFF LN
JACKS RD
TEXAS RD
CENTERPOINT RD
ODE LN
HOWE RD
TUCKER RD
FERN LN
RED TOP RD
NOTUS RD
RED TOP RD
PENNY LN
ALLENDALE RD
VAN SLYKE RD
PECKHAM RD
FEEDLOTS
DAIRIES
GRAVELPITS
0
1
2
Miles


Exhibit C2.9:
JJ&T LLC
Lot Classification Map
DEL LN
IVERSON
UPRR
PURPLE SAGE RD
HWY 20/26
Subject Property
BOISE RIVER RD
TEXAS RD
CENTERPOINT RD
HOWE RD
TUCKER RD
RED TOP RD
Lot Size
0.0 - 1.0
1.1 - 2.0
2.1 - 3.0
3.1 - 4.0
4.1 - 5.0
5.1 - 6.0
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 COUNT

Exhibit C2.10:

JJ&T LLC Soil Map



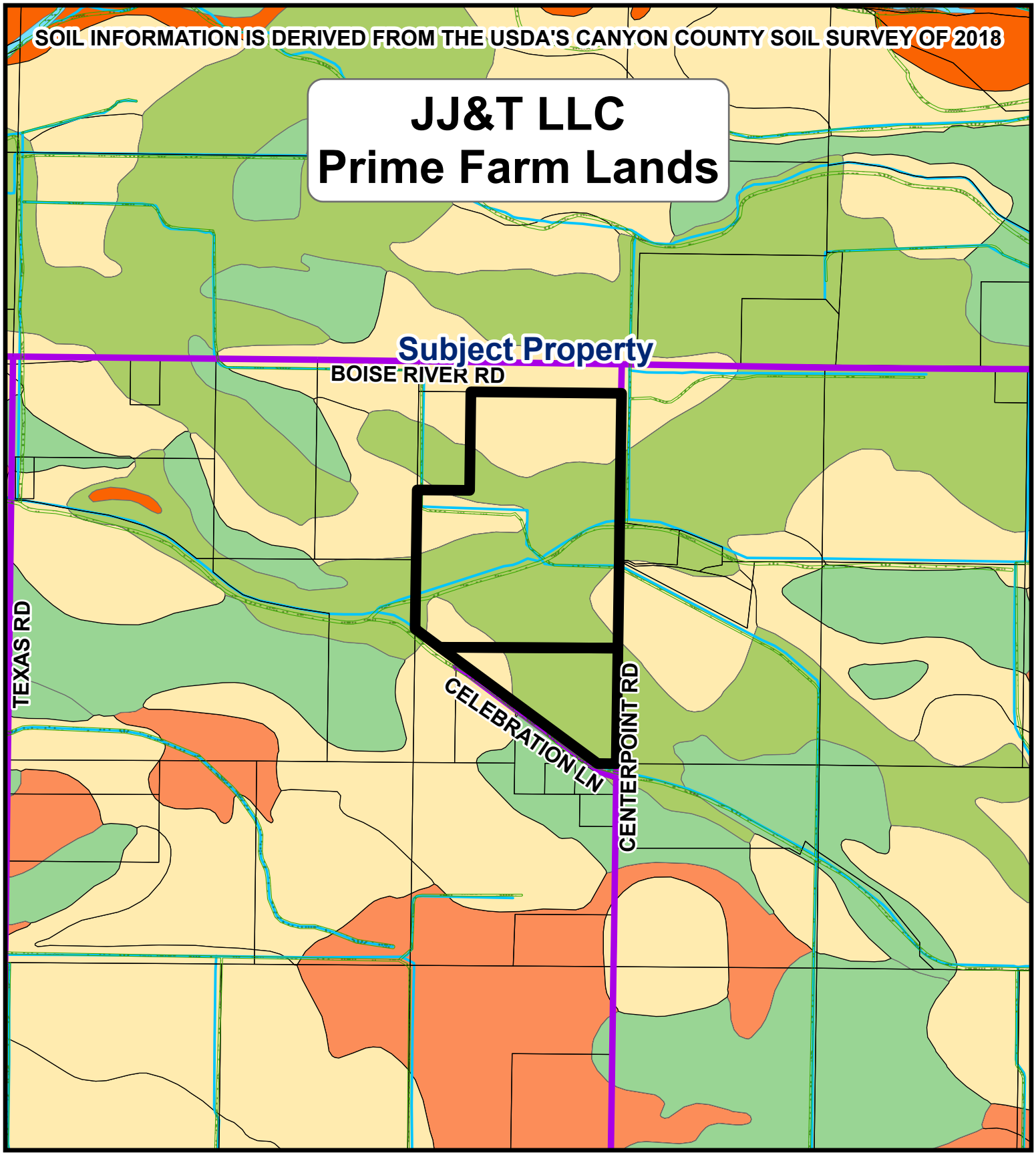
Nitrate Priority Wells

- 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



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

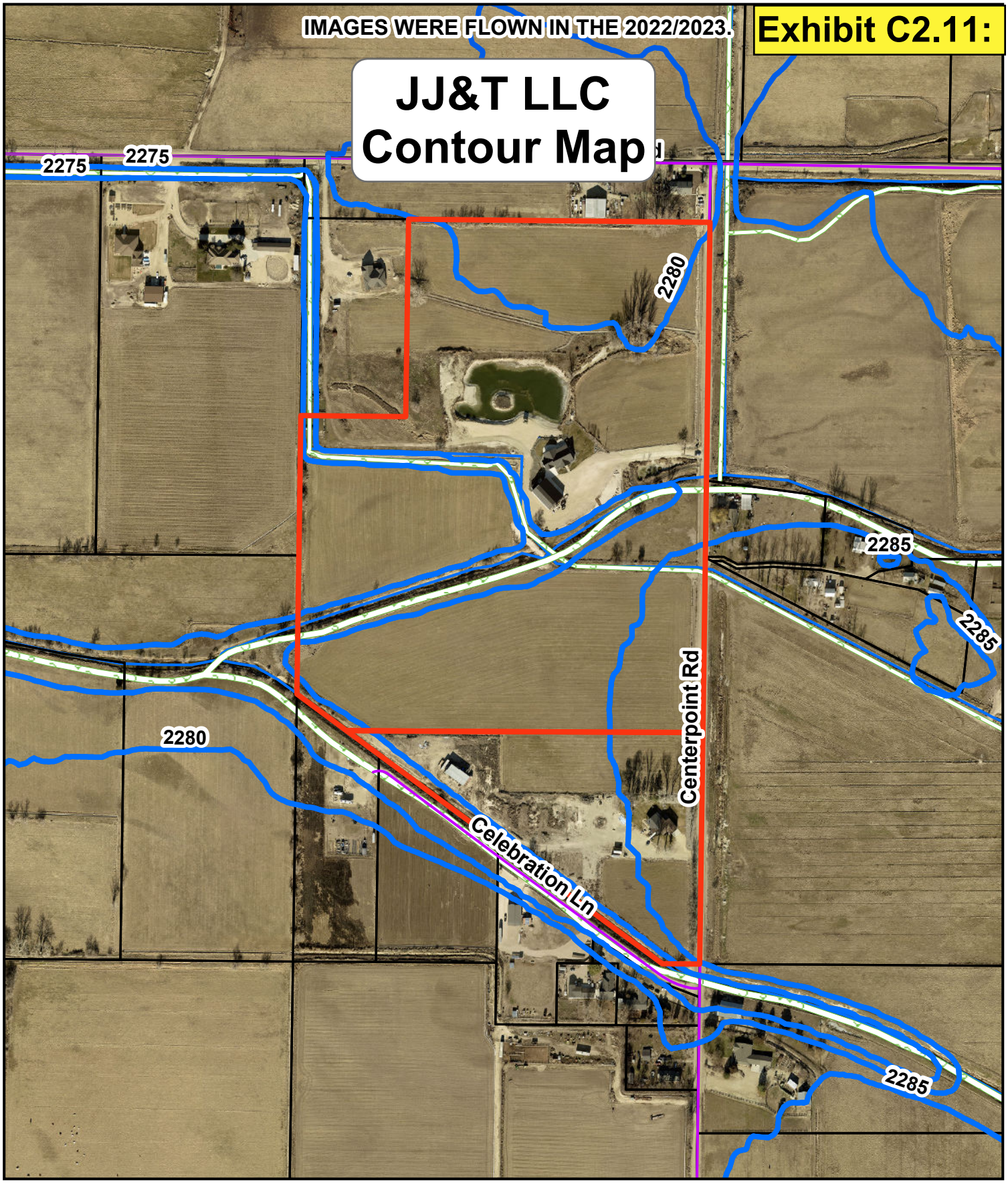
SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
4	MODERATELY SUITED SOIL	462570.10	10.62	18.96%
4	MODERATELY SUITED SOIL	239367.71	5.50	9.81%
3	MODERATELY SUITED SOIL	1574280.04	36.14	64.52%
4	MODERATELY SUITED SOIL	163661.60	3.76	6.71%
		2439879.44	56.01	100%

FARMLAND REPORT

SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
MwA	Prime farmland if irrigated and drained	462570.10	10.62	18.96%
MuA	Prime farmland if irrigated and drained	239367.71	5.50	9.81%
BdA	Prime farmland if irrigated and reclaimed of excess salts and sodium	1574280.04	36.14	64.52%
MtA	Prime farmland if irrigated and drained	163661.60	3.76	6.71%
		2439879.44	56.01	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 C2.11:
JJ&T LLC
Contour Map
2275
2275
2280
2285
2285
2280
Centerpoint Rd
Celebration Ln
2285
Legend
SUBJECT_PROPERTY
TaxParcels
SectionContours
Wetlands
0
200
400
600
Feet

NITRATE PRIORITY AND WELL INFORMATION IS DERIVED FROM TH
NITRATE PRIORITY 2020?

Exhibit C2.12:

JJ&T LLC
Nitrate Priority & Wells

Purple Sage Rd

Del Ln

Iverson

ny 20/26

Subject Property

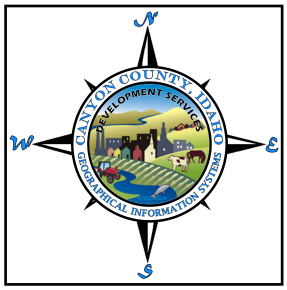
Boise River Rd

Texas Rd

Centerpoint Rd

Howe Rd

Tucker Rd



GEO-THERMAL LOCATIONS

WETLANDS

NITRATE_PRIORITY

DEQ WELLS
N03_MGL

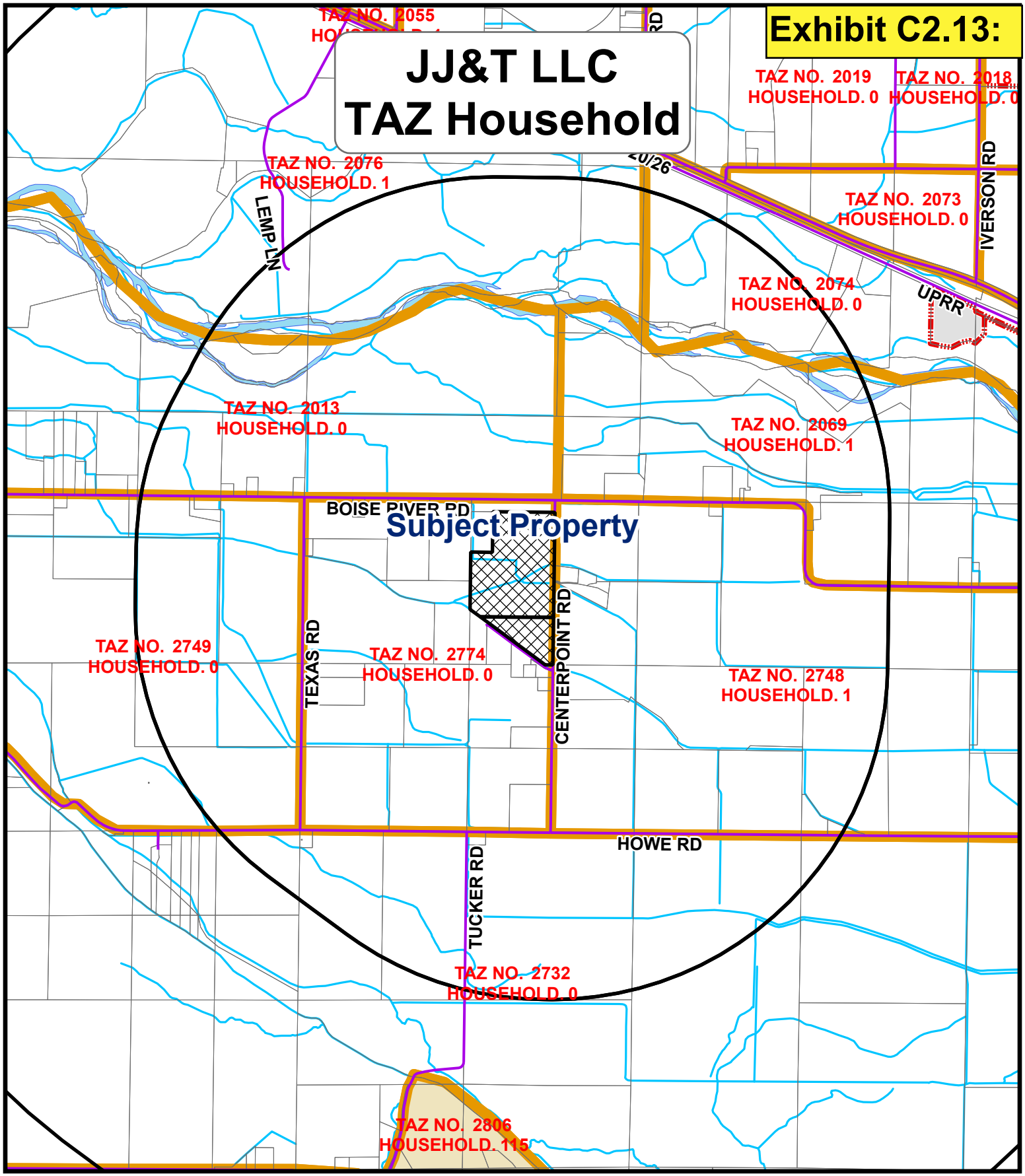
0.005 - 2.00

2.000001 - 5.00

5.0000001 - 10.00

10.000001 - 49.80

0 0.5 1 Miles


Exhibit C2.13:
JJ&T LLC
TAZ Household
TAZ NO. 2055
TAZ NO. 2019
HOUSEHOLD. 0
TAZ NO. 2018
HOUSEHOLD. 0
TAZ NO. 2076
HOUSEHOLD. 1
LEMPLIN
20/26
IVERSON RD
TAZ NO. 2073
HOUSEHOLD. 0
TAZ NO. 2074
HOUSEHOLD. 0
UPRR
TAZ NO. 2013
HOUSEHOLD. 0
TAZ NO. 2069
HOUSEHOLD. 1
BOISE RIVER RD
Subject Property
TAZ NO. 2749
HOUSEHOLD. 0
TEXAS RD
TAZ NO. 2774
HOUSEHOLD. 0
CENTERPOINT RD
TAZ NO. 2748
HOUSEHOLD. 1
HOWE RD
TUCKER RD
TAZ NO. 2732
HOUSEHOLD. 0
TAZ NO. 2806
HOUSEHOLD. 115
House Hold 2025-2050
-4 - 50
51 - 150
151 - 250
251 - 500
501 - 750
751 - 1263
0
0.5
1
Miles

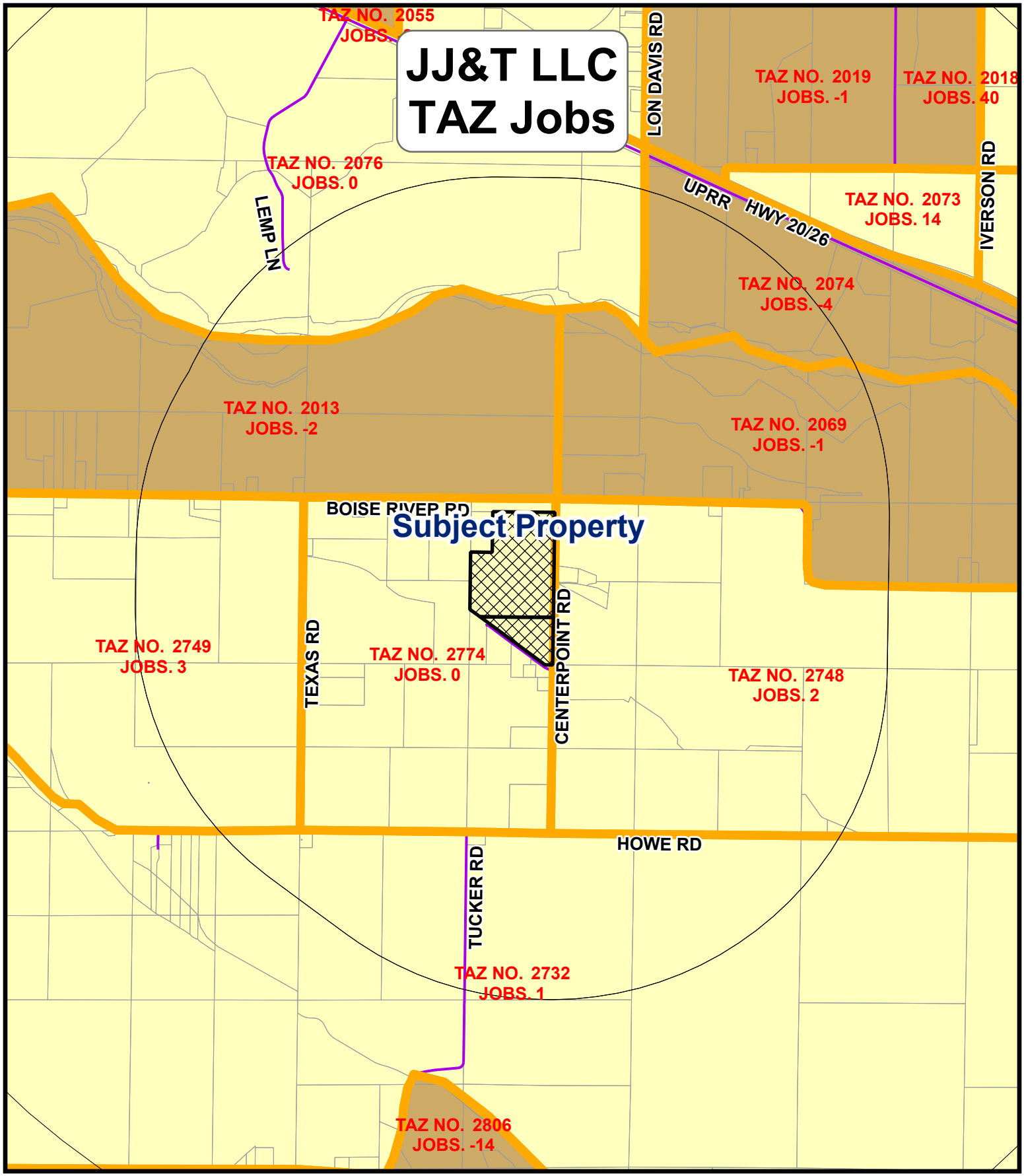
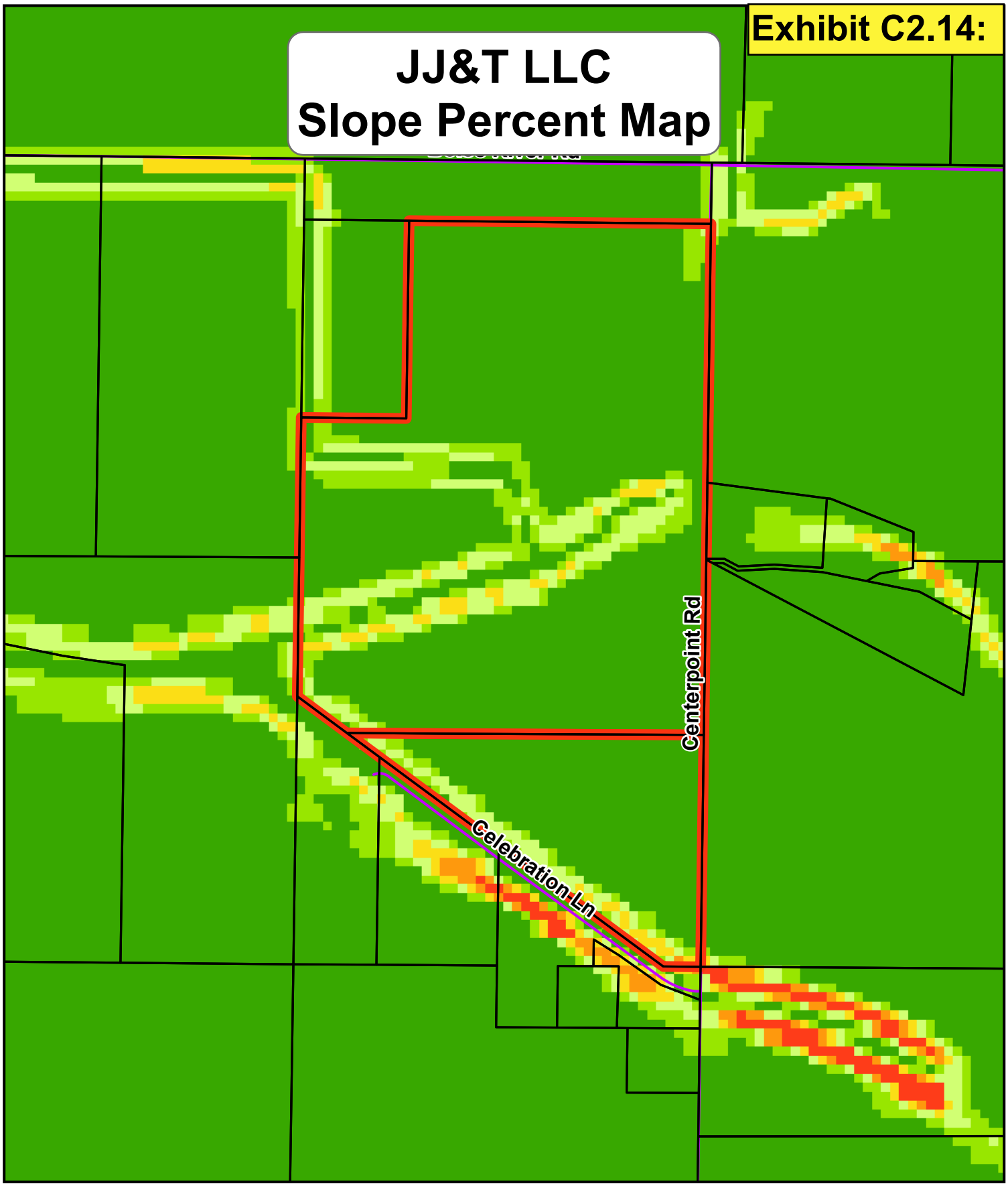

JJ&T LLC
TAZ Jobs
TAZ NO. 2055
JOBS.
TAZ NO. 2019
JOBS. -1
TAZ NO. 2018
JOBS. 40
LON DAVIS RD
IVERSON RD
TAZ NO. 2076
JOBS. 0
LEMP LN
UPRR
HWY 20/26
TAZ NO. 2073
JOBS. 14
TAZ NO. 2074
JOBS. -4
TAZ NO. 2013
JOBS. -2
TAZ NO. 2069
JOBS. -1
BOISE RIVER RD
Subject Property
TAZ NO. 2749
JOBS. 3
TEXAS RD
TAZ NO. 2774
JOBS. 0
CENTERPOINT RD
TAZ NO. 2748
JOBS. 2
HOWE RD
TUCKER RD
TAZ NO. 2732
JOBS. 1
TAZ NO. 2806
JOBS. -14
N
W
E
S
CANYON COUNTY, IDAHO
DEVELOPMENT SERVICES
GEOGRAPHICAL INFORMATION SYSTEMS
Jobs 2025-2050
-1
0 - 100
101 - 250
251 - 500
501 - 1000
1001 - 2148
0
0.5
1
Miles

Exhibit C2.14:

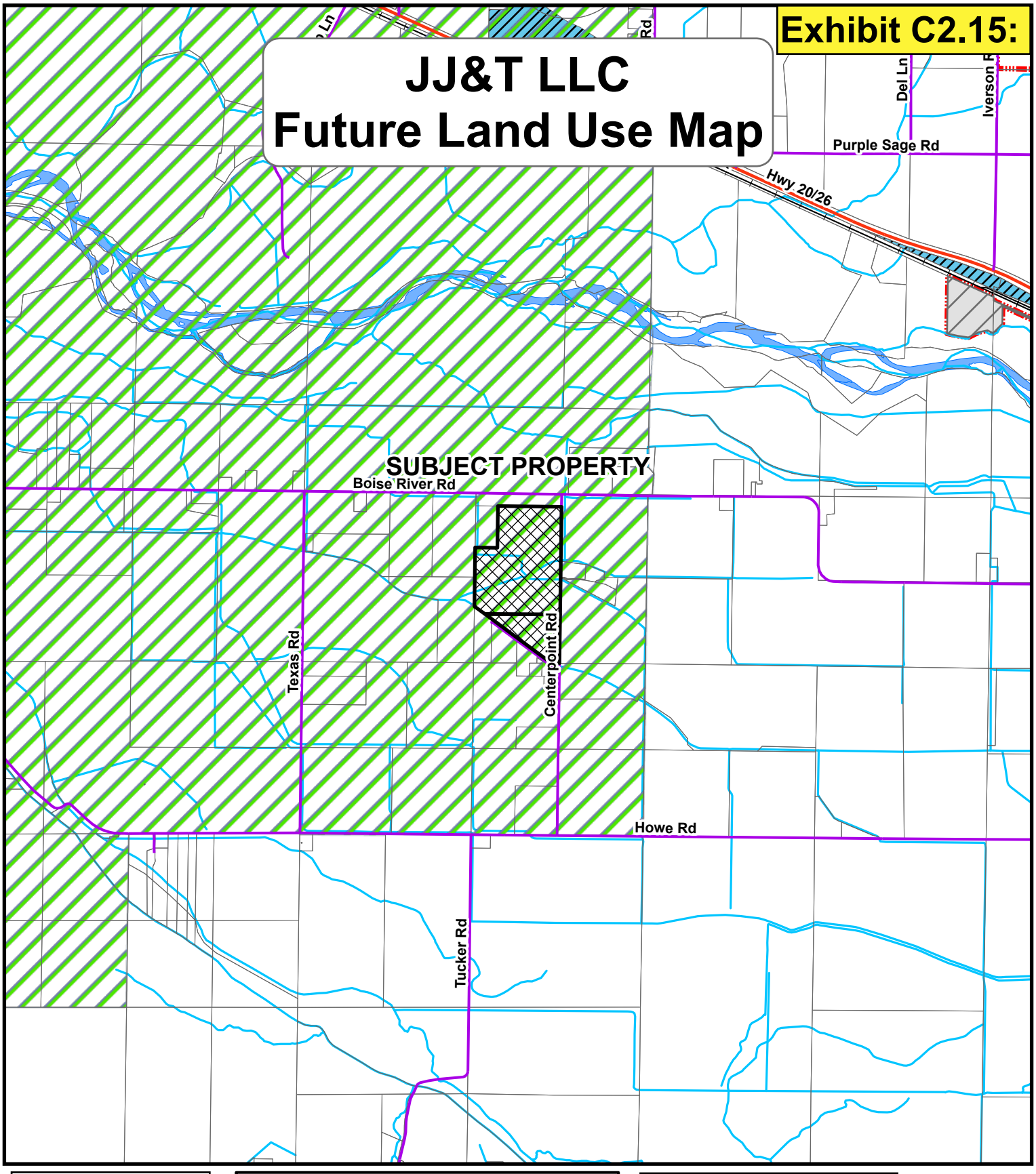
JJ&T LLC
Slope Percent Map



Slope Percent

0.001 - 3	9.001 - 12
3.001 - 6	12.001 - 14.999
6.001 - 9	15 - 202.718

0 200 400 600 Feet



Overlay Districts 2030

- AGRI-TOURISM BUSINESS USE
- AGRI-TOURISM EXCLUSIVE FARM USE
- INTENSIVE AGRICULTURE OVERLAY
- CALDWELL AIRPORT OVERLAY
- NAMPA AIRPORT OVERLAY
- HISTORIC PRESERVATION
- HOUSING AUTHORITY

Future Land Use 2030

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL
- RURAL RESIDENTIAL

0 0.5 1 Miles

Exhibit C3:

PLANNING AND ZONING COMMISSION

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:
Knife River Corp/Mountain West – CU2025-0011

The Canyon County Planning and Zoning Commission considers the following:

The applicant, Knife River Corp. – Mountain West, represented by Megan Winter & Joseph Smith, is requesting a Conditional Use Permit to allow a long-term mineral extraction permit to include stockpiling, crushing, staging, and hauling the sand and gravel off the site on approximately 59.55 acres in an "A" (Agricultural) zone for a period not to exceed twenty (20) years. The proposed general hours of operation are 7:00 a.m. to 5:00 p.m., Monday through Saturday. Hauling of materials may take place 24 hours a day, seven days a week, to support construction activities that require nighttime operations.

Summary of the Record

1. The record is comprised of the following:

   A. The record includes all testimony, the staff report, exhibits, and documents in Case File CU2025-0011.
      1. All exhibits are located in the case staff report dated November 20, 2025.

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, CU2025-0011, was presented at a public hearing before the Canyon County Planning and Zoning Commission on November 20, 2025. 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 decides as follows:

Table 1. Conditional Use Permit Review Criteria Analysis

HEARING CRITERIA (CCCO §07-07-05): The presiding party shall consider each conditional use permit application by finding adequate evidence to answer the following questions in its FCOs:				
Compliant			**County Ordinance and Staff Review**	
Yes	**No**	**N/A**	**Code Section**	**Analysis**
☒	☐	☐	**07-07-05(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 defined as *"the various activities associated with the extraction of mineral resources, including, but not limited to, gravel, from the ground."* Per CCCO §07-07-03, the applicant submitted a conditional use permit application on May 6, 2025 (**Staff Report Exhibit A**).
☒	☐	☐	**07-07-05(2)**	**What is the nature of the request?**
			Analysis	The nature of the request involves operating a sand and gravel pit on Parcels R35968010, consisting of approximately thirty (30) acres, and R35973010,

				consisting of approximately twenty-eight (28) acres, in the "A" (Agricultural) zone for a maximum of twenty (20) years (**Staff Report Exhibits A2 and A7**). • The activities on site include mining sand and aggregate to be crushed, screened, washed, and stockpiled within the boundary of the subject parcels. • There are no additional signage, improvements, or structures proposed within the boundaries of the conditional use permit, except for truck scales for monitoring weight. • The mining operation will take place in two (2) phases and is planned to begin in the Northwest corner of the site. Phase one (1) will consist of the plant area and soil/aggregate stockpiles on approximately twenty (20) acres. A portion of the salvaged soil will be used to create a berm around the mining operations. Phase two (2) will result in approximately thirty (30) acres of disturbance (**Staff Report Exhibit A2**). • According to the letter of intent (**Staff Report Exhibit A2**), the site will be mined to a minimum elevation of 2,280 feet, with a maximum depth of twenty (20) feet from the surface elevation. The operational slopes on the mine walls will be between 1:1 and 3:1. • Proposed hours of operation for mining are 7 a.m. – 5 p.m., Monday through Saturday. However, loading and hauling of material may take place 24 hours a day, seven (7) days a week to support construction activities. In the letter of intent, the applicant states that they will send a notice to the neighbors 10 days prior to starting a 24-hour operation. *See condition of approval number 2b to mitigate disturbances outside of the operation hours* (**Staff Report Exhibits A2 and A3**). • There is expected to be one (1) to ten (10) employees on site at any given time (**Staff Report Exhibit A2**). • Four (4) foot berms along the eastern and southern shared property lines are proposed (**Staff Report Exhibits A2 and A8**). The applicant is proposing a topsoil berm, stabilized with grass or rock, to be placed around the site as mining progresses to serve as the perimeter of the mining area. The berms will be graded and seeded to control stormwater runoff. *See condition of approval number 4.* The topsoil will be removed and reclaimed during the reclamation process. • There will be a 30-foot setback from the subject property boundaries in accordance with CCCO §07-14-19 (**Staff Report Exhibits A2 and A7**). *See the condition of approval number 2d for the rock crusher's designated area.* • A Reclamation Plan has been approved by the Idaho Department of Lands. The applicant proposes to create a 50-acre water feature due to the depth of mining. The remainder will be sold as agricultural land or residential development (**Staff Report Exhibit A7**).
☒	☐	☐	**07-07-05(3)** ***Analysis***	**Is the proposed use consistent with the comprehensive plan?** As conditioned, the proposed use is consistent with the 2030 Canyon County Comprehensive Plan. The 2030 Canyon County Comprehensive Plan

				designates the subject parcels as "agriculture" with an "Intensive Agriculture Overlay" on the future land use map (**Staff Report Exhibit B2.16**). This area primarily consists of agricultural uses (primarily livestock and grazing, with some crop production), feed lots, and limited residential uses (**Staff Report Exhibits B2.6, B2.7, and B2.9**). With recommended conditions, the request aligns with the following goals and policies of the 2030 Canyon County Comprehensive Plan: • **Chapter 1 - Property Rights:** ○ Property Rights G1.01.00: "Protect the integrity of individual property rights while safeguarding public health, safety, and welfare." ○ Property Rights 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." • **Chapter 2 – Population:** ○ Population G2.02.00: "Promote housing, business, and service types needed to meet the demand of the future and existing population." • **Chapter 3 – Economic Development:** ○ Economic Development G3.01.00: "Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations." ○ Economic Development P3.01.02: "Support suitable sites for economic growth and expansion compatible with the surrounding area." ○ Economic Development 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." • **Chapter 4 – Land Use and Community Design** ○ Land Use P4.02.01: "Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses." ○ Land Use P4.03.03: "Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility." • **Chapter 5 – Natural Resources and Hazardous Areas** ○ Natural Resources P5.01.01: Protect and enhance waterways, groundwater, wetlands, wildlife habitat, air, soils, and other natural resources. ○ Natural Resources G5.02.00: "Recognize the importance of air quality and address air pollution in accordance with applicable regulations."

				○ Natural Resources G5.03.00: "Support the conservation of productive mineral lands and discourage incompatible uses upon or adjacent to these lands." ○ Natural Resources 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." ○ Natural Resources 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 the Staff Report for supporting evidence. See conditions of approval.*
☐	☒	☐	**07-07-05(4)** ***Analysis***	**Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?** The proposed use will be injurious to other property in the immediate vicinity and will negatively change the essential character of the area.. **Adjacent Existing Conditions:**

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

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

Surrounding Land Use Cases (Staff Report Exhibit B2.7):
Within the past 5 years, the following conditional use permits have been approved within 1 mile of the property:

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

The following conditional use permits have been approved this year within 2 miles of the property:

- CU2023-0019 – Mineral Extraction – Nampa Paving
- CU2024-0007 – Mineral Extraction – JMAC Resources
- CU2024-0014 – Mineral Extraction – Nampa Paving

Character of the Area:
The subject properties are zoned "A" (Agricultural) (**Staff Report Exhibit B1**), with the surrounding zoning also "A" (Agricultural). The 2030 future land use designation of the area is "A" Agricultural with an intensive agricultural overlay (**Staff Report Exhibit B1**). There are no subdivisions located nearby. Within 1,000 feet of the subject property, there are 21 parcels (**Staff Report Exhibit B2.2**). The character of the area consists of livestock grazing, feed lots, mineral extraction operations, and some residences (**Staff Report Exhibits B2.6, B2.7, and B2.9**).

				Within a 2-mile radius, there are several approved gravel pits to the northeast and southeast of the subject parcels and three (3) feedlots to the southeast, west, and northwest of the subject parcels (**Staff Report Exhibit B2.9**). Public testimony by Shaw Holdings stated that they move their cattle on the road that the proposed use would use. Verbal testimony on November 20, 2025, stated that the character of the area, along with the subject properties, is productive agriculture. Canyon County Soil Conservation District comments in the Staff Report Exhibit D3 state that they do not recommend a land use change due to the soil classifications. The Commissioners found that, based on the evidence provided, a gravel pit would be injurious to agricultural operations and alter the character of the area. **Impacts:** The long-term mineral extraction use will impact the surrounding area, due to an increase in dust, noise, lighting, and traffic related to the use. <u>DUST:</u> The applicant states in the letter of intent that they are proposing watering of roads and stockpiles to mitigate dust concerns. Dust control water will be applied to high-traffic areas during the summer months using processed water via water trucks (**Staff Report Exhibit A2**). According to the applicants' Reclamation Plan, water for dust control will be applied to the crusher and screens to prevent excessive dust at the process equipment (**Staff Report Exhibit A7**). <u>NOISE:</u> Although a batch plant will not be located on Parcels R35968010 and R35973010, noise levels may increase in the immediate vicinity due to the mining activities and rock crushing that are proposed to take place on site **(Staff Report Exhibit A2).** The berms surrounding the mining activities will act as a noise barrier to decrease noise pollution. The hours of operation proposed are Monday through Saturday, 7:00 a.m. through 5:00 p.m., with the operation closed on Sundays and traditional legal holidays (unless an emergency occurs). There was discussion for the rock crusher to be limited to an area away from the nearby residence (**Staff Report Exhibit A9**), and a 10-foot high topsoil berm constructed along the northern and western property boundaries (**Staff Report Exhibit A8**), it was found by public testimony from the neighbors that would be impacted by the noise that putting these conditions would not mitigate the impact. The neighbor located at parcel R35968010B is in the middle of both proposed parcels R35968010 and R35973010 works in the healthcare profession and does not have a set schedule. <u>TRAFFIC:</u> An impact on traffic would occur due to the large heavy equipment and the multiple gravel pits that have been approved in the area and that have yet to make the road improvements. Golden Gate Highway District provided comment on October 1, 2025, requesting a traffic impact study to be performed and combined with case CU2025-0009 (**Staff Report Exhibit D5**). On November 7, 2025, the Idaho Transportation Department (ITD)

				provided a comment requesting a westbound right-turn lane at SH-19 and Notus Road. See criterion number 7 for a full analysis of the traffic impact. OTHER IMPACTS: According to the letter of intent, during the neighborhood meeting, there were concerns expressed for obstructing the neighbors' views to the valley, road safety, noxious weeds, impacts to the culverts and ditches, and potential impact to the neighboring wells. The applicant has offered conditions to mitigate the concerns. These mitigations include lowering the berms to four feet along the eastern and southern shared property lines (**Staff Report Exhibit A8**), the truck loads to be covered before leaving the pit, a speed limit of 25 miles per hour on Centerpoint Road, monitoring and treating for noxious weeds in accordance with Idaho Surface Mining Act and Administrative Rules, if the accessibility or functionality of the culverts and ditches become impacted, including the drainage pipe under Centerpoint Road, north of the proposed site entrance, the onsite team will correct the impact, and if operations effect the domestic water wells on the adjoining properties then the applicant will fix or replace the wells. Most of these conditions put in place by the applicant are not enforceable by the County; therefore, conditions could not be made to mitigate these impacts.
☒	☐	☐	**07-07-05(5)** ***Analysis***	**Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?** 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:** Per the land use matrix, there is no well proposed for the use (**Staff Report Exhibit A3**). **Sewer:** No septic tank or drain field is proposed, as portable toilets will be provided for employees on site (**Staff Report Exhibit A3**). Southwest District Health was notified of the request on June 5, 2025, and on October 16, 2025. Comments were received on June 6, 2025, stating that a nutrient pathogen study and a septic system are not required (**Staff Report Exhibit D1**). **Irrigation:** According to the land use worksheet, the applicant is not proposing to use irrigation water (**Staff Report Exhibit A3**). Eureka Irrigation District was notified of the request on June 5, 2025, and on October 16, 2025. Eureka Irrigation District provided comment on November 10, 2025, stating that no water is allowed to be discharged into the Eureka Ditch or any of its laterals or sub laterals (**Staff Report Exhibit D8**). **Drainage/Stormwater:** Stormwater shall be retained onsite per the applicant's letter of intent and land use worksheet (**Staff Report Exhibits A2 and A3**). The stormwater shall be retained onsite in the proposed settling ponds within the pit. The stormwater will be used for dewatering. The stormwater will be controlled on the site through site grading, permanent or temporary ditches, and berms. Stockpile berms will be seeded for stabilization to act as the first

				control for runoff. Stormwater will be allowed to pond inside the pits. Stormwater will then be channeled into the lower parts of the pit throughout the mining operations. **Discharging/ Dewatering into Irrigation Facilities:** According to the letter of intent, dewatering will occur by pumping groundwater and stormwater from the ponds. Discharging of water will be done into an irrigation ditch. The applicant states they will send a Notice of Intent to discharge stormwater associated with Industrial Activity under the IDEQ National Pollutant Discharge Elimination System Multi-Sector General Permit. Staff spoke with Drainage District 6 over the phone on November 10, 2025 (**Staff Report Exhibit D9**). Drainage District 6 requested that drainage occur in the irrigation canal during the summer months. Eureka Irrigation District's comment on November 10, 2025 (**Staff Report Exhibit D8**), advised that Eureka Irrigation District does not grant access for any operations to discharge into Eureka. **Utility Systems:** Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on June 5, 2025, and October 16, 2025. No agency comments were provided by those services at the time the staff report was written. It is anticipated that the applicant will be able to work with utility providers to gain any additional utilities needed.
☒	☐	☐	**07-07-05(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 development and will exist at the time of the development. The only site access point will be located near the northeast corner of the site, adjacent to Centerpoint Road (**Staff Report Exhibit A2**). Golden Gate Highway District was notified of the request on June 5, 2025, and on October 16, 2025. Golden Gate Highway District provided comment on October 1, 2025, advising that an approach permit application is required for the access proposed (**Staff Report Exhibit D5**).
☐	☒	☐	**07-07-05(7)**	**Will there be undue interference with existing or future traffic patterns?**
			Analysis	There will be undue interference with the existing and/or future traffic patterns primarily because there are several approved gravel pits in the area that have yet to improve the roads, adding another gravel pit to the area would further add to the interference. The subject parcels are located on the northwest corner of the Centerpoint Road and Howe Road intersection. Centerpoint Road and Howe Road are under the jurisdiction of the Golden Gate Highway District and are classified as Local Road and Minor Collector, according to the Golden Gate Highway District's comment (**Staff Report Exhibit D5**). A Traffic Impact Study (TIS) is required per the Golden Gate Highway District to determine the impacts of the existing and future traffic patterns. Golden Gate Highway District states that a pavement analysis and improvement recommendation is required for Centerpoint Road from Boise River Road to Howe Road. Due to the proximity of case CU2025-0009 heard on November 6, 2025, Golden Gate Highway District would like to see the traffic impact study and pavement

				analysis combined. See **Staff Report Exhibit D5** for Golden Gate Highway District's comment letter. According to the Idaho Transportation Department's (ITD's) comment (**Staff Report Exhibit D7**), IMC, case numbers CU2024-0007 and CU2019-0018 were conditioned for a westbound right-turn lane at SH-19 and Notus Road. As of now, the improvement has not been made. ITD's comment recognizes that the improvement should not be the sole responsibility of the current applicant, but states that the turn lane must be installed for the highway to safely serve the increased traffic demand at this intersection. The applicant provided a proposed trucking route that is believed to have the least amount of impact on the existing or future traffic patterns (**Staff Report Exhibit D10**). Without the studies requested, such as the Traffic Impact Study for the surrounding area, the 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.
☒	☐	☐	**07-07-05(8)** ***Analysis***	**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?** 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 subject properties are serviced by the Notus School District. Agency comments were sent out on June 5, 2025, and October 16, 2025; no comments were received by the school district. The proposed use is not anticipated to impact the Notus School District. **Police and Fire protection:** The subject properties are under the jurisdiction of the Canyon County Sheriff's Office. The Canyon County Sheriff's Office is required to provide services to the property. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding. Agency notice was sent out on June 5, 2025, and October 16, 2025, and no comments were received by the Sheriff's Office. Wilder Rural Fire District serves the subject properties and sent a comment letter on September 25, 2025. The comment letter did not express any concerns about the proposed use (**Staff Report Exhibit D4**). It was advised that the average response time to the subject properties would be approximately 7-10 minutes. **Emergency Medical Services:** Emergency Medical Services are provided to the subject properties. Canyon County Paramedics/EMT and Canyon County's Emergency Management

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

Table 2. Article 14 Use Standards Criteria Analysis
- Mineral Extraction Long Term –

USE STANDARDS 07-14-03(1): The provisions of this article apply to all properties where a use is listed as an allowed use, a conditional use, or a director's decision in section 07-10-27 of this chapter (land use matrix).				
CCCO §07-14-19(1): If a conditional use permit is required, the following standards shall apply:				
Compliant			**County Ordinance and Staff Review**	
Yes	**No**	**N/A**	**Code Section**	**Analysis**
☒	☐	☐	**07-14-19(1)A**	**Setbacks: Required = 30'**
			Analysis	The proposed use will comply with the minimum required setbacks for a long-term mineral extraction facility. See further analysis contained below. **Setbacks / Front / Side / Rear / Corner** **Required** 30' 30' 30' 30' **Proposed** 30' 30' 30' 30' ***07-14-19(1) A.1.*** **Front and corner setbacks shall be measured from the greatest of either the property line, right-of-way line, or road easement line of any local or private street.** According to the letter of intent (**Staff Report Exhibit A2**), the applicant is proposing to establish a 30' setback from the property lines.
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:				
☒	☐	☐	**07-14-19(1) A.2 (A)**	**The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses.**
			Analysis	The surrounding property uses consist of agricultural practices, mineral extractions, feedlots, and residential uses (**Staff Report Exhibits B2.6, B2.7, and B2.9**). The subject properties are zoned "A" (Agricultural) (**Staff Report Exhibit B1**), with the surrounding zoning also "A" (Agricultural). Within 1,000 feet of the subject property, there are 21 parcels (**Staff Report Exhibit B2.2**). Within a 2-mile radius, there are several approved gravel pits to the northeast and southeast of the subject parcels and three (3) feedlots to the southeast, west, and northwest of the subject parcels (**Staff Report Exhibit B2.9**). Within a 2-mile radius, there are three (3) active conditional use permits for mineral extractions awaiting the public hearing process in this area. As conditioned, the proposed and existing uses are not anticipated to directly or indirectly interfere with or negatively impact one another.

☒	☐	☐	**07-14-19(1) A.2 (B)**	**Duration of the proposed use.**
			Analysis	According to the Reclamation Plan (**Staff Report Exhibit A7**), the applicant is proposing to be in operation for a maximum of twenty (20) years.

☒	☐	☐	**07-14-19(1) A.2 (C)**	**Setbacks from surrounding uses.**
			Analysis	A minimum of a 30' setback is proposed along the property boundaries (**Staff Report Exhibit A2**). *See the condition of approval number 2c.*
☒	☐	☐	**07-14-19(1) A.2 (D)**	**Reclamation plan as approved by Idaho Department of Lands.**
			Analysis	A reclamation plan was approved by the Idaho Department of Lands on February 3, 2025, subject to conditions (**Plan No. S603017, Staff Report Exhibit A7**). The operation consists of two (2) phases. Phase one (1) will begin in the northwest corner of the site (**Staff Report Exhibit A7**). Phase one (1) will be approximately thirty (30) acres, and phase two (2) will be approximately twenty-eight (28) acres. The aggregate deposit will be mined using both dry and wet extraction techniques. The material will be crushed, screened, washed, and stockpiled at the mining site. As mining progresses, the pit floor will be smoothed and flattened. Once mining operations have completed, the site will be graded to establish a large pond. The post-mining land use plan for the property contains a large water feature due to the depth of mining. The perimeter berms created during the stripping process will be leveled into the water surface to reduce visual obstruction.
☒	☐	☐	**07-14-19(1) A.2 (E)**	**The locations of all proposed pits and any accessory uses.**
			Analysis	See Reclamation Plan (**Staff Report Exhibit A7**) for discussion of the location of the two (2) phases of the mineral extraction. Accessory uses include, but are not limited to, handling construction aggregate and overburden soil onsite, parking for the equipment and vehicles, and servicing the vehicles. The vehicles will be serviced with fuel and lubricating oil. Fuel will be kept on-site for the vehicles and crusher. All fuel tanks will be double-walled or installed in a second containment. Heavy equipment to be used for the operations includes hydraulic excavators, dozers, front-end loaders, and crushing and screening equipment (**Staff Report Exhibit A2**). The rocker crusher shall be located within the designated area in **Staff Report Exhibit A9**.
☒	☐	☐	**07-14-19(1) A.2 (F)**	**Recommendations from applicable government agencies.**
			Analysis	Southwest District Health provided comments on June 6, 2025; no recommendations or conditions were provided (**Staff Report Exhibit D1**). Idaho Department of Environmental Quality (DEQ) provided comments on June 9, 2025; general recommendations were provided (**Staff Report Exhibit D2**). Canyon County Soil Conservation District provided comments on June 10, 2025; a recommendation of not changing the land use was provided with no conditions to mitigate (**Staff Report Exhibit D3**). Wilder Rural Fire District provided comments on September 25, 2025; no recommendations or conditions were provided (**Staff Report Exhibit D4**).

				Golden Gate Highway District provided comments on October 1, 2025; proposed conditions were provided (**Staff Report Exhibit D5**). Canyon County GIS Department provided comments on November 6, 2025; proposed conditions were provided (**Staff Report Exhibit D6**). Idaho Transportation Department (ITD) provided comments on November 7, 2025; proposed conditions were provided (**Staff Report Exhibit D7**). Eureka Irrigation District provided comments on November 10, 2025; proposed conditions were provided (**Staff Report Exhibit D8**). Drainage District 6 had a phone conversation with staff on November 10, 2025; proposed conditions were provided (**Staff Report Exhibit D9**). See **Staff Report Exhibit D** 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 # CU2025-0011, 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. A traffic impact study and pavement analysis of the truck's primary and secondary routes.
2. 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.

DATED this 4 day of December, 2025.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 4th day of December, in the year 2025, 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 C4:

Planning and Zoning Commission Staff Report
Henderson - Conditional Rezone, CR2019-0006

Hearing Date: August 1, 2019 *Development Services Department*

Applicant/Owner:
Jeffery and Shelly Henderson

Staff:
Dan Lister, Planner II

Tax ID:
R35966

Lot Size:
Approx. 50 acres

Current Zone:
"A" (Agricultural)

Area of City Impact
N/A

2020 CC Comprehensive Plan Future Land Use Designation:
Agricultural

Applicable Zoning Land Use Regulations: CCZO §07-06-07

Notification:
- Agency: 6/25/2019
- Full Political: 7/17/19
- Owners within 300': 7/16/19
- Publication: 7/15/19
- Posting (on or before): 7/23/19

Exhibits:
1. Proposed FCOs;
2. Applicant Letter of Intent & Conceptual Site Plan;
3. Neighborhood Meeting;
4. Record of Survey #2019-011257
5. Maps:
   a. Aerial;
   b. Vicinity;
   c. Zoning;
   d. Subdivision;
   e. Soils, Farmland & Report;
   f. Future Land Use;
   g. TAZ Household;
   h. Nitrate Priority Area; and
   i. Floodplain
6. Comments:
   a. Golden Gate Highway District;
   b. Idaho Transportation Dept.; and
   c. Maureen O'Shea, State NFIP Coordinator, IDWR
7. Draft Development Agreement
8. Paul Crockett, Letter of Concern

Request

The applicants, Jeffery and Shelly Henderson, are requesting a conditional rezone of a five acre portion of Parcel R35966 from "A" (Agricultural) to "CR-R-R" (Conditional Rezone - Rural Residential, two acre average minimum lot size). The vacant parcel is located south of 23983 Centerpoint Road, Caldwell; a portion of the NE ¼ of Section 5, Township 4N, Range 4W, Canyon County, Idaho.

Pursuant to the applicant's letter of intent (Exhibit 2), the parcel was purchased without the ability to divide through the land division process. The result of the rezone would allow a five acre portion of the 50 acre parcel to be divided and sold to a family member for residential use.

Background

The parcel was created by land division in 1985 (approximately 39 acres). The parcel was subsequently adjusted to the current lot size (approximately 50 acres, Exhibit 4) and sold to the applicants, Jeffery and Shelly Henderson. The adjustment appears to be completed inconsistent with CCZO §07-10-17. If the rezone is approved, the property boundary adjustment must be approved as part of the required land division application.

General Information

The property and surrounding area is zoned "A" (Exhibit 5c). The nearest residential zone is approximately 8,400 feet northeast of the subject parcel, on the north side of Highway 20/26. No residential subdivisions are found within the vicinity.

The parcel and surrounding parcels mostly consist of mostly Class III and IV soils (Exhibit 5e). The Canyon County Comprehensive Plan identifies Class III and IV soils as moderately-suited which have limitations that reduce the choice of plants and require special conservation practices (Comprehensive Plan, Page 90). The parcel is considered prime farmland if irrigated and drained. The parcel has been leased for five years for cattle and grazing.

The Canyon County Comprehensive Plan's Future Land Use map designates the parcel and surrounding area as "agricultural" (Exhibit 5f). The nearest residential designation is approximately 7,100 feet north of the subject parcel, on the north side of Highway 20/26. The parcel is not located within a city impact area. The nearest city impact area is the City of Notus, approximately 8,400 feet north of the subject parcel.

Access exists to the five acre portion to be rezoned via 28' wide access easement (Instrument No. 2000-09948) onto Boise River Road, a rural major collector. The remaining 45 acres fronts and has access onto Centerpoint Road. If approved, Golden Gate Highway District will require approach and access to meet ACCHD standards at the time of land division or related building permit application.

Upon review by Golden Gate Highway District (Exhibit 6a) and Idaho Transportation Department (Exhibit 6b) the use is not anticipated to create traffic impact to the road or highway network. Therefore, the agencies do not oppose the request.

The parcel is completely located within a mapped floodplain (Exhibit 5i). The parcel is within an AE Zone with a base flood elevation (BFE) of approximately 2282.4 feet (Exhibit 6c). All development and structures on the parcel requires a Floodplain Development Permit and constructed in accordance with Canyon County Flood Hazard Overlay requirements (CCZO Chapter 7-10A) prior to issuance of building permits.

Analysis

Upon review, the request meets the standards of evaluation criteria for a conditional rezone (CCZO §07-06-07).

- The request is more suitable than the current zoning. As conditioned by the development agreement (Exhibit 7) the request will preserve approximately 34 acres of farm ground in perpetuity. Pursuant to the letter of intent and conceptual site plan (Exhibit 2), the five acres to be rezoned and approximately 11 acres of the 45 acres to remain within the agricultural zone are non-viable farm ground where residential uses are proposed. In those areas, the soil is comprised of pit run and small amounts of topsoil making it difficult for the existing cattle and grazing use. The Canyon County Comprehensive plan encourages residential development in areas where agricultural uses are not viable (Land Use – Residential policies No. 2).
- The result of the request is consistent with the mixed agricultural and residential use within the vicinity. The request proposes lot sizes and uses similar to other parcels within the vicinity (LS2004-155/AD2016-47: Four residential parcels on 15 acres). The farm ground portion is contiguous to neighboring farmland of similar size (Parcels R35960010, R35962, R35978 and R35977).
- Adequate services (individual well and septic system) can be provided. The parcel is not located within a nitrate priority area. If approved, all services would require review and approval by all affected agencies (Southwest District Health, Idaho Department of Environmental Quality and Idaho Department of Water Resources) prior to land division or issuance of building permits.
- Golden Gate Highway District (Exhibit 6a) and Idaho Transportation Department (Exhibit 6b) do not oppose the request. Access and approach requirements will be reviewed for consistency at the time of land division.
- Essential services are not anticipated to be impacted by one additional residential parcel. Fire district turnaround requirements will be review for consistency at the time of land division application.
- Prior to building permit issuance, a floodplain development permit will be require demonstrating consistency with CCZO Chapter 7-10A – Flood Hazard Overlay. Therefore, structures will meet minimum requirements to qualify for flood insurance and be consistent with FEMA regulations (Exhibit 6c).

Comprehensive Plan

This request is generally consistent with the Canyon County Future Land Use Map, which designates the property as "agricultural". The request is consistent with the following Canyon County 2020 Comprehensive Plan goals and policies:

- Property Rights Policy No. 1: *"No person shall be deprived of private property without due process of law."*
- Land Use- Goal No. 5: *"Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural uses may occur in the same area."*
- Land Use - Policy No. 2: *"Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate."*
- Land Use - Agriculture Policy No. 2: *"Consider the use of voluntary mechanisms for the protection of agricultural lands."*
- Land Use – Residential Policy No. 2: *"Encourage residential development in areas where agricultural uses are not viable."*

- Public Services, Facilities and Utilities Policy No. 3: *"Encourage the establishment of new development to be located within the boundaries of a rural fire protection district."*

Comments

Public Comments

One letter of concern was submitted by neighbor Paula Crockett (Exhibit 8). The letter expressed concerns about farm ground being converted into gravel pits and subdivisions and that rezone approval would encourage more farm ground to be removed.

As conditioned by the development agreement (Exhibit 7), approximately 34 acres of farm ground would be preserved which currently is not. Residential uses will be restricted to non-viable farm ground (Conceptual Site plan, Exhibit 2) and further division will be prohibited. The result promotes agricultural preservation and restricts further residential growth.

County Agency Comments

On June 25, 2019, Canyon County Development Services informed applicable agencies of the proposed conditional rezone and the responses are attached as exhibits (Exhibit 6).

Alternatives

- The Planning and Zoning Commission may **recommend approval** of the conditional rezone as proposed or amended;
- The Planning and Zoning Commission may **recommend denial** of the conditional rezone; or
- The Planning and Zoning Commission may **continue the discussion** and request additional information on specific items.

Recommendation

Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed conditional rezone and development agreement (Exhibit 7).

Staff is recommending that the Commission **recommend approval** of the conditional rezone request and the Development Agreement. Staff has provided findings of fact, conclusions of law and conditions of approval for the Planning and Zoning Commission's consideration found in Exhibit 1.

Canyon County Planning & Zoning Commission
Henderson – Conditional Rezone – CR2019-0006

Development Services Department

Findings of Fact

1. The applicants, applicants, Jeffery and Shelly Henderson, are requesting for a conditional to rezone a five acre portion of Parcel R35966 from "A" (Agricultural) to "CR-R-R" (Conditional Rezone - Rural Residential, two acre average minimum lot size). The vacant parcel is located south of 23983 Centerpoint Road, Caldwell; a portion of the NE ¼ of Section 5, Township 4N, Range 4W, Canyon County, Idaho.
2. The subject property is currently zoned "A" (Agricultural).
3. The subject property is designated "agricultural" on the 2020 Comprehensive Plan Future Land Use Map.
4. The subject property is not located within an area of city impact.
5. The subject property fronts and has access onto Centerpoint Road and has access onto Boise River Road, a rural collector, via 28' wide access easement.
6. The subject property is located within Golden-Gate Highway District, Wilder Fire District, Notus School District, and Eureka Irrigation District.
7. The neighborhood meeting was held on 6/3/2019, compliant with CCZO §07-01-15.
8. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on 6/25/2019. Full political notice completed 7/17/19. Newspaper notice was provided on 7/15/2019. Property owners within 300' were notified by mail on 7/16/19. The property was posted on or before 7/23/2019.

Conclusions of Law

For this request the Planning and Zoning Commission finds and concludes the following regarding the Standards of Evaluation for a Conditional Rezone (§07-06-07(6)A):

A. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The proposed conditional rezone is generally consistent with the comprehensive plan and future land use map.

Finding: The proposed conditional rezone is generally consistent with the following comprehensive plan goals and policies:

- Property Rights Policy No. 1- *"No person shall be deprived of private property without due process of law."*
    - Notice of the public hearing was provided in accordance with CCZO §07-05-01.
- Land Use- Goal No. 5- "*Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural uses may occur in the same area.*"
- Land Use - Policy No. 2- "*Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.*"
    - The area is a mix of agricultural and residential uses within an agricultural designation. As conditioned, the result of the conditional rezone will preserve the agricultural uses on the subject parcel and limit residential uses to non-viable agricultural ground.

- Land Use- Agriculture Policy No. 2- *"Consider the use of voluntary mechanisms for the protection of agricultural lands."*
    - As conditioned by the development agreement, the applicant agrees to preserve land currently used for cattle and grazing, approximately 34 acres (See Conceptual Site Plan, Exhibit C of the Draft Development Agreement).
- Land Use – Residential Policy No. 2: *"Encourage residential development in areas where agricultural uses are not viable."*
    - The parcel and surrounding parcels mostly consist of mostly Class III and IV soils. The Canyon County Comprehensive Plan identifies Class III and IV soils as moderately-suited which have limitations that reduce the choice of plants and require special conservation practices (Comprehensive Plan, Page 90). The parcel is considered prime farmland if irrigated and drained. The parcel has been leased for five years for cattle and grazing.
    - The conceptual site plan provided by the applicant identifies non-viable agricultural ground. The areas consist of pit run, very little topsoil and irrigation ditch and drainage. As conditioned by the development agreement, residential uses will only be allowed within the non-viable agricultural ground.
- Public Services, Facilities and Utilities Policy No. 3 *"Encourage the establishment of new development to be located within the boundaries of a rural fire protection district."*
    - The subject property is located within Wilder Fire District.

B. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: As conditioned, the proposed conditional rezone is more appropriate than the current zoning designation.

Finding: The property and surrounding area is zoned "A" (Exhibit 5c). The nearest residential zone is approximately 8,400 feet northeast of the subject parcel, on the north side of Highway 20/26. No residential subdivisions are found within the vicinity. However, when considering the surrounding land uses and character of the area, the proposed conditional rezone is more appropriate than the current zoning designation.

As conditioned by the development agreement, the request will preserve approximately 34 acres of farm ground in perpetuity. Pursuant to the letter of intent and conceptual site plan, the five acres to be rezoned and approximately 11 acres of the 45 acres to remain within the agricultural zone are non-viable farm ground where residential uses are proposed. In those areas, the soil is comprised of pit run and small amounts of topsoil making it difficult for the existing cattle and grazing use. The Canyon County Comprehensive plan encourages residential development in areas where agricultural uses are not viable (Land Use – Residential policies No. 2).

The parcel currently has the ability to building a dwelling, secondary dwelling and accessory structures. Additionally, the property owner has no restrictions as to location or quantity of accessory structures on the 50 acre parcel. As conditioned by the development agreement, the five acre area to be rezoned and divided will be allowed a primary dwelling. A secondary dwelling will be prohibited. Development on the remaining 45 acres will only be allowed within areas identified as unusable farm ground (See Conceptual Site Plan, Exhibit C of the Draft Development Agreement). The remaining farm ground, approximately 34 acres, will be preserved as a condition of the development agreement. As conditioned, the result preserves agricultural farm ground to remain in production.

The result of the request is consistent with the mixed agricultural and residential use within the vicinity. The request proposes lot sizes and uses similar to other parcels within the vicinity

(LS2004-155/AD2016-47: Four residential parcels on 15 acres). The farm ground portion is contiguous to neighboring farmland of similar size (Parcels R35960010, R35962, R35978 and R35977).

C. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: As conditioned, the proposed use is compatible with the surrounding land uses.

Finding: The result of the request is consistent with the mixed agricultural and residential use within the vicinity. The request proposes lot sizes and uses similar to other parcels within the vicinity (LS2004-155/AD2016-47: Four residential parcels on 15 acres). The farm ground portion is contiguous to neighboring farmland of similar size (Parcels R35960010, R35962, R35978 and R35977).

D. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: As conditioned, the proposed conditional rezone will not have a negative effect to the character of the area.

Finding: The conditional rezone will not be injurious to other properties in the vicinity nor will it negatively change the essential character of the area. The request is similar to other parcels within the vicinity previously divided by land division or in existence. The farm ground portion is contiguous to the neighboring farmland for continuity.

As conditioned by the development agreement (Exhibit 7), approximately 34 acres of farm ground would be preserved. Residential uses will be restricted to non-viable farm ground and further division will be prohibited. The result promotes agricultural preservation and restricts further residential growth.

The parcel is completely located within a mapped floodplain. The parcel is within an AE Zone with a base flood elevation (BFE) of approximately 2282.4 feet. All development and structures on the parcel requires a Floodplain Development Permit and constructed in accordance with Canyon County Flood Hazard Overlay requirements (CCZO Chapter 7-10A) prior to issuance of building permits.

E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed conditional rezone?

Conclusion: Adequate water, sewer, irrigation, drainage and storm water drainage facilities and utility systems will be provided to accommodate the proposed use.

Finding: Adequate services (individual well and septic system) can be provided. The parcel is not located within a nitrate priority area. If approved, all services would require review and approval by all affected agencies (Southwest District Health, Idaho Department of Environmental Quality and Idaho Department of Water Resources) prior to land division or issuance of building permits.

Eureka Irrigation District was notified of the request. No comments were received.

F. Does the proposed conditional rezone require road improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: The request will not create undue interference with existing or future traffic patterns.

Finding: The request will allow a residential division of the existing 50 acre parcel. As conditioned, the five acre area to be rezoned to "CR-R-R" is only allowed one residential dwelling (Exhibit 7). The 45 acres to remain zoned "A" (Agricultural) has a building permit available with option for secondary dwelling in accordance with CCZO §07-14-25. The result of the conditional rezone is not anticipated to generate trips that would impact the existing road network.

Golden-Gate Highway District and Idaho Transportation Department do not oppose the request or find the request to cause impacts to existing or future road networks.

G. Does legal access to the subject property for the conditional rezone exist or will it exist at the time of development?

Conclusion: The property currently has access onto Boise River Road; a rural collector, and frontage access onto Centerpoint Road. The five acre portion to be rezone will have access via 28' access easement. Access will meet Canyon County Zoning Ordinance and Highway District standards at the time of land division and building permit applications.

Finding: The five acres proposed to be rezoned to "CR-R-R" will access onto Boise River Road, a rural collector, via 28 foot wide access easement (Instrument No. 2000-09948). The remaining 45 acres has frontage access onto Centerpoint Road. Golden-Gate Highway District and Idaho Transportation Department do not oppose the request. Golden Gate Highway District will require approach and access to meet ACCHD standards at the time of land division or related building permit application. Access will also be required to meet Canyon County Zoning Ordinance requirements (CCZO §07-10-03).

H. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

Finding: Canyon County Ambulance District, Notus School District, Canyon County Sheriff, and Wilder Fire Department were notified of the request. No comments were received. As conditioned, the request allows for a division of the 50 acre parcel. One additional building permit granted as a result of the rezone is not anticipated to impact essential services. The fire district will review the required land division and related building permit applications for consistency with fire code.

ORDER OF DECISION:

Based upon the Findings of Fact, Conclusions of Law, and the reasons contained herein, the Canyon County Planning and Zoning Commission orders that Case #CR2019-0006, a request for a **Conditional Rezone** of a five acre portion of Parcel R35966 from an "A" (Agricultural) Zone to an "CR-R-R" (Conditional Rezone - Rural Residential) Zone be **recommended for approval** with the following conditions:

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. The approximate 50 acre parcel (R35966) shall be divided into two parcels: 1) a five (5) acre parcel which will be zoned "CR-R-R" (Conditional Rezone – Rural Residential); and 2) acreage to remain zoned "A" (Agricultural), approximately 45 acres (See Conceptual Site Plan, Exhibit C of the Draft Development Agreement). The division shall be consistent with the administrative land division requirements of the Canyon County Zoning Ordinance §07-18-01 subject to the following restrictions:
    a. A property boundary adjustment between Parcel R35966 and R35967 must be approved as part of the land division application consistent with CCZO §07-10-17 (Instrument #2019-011257).
    b. The location of the divisions shall be in general conformance to the conceptual site plan (Draft Development Agreement, Exhibit C). Future division shall be prohibited unless granted through law or ordinance that supersedes this Agreement.
    c. A secondary dwelling, as defined and regulated by the Canyon County Zoning Ordinance (CCZO §07-02-03, §07-10-27 and §07-14-25, is prohibited on the five (5) acre parcel (See Conceptual Site Plan, Exhibit C of the Draft Development Agreement) unless granted through law or ordinance that supersedes this Agreement.

d. Residential development (primary dwelling, secondary dwelling and accessory structures) and agricultural structures on the 45 acres to remain zoned "A" (Agricultural), shall only be allowed within the unusable agricultural areas identified on the Conceptual Site Plan (Draft Development Agreement, Exhibit C). No structures shall be allowed on the identified usable farm ground, approximately 34 acres. The farm ground shall be preserved for agricultural production in perpetuity unless granted through law or ordinance that supersedes this Agreement.

3. The applicant shall comply with CCZO §07-06-07 (4) Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."

The Canyon County Planning and Zoning Commission also **recommends approval** to the Board of County Commissioners of the **Development Agreement** with the three (3) conditions enumerated above in the **Conditional Rezone**.

APPROVED this _____ day of _____, 2019

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

_____
Richard Hall, Chairman

State of Idaho)

SS

County of Canyon County)

On this _____ day of _____, in the year 2019, 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: _____

6/4/2019

Canyon County Development Services

1115 Albany Street

Caldwell, ID 83605

To Whom It May Concern:

We are writing to request a conditional rezone for our property. We have been living in Caldwell for 15 years and recently purchased 50 acres that originally held two building permits, however the previous owner elected to not include one of the permits with the property. We would like to section off 5 acres to sell to family for a single family dwelling and keep the additional acreage as-is (Agricultural for grazing cattle). As you can see from the map, we will not be disturbing any of the original use of the land as the 5 acre piece encompasses a sparsely covered, largely un-grazeable and thistle covered portion of our land. All the current ag use areas will remain such and will not be disturbed by this split and conditional rezone. Access to this parcel will be via an existing 28' easement off of Dixie River/Boise River Road as indicated on the map. A copy of the deeded easement is also included with the application documents for your review.

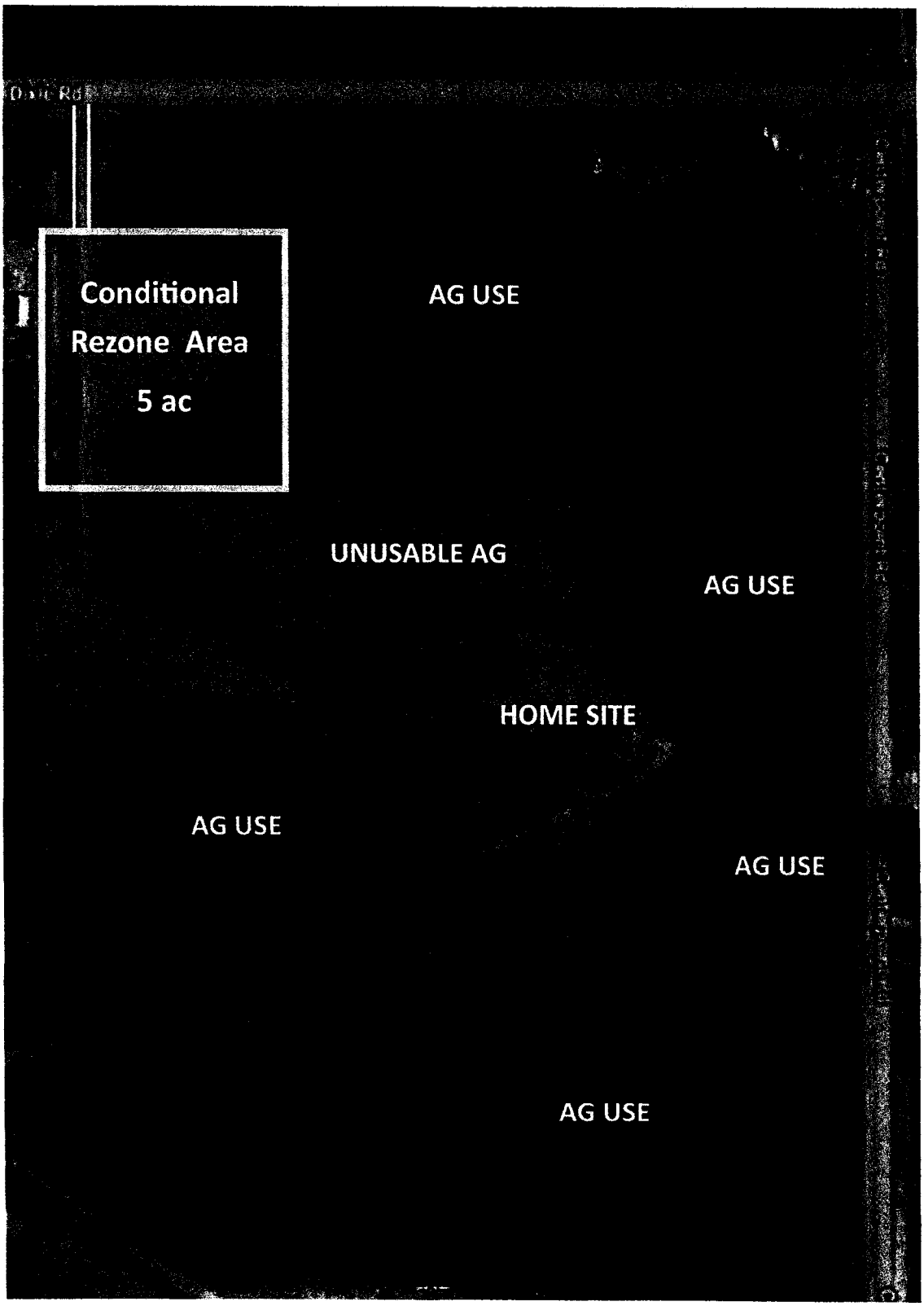
Thank you for your time and consideration.

Sincerely,

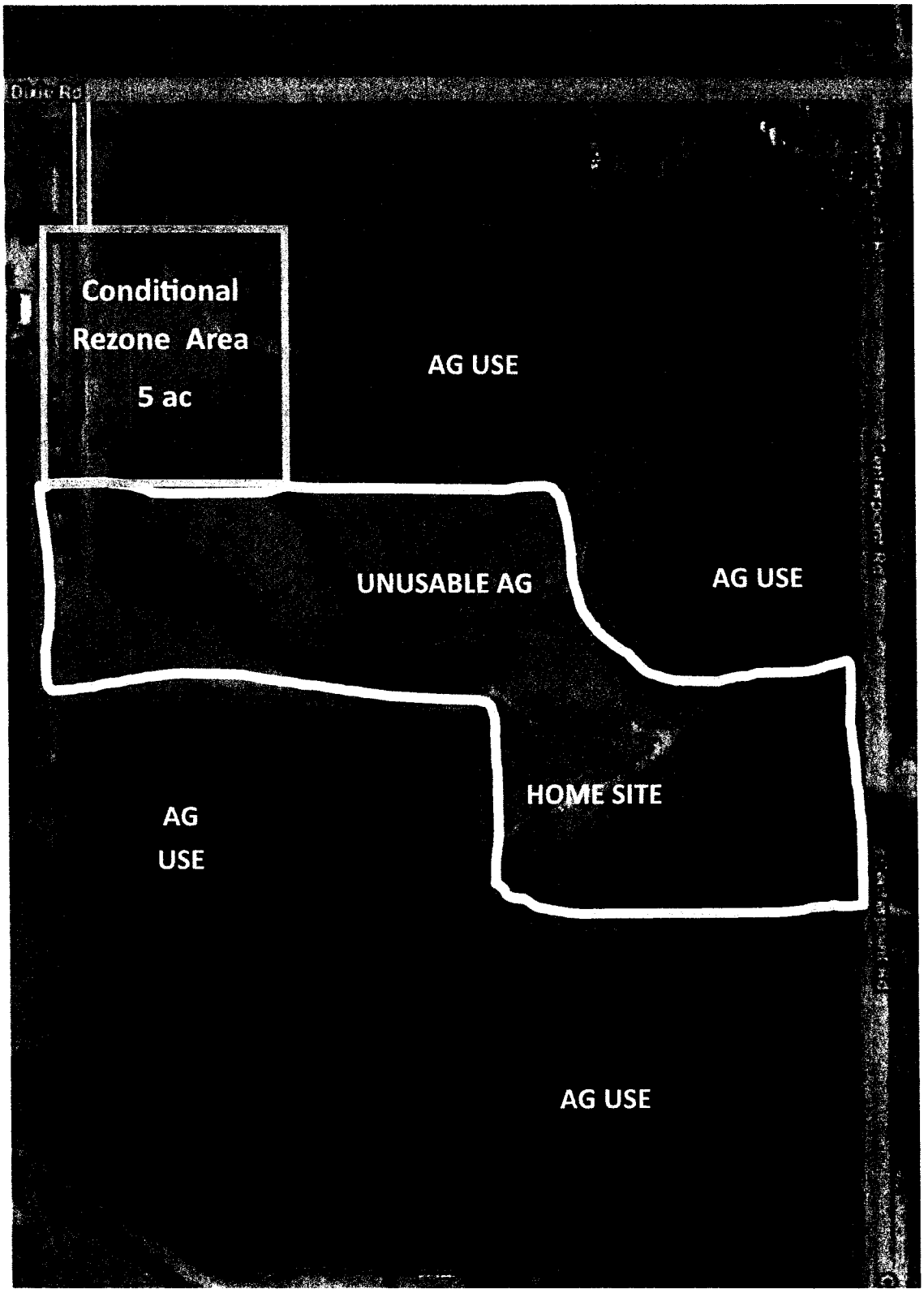
Shelly Henderson, 208-412-1428
Jeff Henderson, 208-936-8313

PENCAD-Bayonne, N. J.
EXHIBIT
2
5 PAGES

Henderson R35966



Henderson R35966



Dan Lister

From: Jeff & Shelly Henderson <jeffnshelly@gmail.com>
Sent: Tuesday, July 23, 2019 4:09 PM
To: Dan Lister
Subject: Re: Conditional Rezone (CR219-0006)

1) the ground mostly consists of naturally occurring gravel/pit run with little top soil and has not been historically treated as pasture or farmed.
2) yes, aside from the unusable ag area reserved for our primary home we would be fine protecting the remaining usable ag acreage.
3) Within the 5 acres? Yes. However, if we wanted a mother in law's quarters on the remaining 45 with our home, I would like to reserve the right to do that still.

In answer to your other question: The remaining farm ground has been leased to a cattle rancher for 5 years who is grazing/maintaining it currently.

Shelly Henderson
208.412.1428

Enjoy Life, Love Others, Honor God.

On Tue, Jul 23, 2019 at 1:11 PM Dan Lister <dlister@canyonco.org> wrote:

Please provide the following information:

1) What makes the five acre area to be rezoned non-viable farm ground?

2) As part of the development agreement, would you be agreeable to a building envelope on the agricultural parcel limiting residential development to a specific area so the farmland can be preserved?

3) As part of the five area rezone, would you be agreeable to prohibiting the allowance of a secondary dwelling within area?

Let me know.

Sincerely,

Dan Lister, Planner II

Canyon County Development Services Department (DSD)

Office: (208) 455-5959

dlister@canyonco.org

015-203

NEIGHBORHOOD MEETING SIGN UP SHEET

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT
1115 Albany Street, Caldwell, ID 83605 www.canyoncounty.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633

CANYON COUNTY ZONING ORDINANCE 08-026, 07-01-15 (1)
Applicants shall conduct a neighborhood meeting for any proposed variance, conditional use, zoning ordinance map amendment, expansion, or extension of nonconforming uses requiring a public hearing.

APPLICANT/REPRESENTATIVE NAME: Jeff and Shelly Henderson

STREET ADDRESS: 4917 E Victory Rd CITY: Nampa ZIP 83687

TELEPHONE: 208 412-1428 FAX: _____ EMAIL: jeffnshelly@gmail.com

DESCRIPTION OF THE REQUEST: Zoning Ordinance Amendment

PARCEL NO. R35966 ACREAGE: 50 CURRENT ZONING: Ag

NOTICE OF NEIGHBORHOOD MEETING MAILED TO NEIGHBORS ON: 5/22/19

MEETING DATE: 6/3/19 TIME: 7pm LOCATION: Site

START TIME OF MEETING: 7:05pm END TIME OF MEETING: 8:00pm

ATTENDEES:

NAME: (print)	SIGNATURE:	ADDRESS:
1. HARRY Hollifield		23164 Centerpoint
2. George Black		23762 Centerpoint Rd
3. Scott Lowrey		23760 Centerpoint Rd
4. Mattie Miller		23826 Texas Rd
5. Darell Christensen		22773 Boise River Rd
6. Gayle Christensen		" " "
7. Connie Erskine		23[illegible] Boise River Rd.
8. ROBIN MOFFETT		5132 Canary Ln Nampa
9. Bill Boosembark		22585 Boise River Rd
10. Joe Woodland		23000 Boise River Rd Caldwell
11. BONNIE SPORE		22585 BOISE RIVER CALD
12. Mike Norris		23228 Boise River Rd
13. Bill Hacker		23258 Centerpoint

EXHIBIT 3 4 PAGES

015-203

14. Trista Waddland 23000 Boise River Rd. Caldwell Id 83607
15. Lorrie Houston 23228 Boise River Rd. Caldwell 83607
16. Paula Crockett 23448 Centerpoint Rd. Caldwell ID
17. Kevin Crockett 23448 Centerpoint Rd Caldwell ID
18. Megan Sauer 23267 Centerpoint Rd. Caldwell ID
19. ReAnna Freeman 23792 Centerpoint Rd Caldwell ID
20. Jolene R. Bernier 23983 Centerpoint Rd. Caldwell, ID
21. Shaw - Dixie Land Greg LS FLP 22993 Howe Rd Caldwell
22. Juanita Miller 23826 Texas Rd
23.
24.
25.
26.
27.
28.
29.
30.

NEIGHBORHOOD MEETING CERTIFICATION:

APPLICANT/REP. (print): Shelly Henderson

APPLICANT/REP. (signature): _____ DATE: 6/3/19

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 08-026, 07-01-15.

5/21/2019

Dear Neighbor,

Hi, my name is Shelly Henderson. My husband Jeff and I are from Caldwell and recently purchased some land from the Kings on Centerpoint Rd to build our forever home. As part of our plan we would like to section off 5 acres of our 50 to sell to family and keep the additional acreage as-is. We will not be disturbing any of the original use of the land as the 5 acre piece encompasses un-grazeable, rocky and thistle covered land. All the current ag use areas will remain such and will not be disturbed by this split and rezone. Access to this parcel will be via an existing easement off Boise River Road. As per County requirements we are inviting you to attend a neighborhood meeting on Monday, June 3, 2019 at 7pm at the site of the proposed rezone just off Boise River Rd (please refer to location on map). This will be an opportunity for us to meet you in person, to review the proposed project and discuss your concerns if any.

Thank you for your time and consideration, we hope to meet you soon!

Sincerely,

Shelly Henderson, 208-412-1428
Jeff Henderson, 208-936-8313


Dixie Rd
Boise River Rd
Dixie Rd
Boise River Rd
Centerpoint Rd
Centerpoint Rd
Centerpoint Rd
X
Google

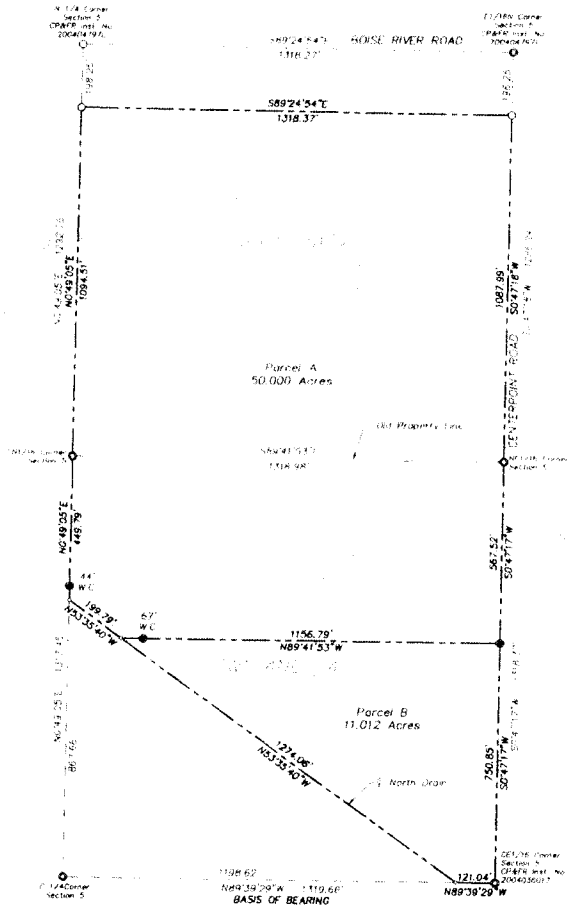
2019-011257
RECORDED
03/21/2019 08:49 AM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=1 MBROWN
35.00
SURVEY
SKINNER LAND SURVEY

NOT OFFICIAL
SEE ORIGINAL IN RECORDS
OFFICE

EXHIBIT 4

RECORD OF SURVEY

A PORTION OF GOVERNMENT LOT 2 AND THE SW 1/4 NE 1/4 OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO



THIS SURVEY AMENDS RECORD OF SURVEY INSTRUMENT NUMBER 2019002701 TO CORRECT A SURVEYORS ERROR IN THE TOWNSHIP FROM CORRECT TOWNSHIP IS 4 NORTH.

Referenced surveys
Inst. No. 7004004421
Inst. No. 7016019442
Inst. No. 8926015482
Inst. No. 9935009196
Inst. No. 9950031426

Referenced Deeds
Inst. No. 67-8607
Inst. No. 67-8634
Inst. No. 7005004067
Inst. No. 2007049274

0 200 400
Scale: 1" = 200'

LEGEND

- 5/8" REBAR – FOUND
- 5/8" x 24" REBAR – SET
- 1/2" REBAR – FOUND
- CALCULATED POINT
- PROPERTY BOUNDARY LINE
- SECTION/ALIQUOT PART LINE
- WC WITNESS CORNER

CERTIFICATION

I, Thomas J. Welland, do hereby certify that I am a Professional Land Surveyor licensed by the State of Idaho, and that this map has been prepared from an actual survey made on the ground under my direct supervision, that this map is an accurate representation of said survey, and that it is in conformity with the Corner Perpetuation Act, Idaho Code 55-1601 through 55-1612.

PROFESSIONAL LAND SURVEYOR LICENSED 15352 STATE OF IDAHO THOMAS J. WELLAND

INDEX No. 444-05-1-4-0-00-00
INDEX No. 444-05-1-3-0-00-00

SURVEY FOR: DAVID KING

Drawn By: SLW	Skinner Land Survey
Date: Feb. 5, 2019	Precision Land Surveyors, P.C. 17842 Sand Hollow Road Caldwell, Idaho 83607 (208)-454-0933 WWW.SKINNERLANDSURVEY.COM
Surveyed By: KFL	
Job No. 0C1218	

IMAGES WERE FLOWN IN THE FALL OF 2018.

Henderson
Small Air Photo 1 Mile

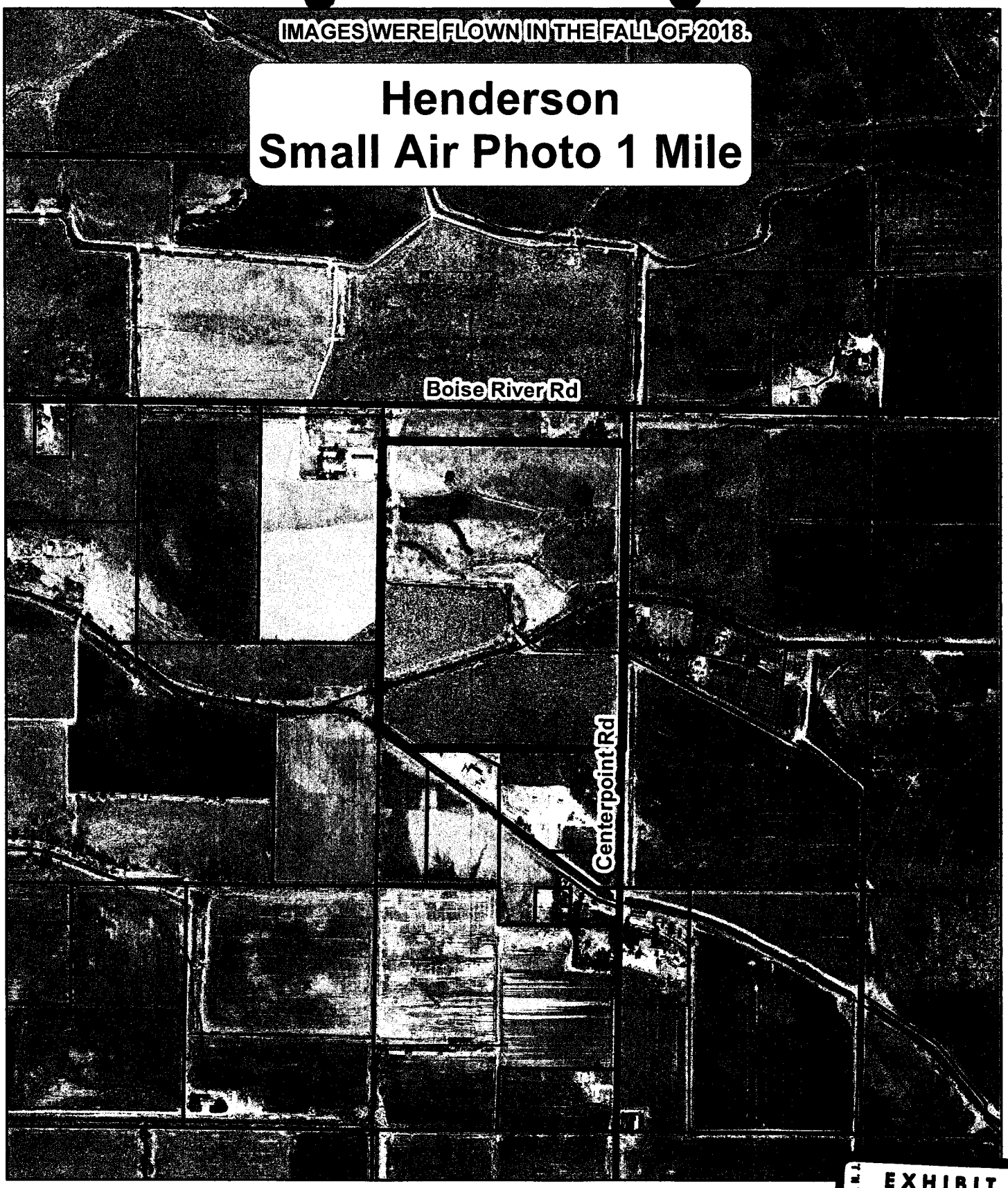
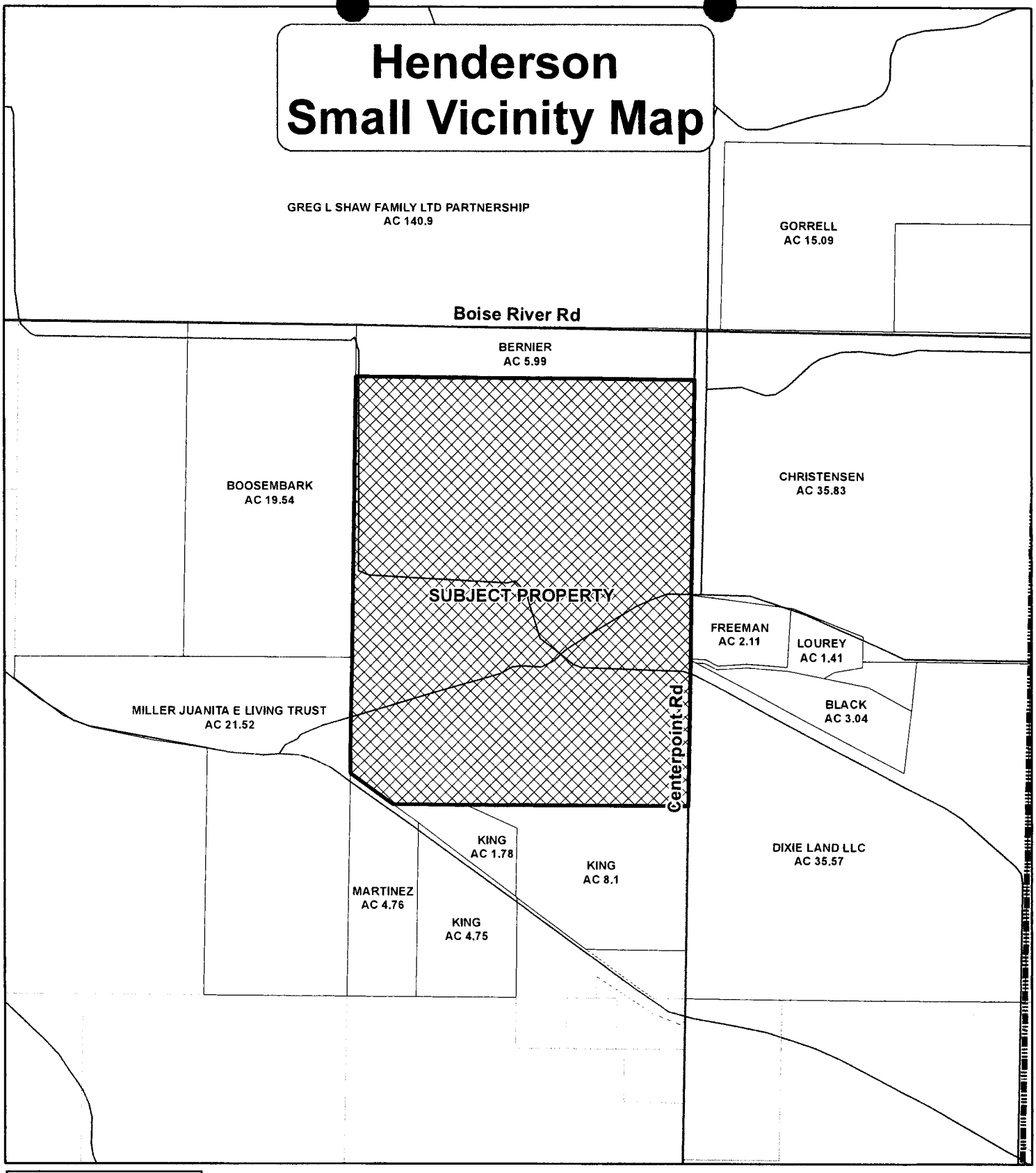


EXHIBIT
5a

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Henderson
Small Vicinity Map



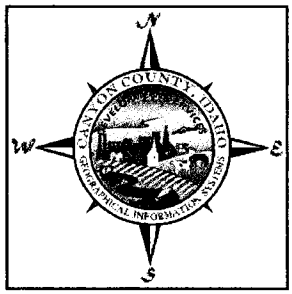
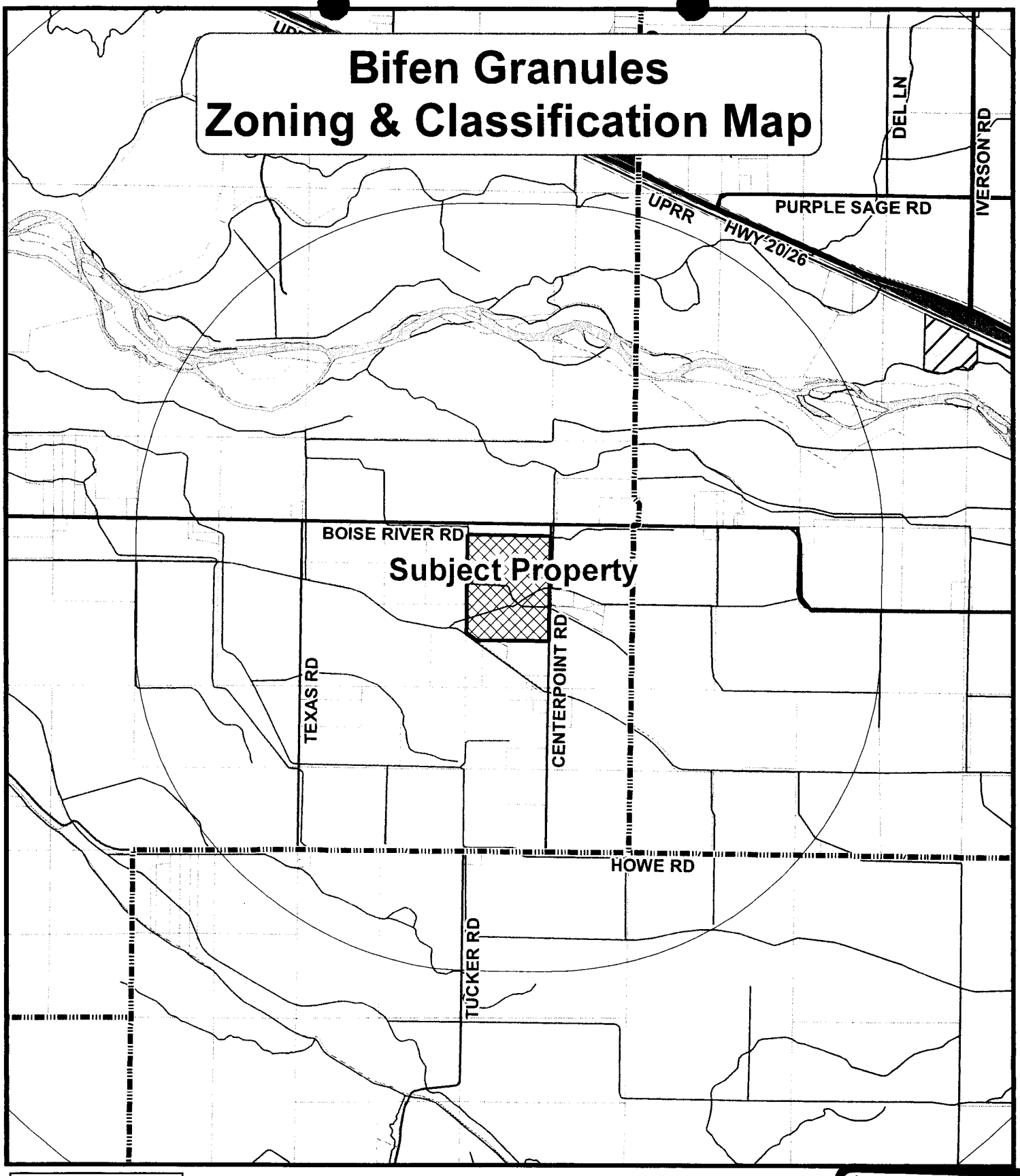
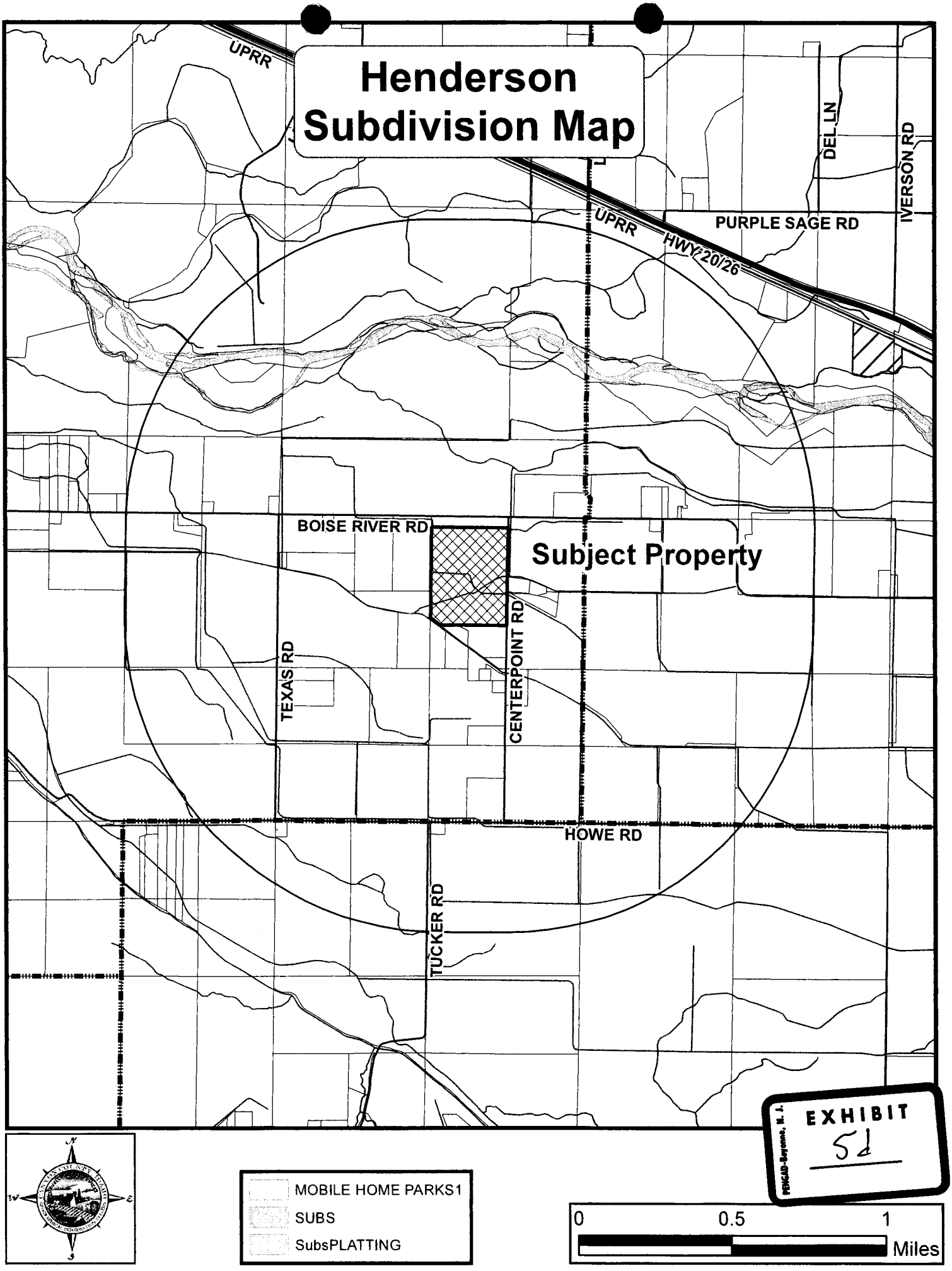


EXHIBIT
5b

PENCAD-Bayonne, N. J.

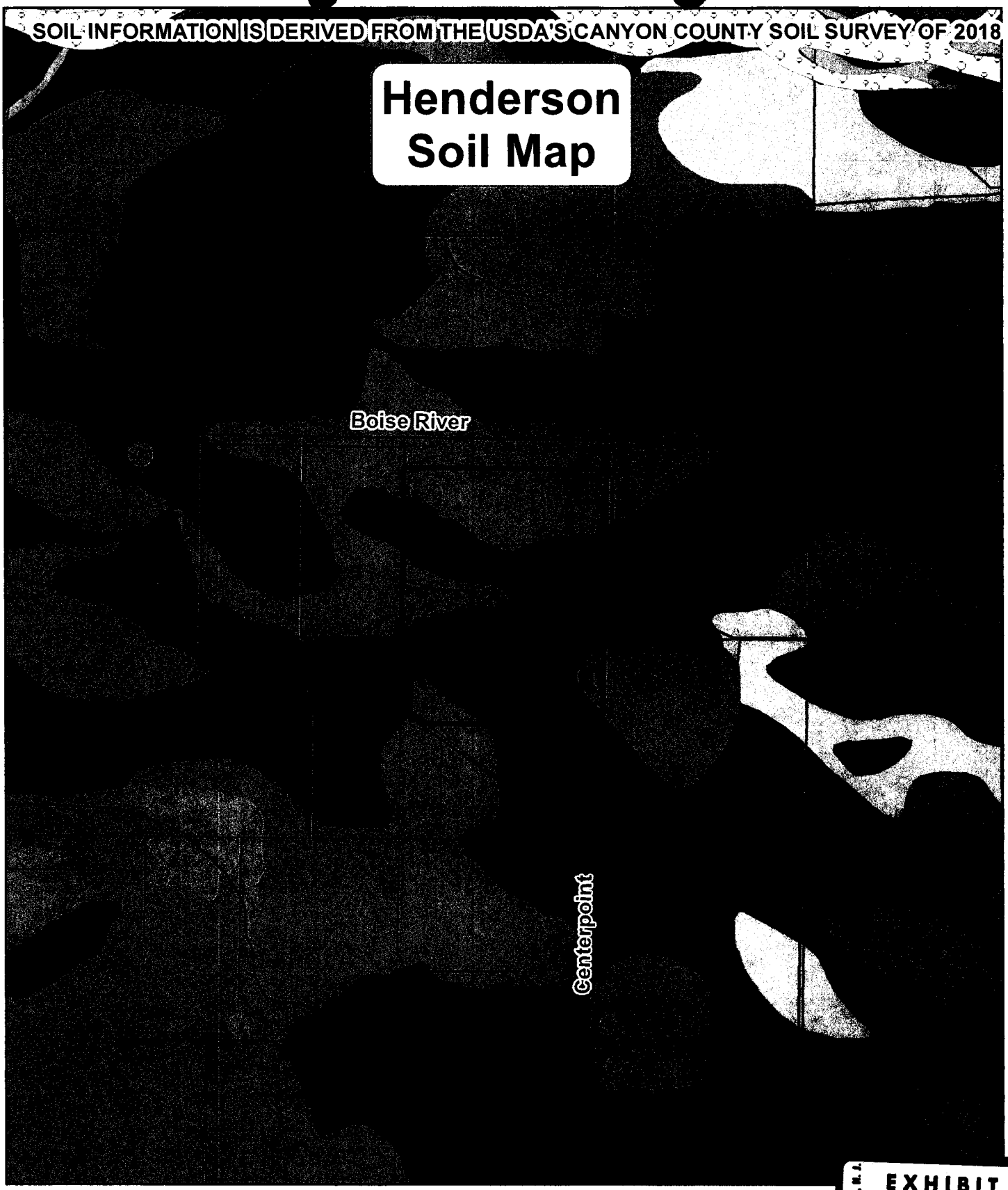
0 0.15 0.3
Miles


Bifen Granules
Zoning & Classification Map
DEL LN
IVERSON RD
PURPLE SAGE RD
UPRR
HWY 20/26
BOISE RIVER RD
Subject Property
TEXAS RD
CENTERPOINT RD
HOWE RD
TUCKER RD
N
W
E
S
ZONING
RR
CR-RR
R1
R2
C1
CR-C1
C2
CR-C2
C
M1
CR-M1
M2
AG
0
0.5
1
Miles
EXHIBIT
5c


Henderson
Subdivision Map
UPRR
UPRR
HWY 20/26
PURPLE SAGE RD
DEL LN
IVERSON RD
BOISE RIVER RD
Subject Property
TEXAS RD
CENTERPOINT RD
HOWE RD
TUCKER RD
MOBILE HOME PARKS1
SUBS
SubsPLATTING
0
0.5
1
Miles
EXHIBIT
5d

SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

Henderson Soil Map



0.005000 - 2.000000

2.000001 - 5.000000

5.000001 - 10.000000

10.000001 - 49.800000

GEO-THERMAL LOCATIONS

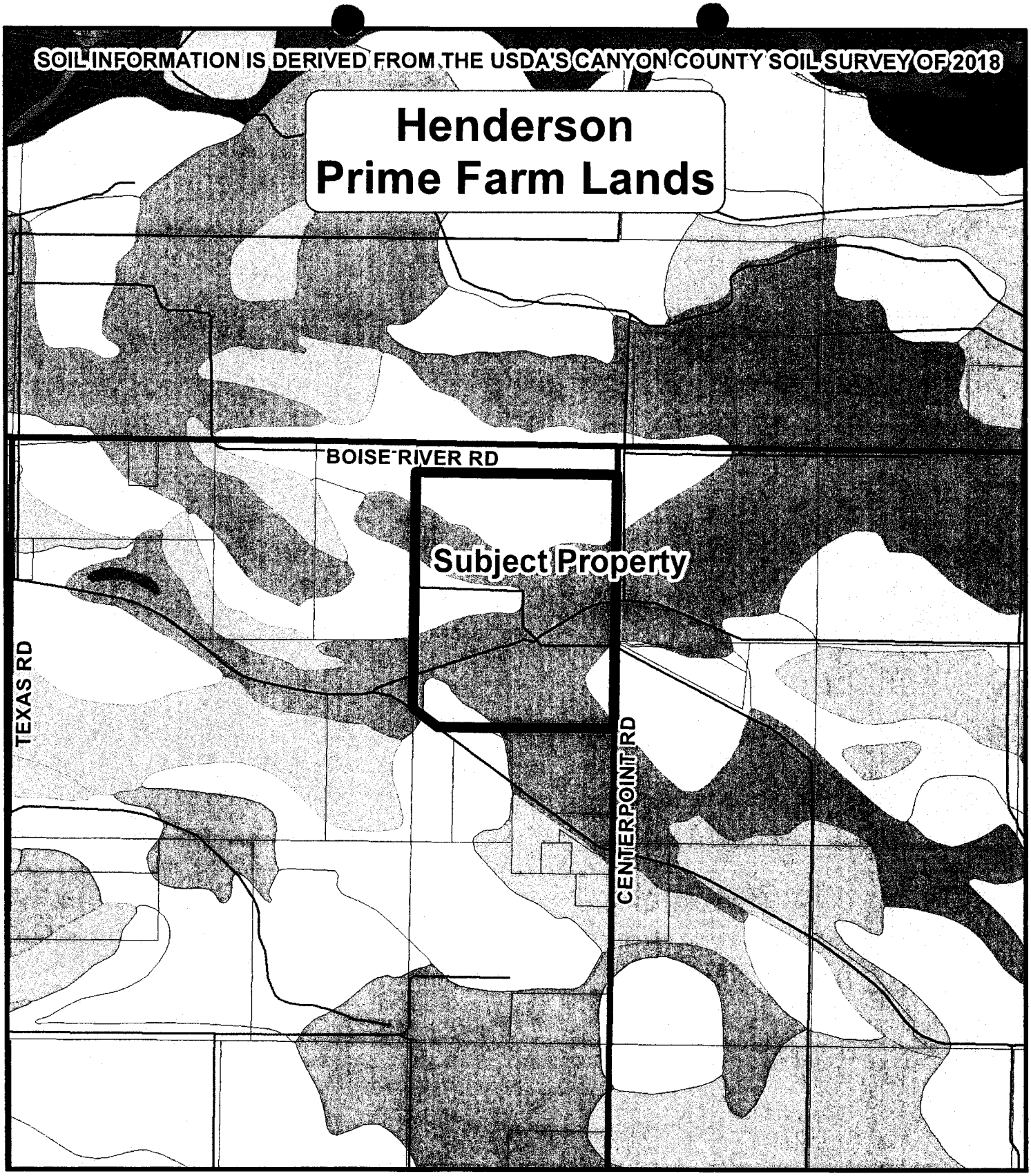
Wetlands

0 0.25 0.5 Miles

EXHIBIT 5e 3 PAGES

SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

Henderson Prime Farm Lands



TAXLOTS
City_Limits
WETLANDS
2C_Hydro

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
4	MODERATELY SUITED SOIL	559179.72	12.84	25.68%
4	MODERATELY SUITED SOIL	58283.28	1.34	2.68%
4	MODERATELY SUITED SOIL	187438.68	4.30	8.61%
3	MODERATELY SUITED SOIL	1284453.72	29.49	58.99%
4	MODERATELY SUITED SOIL	88121.88	2.02	4.05%
		2177477.28	49.99	100%

FARMLAND REPORT

SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
MwA	Prime farmland if irrigated and drained	559179.72	12.84	25.68%
MuA	Prime farmland if irrigated and drained	58283.28	1.34	2.68%
MuA	Prime farmland if irrigated and drained	187438.68	4.30	8.61%
BdA	Prime farmland if irrigated and reclaimed of excess salts and sodium	1284453.72	29.49	58.99%
MtA	Prime farmland if irrigated and drained	88121.88	2.02	4.05%
		2177477.28	49.99	100%

SOIL INFORMATION IS DERIVED FROM THE USDA's CANYON COUNTY SOIL SURVEY OF 2008

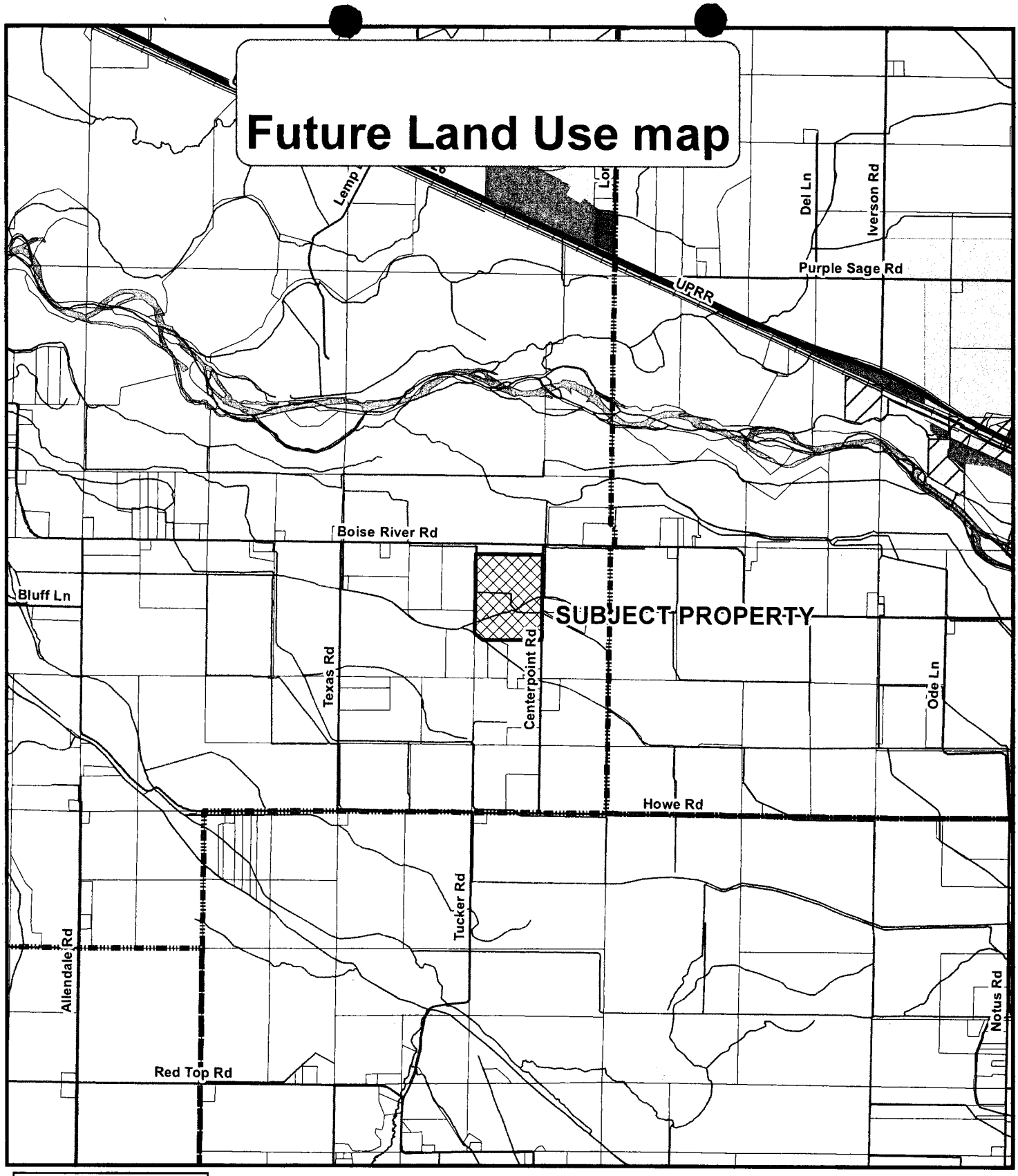
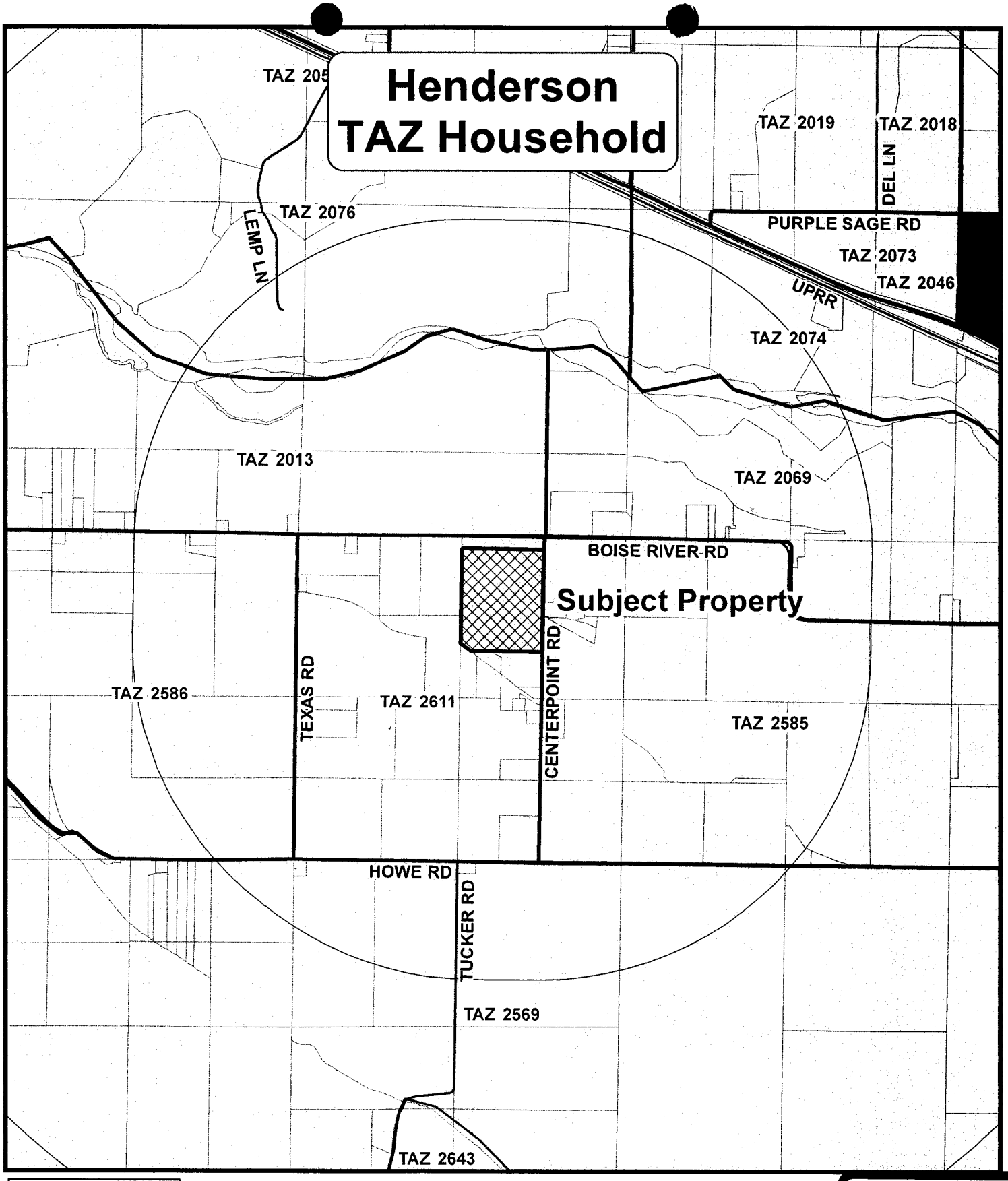
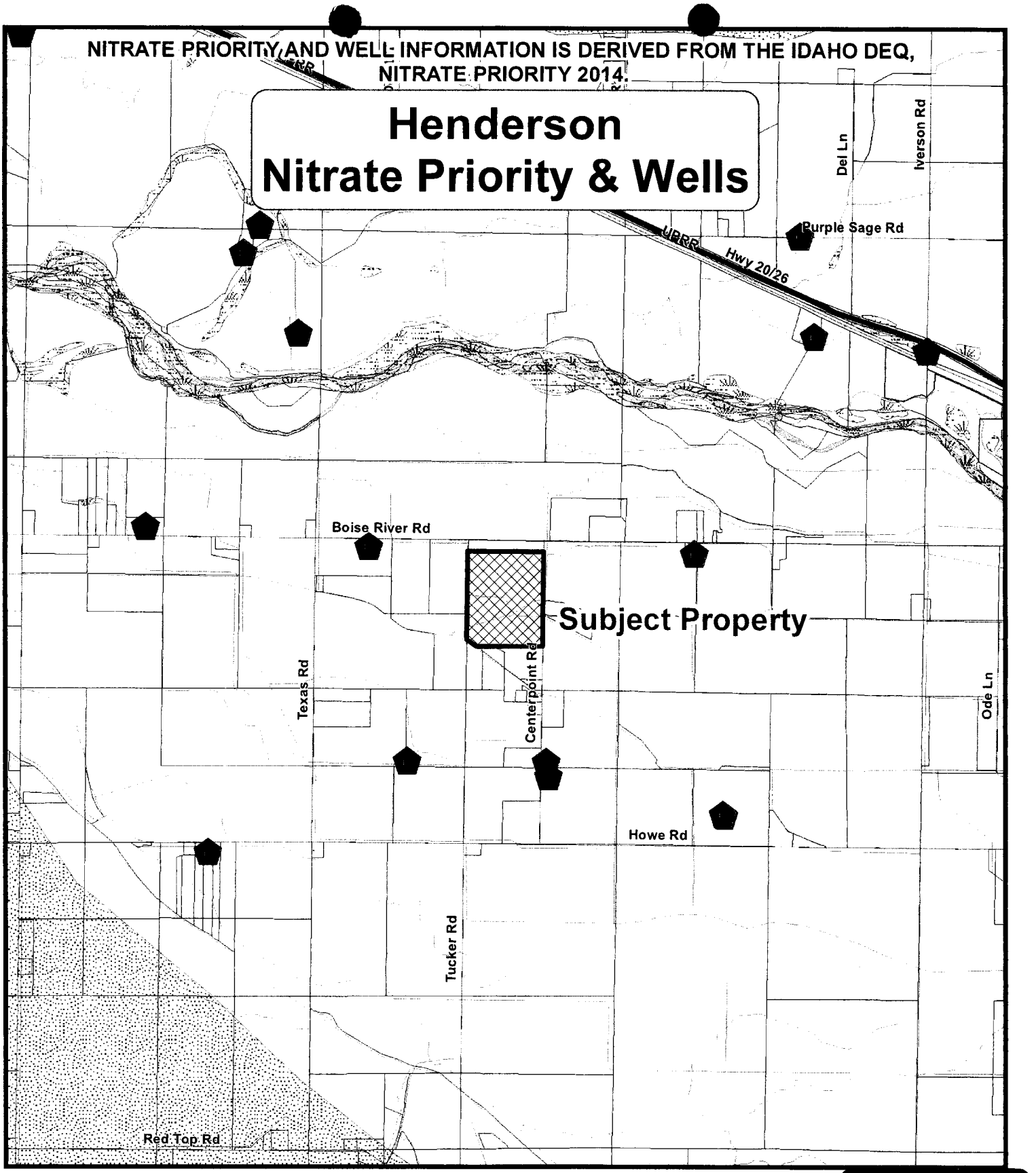

Future Land Use map
Del Ln
Iverson Rd
Purple Sage Rd
UPRR
Boise River Rd
Bluff Ln
SUBJECT PROPERTY
Texas Rd
Centerpoint Rd
Ode Ln
Howe Rd
Tucker Rd
Allendale Rd
Notus Rd
Red Top Rd
Legend
COMMERCIAL
INDUSTRIAL
RESIDENTIAL
0
0.5
1
Miles

EXHIBIT
5f


Henderson
TAZ Household
TAZ 205
TAZ 2019
TAZ 2018
DEL LN
TAZ 2076
LEMP LN
PURPLE SAGE RD
TAZ 2073
TAZ 2046
UPRR
TAZ 2074
TAZ 2013
TAZ 2069
BOISE RIVER RD
Subject Property
TAZ 2586
TEXAS RD
TAZ 2611
CENTERPOINT RD
TAZ 2585
HOWE RD
TUCKER RD
TAZ 2569
TAZ 2643
TAZ HouseHold 2020-2040
-4 - 50
51 - 150
151 - 250
251 - 500
501 - 750
751 - 1263
0
0.5
1
Miles
EXHIBIT
59


NITRATE PRIORITY AND WELL INFORMATION IS DERIVED FROM THE IDAHO DEQ, NITRATE PRIORITY 2014.
Henderson
Nitrate Priority & Wells
UPRR
Del Ln
Iverson Rd
Purple Sage Rd
Hwy 20/26
Boise River Rd
Subject Property
Texas Rd
Centerpoint Rd
Ode Ln
Howe Rd
Tucker Rd
Red Top Rd
GEO-THERMAL LOCATIONS
WETLANDS
NITRATE_PRIORITY
DEQ WELLS
N03_MGL
0.005 - 2.00
2.00 - 5.00
5.00 - 10.00
10.00 - 49.80
0
0.5
1
Miles
EXHIBIT
5h
PENCAD-Bayonne, N. J.

National Flood Hazard Layer FIRMette

FEMA



1:6,000

Feet

0 500 1,000 1,500 2,000

PENGAD-Bayonne, N. J.

EXHIBIT

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS

- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- 20.2 Cross Sections with 1% Annual Chance
- 17.5 Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

N

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 7/24/2019 at 7:57:10 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Golden Gate Highway District No. 3

Commissioners: Virgil Holsclaw, David Lincoln, Fred Sarceda

July 16, 2019

To: Dan Lister, Planner II
Canyon Co. Development Services

From: Gordon Bates, P.E.
Director of Highways

Subject: **CR2019-006 – Mr. & Mrs. Henderson Rezone, Parcel R359660000**
Boise River Road (west of Centerpoint Rd)

I have reviewed the **Rezone application** from Agricultural to Rural Residential (R-R) with a transmittal date of 6/25/19. This includes a letter & map from the Applicant.

At this time and based upon said written information provided with the application, the following comments are applicable **to the Rezone from A to RR:**

1. The subject parcel does not front onto Boise River Road. Access is proposed onto Boise River Road via an existing easement per the Applicant.
2. GGHD Functional Classification for Boise River Road is Rural Major Collector.
3. The Highway District is neutral on the rezone.

Although a new approach permit is not under consideration at this time, the Applicant should be aware of the following comments/requirements. At this time the following requirements will most likely be applicable to a future approach permit:

A. The Applicant shall secure a Residential Approach Permit from GGHD to upgrade the existing field access to the subject parcel. All residential approaches shall meet ACCHD Standard Drawing 105.
B. Requirements shall meet current Association of Canyon County Highway District (ACCHD) Standards in effect at the time of application for a driveway permit.
C. Rural Major Collector Road driveway spacing requirement is currently a minimum of 330-ft from adjacent driveways onto Boise River Road. The proposed location exceeds this standard requirement.

The Highway Districts reserve the right to provide amended comments/conditions of approval in the event of application revision or when additional information becomes available.

Address
500 E. Golden Gate Ave.
Wilder, ID 83676

Phone 208. 482.6267
Fax 208. 482.6100
Email gordonb@gghd3.org

PENGAD-Bayonne, N. J.
EXHIBIT
69

Dan Lister

From: Sarah Arjona <Sarah.Arjona@itd.idaho.gov>
Sent: Monday, July 1, 2019 3:32 PM
To: Dan Lister
Subject: CR2019-0006 Dixie Road

Good afternoon,
ITD has received CR2019-0006 for review and has no objections.

Thank you,

Sarah Arjona
Development Services Coordinator
ITD District 3
(208) 334-8338





Dan Lister

From: O'Shea, Maureen <Maureen.OShea@idwr.idaho.gov>
Sent: Tuesday, July 2, 2019 1:22 PM
To: Dan Lister
Subject: re: Agency notice Case CR2019-0006
Attachments: Agency notce CR2019-0006.pdf

Dan,

The site, 23983 Centerpoint Rd, Caldwell, is located in the Special Flood Hazard Area (SFHA) in the AE Zone with a Base Flood Elevation (BFE) of about 2282.4 ft.

All structures on these lots will need to be elevated to or above the BFE.

Per Title 44 of the Code of Federal Regulations Section 60.3
(a)(2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;
(a)(3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
(a)(4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards;
(a)(5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and
(a)(6) Require within flood-prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.
(b)(1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the community's FHBM or FIRM;
(b)(2) Require the application of the standards in paragraphs (a) (2), (3), (4), (5) and (6) of this section to development within Zone A on the community's FHBM or FIRM;
(b)(8) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement.

Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
(c)(1) Require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM;
(c)(2) Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of basements in accordance with §60.6 (b) or (c);
(c)(3) Require that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the community's firm (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
(c)(5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
(c)(14) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for "manufactured homes" in paragraph (c)(6) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Thank you,
Maureen O'Shea, AICP, CFM
State NFIP Coordinator
Idaho Dept. of Water Resources
322 E. Front Street, P.O. Box 83720
Boise, ID 83720-0098
Office # 208-287-4928
Cell # 208-830-4174
Maureen.OShea@idwr.idaho.gov
https://www.idwr.idaho.gov/floods/

From: Kathy Frost [mailto:kfrost@canyonco.org]
Sent: Tuesday, June 25, 2019 8:51 AM
To: 'notuscityclerk@gmail.com' <notuscityclerk@gmail.com>; Brian Crawforth <bcrawforth@canyonco.org>; 'mstowell@ccparamedics.com' <mstowell@ccparamedics.com>; 'Wright, Tim' <Tim.Wright@phd3.idaho.gov>;

'krantza@notusschools.org' <krantza@notusschools.org>; 'Mike Houston' <farmerhouston@gmail.com>; 'seemanbookkeeping@cableone.net' <seemanbookkeeping@cableone.net>; 'Gordon Bates' <gordonb@gghd3.org>; 'd3development.services@itd.idaho.gov' <d3development.services@itd.idaho.gov>; 'wilderfiredist@cableone.net' <wilderfiredist@cableone.net>; Assessor Website <assessordept@canyonco.org>; 'idl_jurisdictional@idl.idaho.gov' <idl_jurisdictional@idl.idaho.gov>; 'bpietras@idl.idaho.gov' <bpietras@idl.idaho.gov>; Western Info <westerninfo@idwr.idaho.gov>; O'Shea, Maureen <Maureen.OShea@idwr.idaho.gov>; 'Bosworth,Bill' <bill.bosworth@idfg.idaho.gov>; 'Kinney, Brady' <BKinney@idahopower.com>; 'Irwin, Rebecca' <RIrwin@idahopower.com>; 'IGCOwyheeDistrictOperationsAide@intgas.com' <IGCOwyheeDistrictOperationsAide@intgas.com>
Subject: Agency notice Case CR2019-0006

Dear Agencies,
Please see the attached legal notice for Case CR2019-0006. Please direct your comments or questions to Planner Dan Lister at dlister@canyonco.org or call 208-455-5959.
Thank you

Kathy Frost
Senior Administrative Specialist
208-455-5961
kfrost@canyonco.org
Canyon County Development Services
111 North 11th Avenue #140
Caldwell ID 83605

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT
1115 Albany Street • Caldwell, Idaho • 83605 • Phone (208) 454-7458
Fax: (208) 454-6633 • www.canyoncounty.org/dsd

DEVELOPMENT AGREEMENT BETWEEN CANYON COUNTY AND APPLICANT

Agreement number: _____

THIS AGREEMENT, made and entered into this _____ day of _____, 2019, by and between Canyon County, Idaho, a political subdivision of the state of Idaho, hereinafter referred to as "COUNTY" and Jeffery and Shelly Henderson hereinafter referred to as "Applicants."

RECITALS

WHEREAS, Applicants have applied to County for a conditional rezone from the "A" (Agricultural) Zone to "CR-R-R" (Conditional Rezone - Rural Residential) Zone (CR2019-0006), which are legally described in the attached EXHIBIT "A," incorporated by reference herein (hereinafter referred to as "Subject Property"); and

WHEREAS, Parcel R37785010F is owned by Jeffery and Shelly Henderson;

WHEREAS, on the _____day of _____, 2019 the Canyon County Board of Commissioners approved a conditional rezone with conditions of the Subject Property to a "CR-R-R" Zone, which was done with Applicant's approval. The conditions of the approval for the conditional rezone are attached hereto as EXHIBIT "B" with conceptual site plan attached hereto as EXHIBIT "C";

WHEREAS, the parties desire to enter into an agreement to comply with Canyon County Code of Ordinances §07-06-07(2) & 07-06-07(7), Canyon County Zoning Ordinance No. 16-007 or as amended, and to ensure the Applicants will implement and be bound by the conditions of the rezone order issued by the Canyon County Board of Commissioners; and

NOW THEREFORE, the parties hereto do hereby agree to the following terms:



SECTION 1. AUTHORIZATION.

This Agreement is authorized and required by Idaho Code §67-6511A; Canyon County Code of Ordinances 07-06-07 (Conditional Rezoning).

SECTION 2. PROPERTY OWNER.

Applicants are the owner(s) of Subject Properties which is located in the unincorporated area of Canyon County, Idaho, more particularly described in EXHIBIT "A", attached hereto and incorporated herein, which real property is the subject matter of this Agreement. Applicants represent that they currently hold complete legal or equitable interest in the Subject Properties and that all persons holding legal or equitable interests in the Subject Properties or the operation of the business are to be bound by this Agreement.

SECTION 3. RECORDATION.

Pursuant to Idaho Code §67-6511A and Canyon County Code of Ordinances, this Agreement shall be recorded by the Clerk in the Canyon County Recorder's Office and will take effect upon the adoption, by the Board of County Commissioners, of the amendment to the zoning ordinance as set forth herein.

SECTION 4. TERM.

The parties agree that this Agreement shall run with the land and bind the Subject Property in perpetuity, and shall inure to the benefit of and be enforceable by the parties, and any of their respective legal representatives, heirs, successors, and assignees. Provided, however, this Agreement shall terminate if the Board of County Commissioners subsequently rezones the property to allow for a higher density use or if annexation of the Subject Property by a city occurs. In this event, however, the Agreement shall only terminate in regards to the portion of the Property that is actually rezoned or annexed, while the remainder of the Property shall remain subject to the Agreement.

If any of the privileges or rights created by this Agreement would otherwise be unlawful or void for violation of (1) the rule against perpetuities or some analogous statutory provision, (2) the rule restricting restraints on alienation, or (3) any other statutory or common law rules imposing time limits, then such provision shall continue until twenty-one (21) years after the death of the last survivor of the now living lawful descendants of George Herbert Walker Bush, former President of the United States, or for such shorter period as may be required to sustain the validity of such provision.

SECTION 5. MODIFICATION.

This Agreement may be modified only in writing signed by the parties, or their successors in interest, after complying with the notice and hearing procedures of Idaho Code §67-6509 and the requirements of Canyon County Code of Ordinances. The modification proposal must be in the form of a revised Development Agreement and must be accompanied by a statement demonstrating the necessity for the requested modification.

SECTION 6. APPLICATION OF OTHER LAWS TO THE SUBJECT PROPERTIES.

This Agreement shall not prevent the County in subsequent actions applicable to the Subject Properties from applying new rules, regulations, or policies that do not conflict with this Agreement.

SECTION 7. COMMITMENTS.

Applicants will fully and completely comply with the conditions of the approved conditional rezone of the Subject Properties from "A" (Agricultural) Zone to "CR-R-R" (Conditional Rezone - Rural Residential) Zone, which conditions are attached hereto as EXHIBIT "B".

SECTION 8. USES, DENSITY, AND HEIGHT AND SIZE OF BUILDINGS

The density or intensity of use of the Subject Properties is specified in the commitments of Section 7 unless conditioned otherwise (see Exhibit "B"). The uses and maximum height and size of the buildings on the Subject Properties shall be those set pursuant to law, including those contained in the Canyon County Code of Ordinances, that are applicable to an "CR-RR" (Conditional Rezone - Rural Residential) zone and those provisions of law that are otherwise applicable to the Subject Property.

SECTION 9. LIABILITY AND INDEMNITY OF COUNTY.

A. COUNTY REVIEW.

Applicants acknowledge and agree that the County is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates or acceptances, relating to the use and development of the property described in EXHIBIT "A," and that the County's review and approval of any such plans and the improvements or the issuance of any such approvals, permits, certificates, or acceptances does not, and shall not, in any way, be deemed to insure or ensure Applicants or any of Applicants' heirs, successors, assigns, tenants, and licensees, against damage or injury of any kind and/or at any time.

B. COUNTY PROCEDURES.

Applicants acknowledge that notices, meetings, and hearings have been lawfully and properly given and held by the County with respect to Applicant's conditional rezone application in Development Services Department Case Number CR2019-0006 and any related or resulting development agreements, ordinances, rules and regulations, resolutions or orders of the Board of County Commissioners. Applicants agree not to challenge the lawfulness, procedures, proceedings, correctness or validity of any of such notices, meetings, hearings, development agreements, ordinances, rules, regulations, resolutions or orders.

C. INDEMNITY.

Applicants agree to, and do hereby, defend, hold harmless and indemnify the County, the Board of County Commissioners, all County elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any such parties in connection with (i) the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates, or acceptances relating to the use and/or development of the Subject Properties; (ii) any actions taken by the County pursuant to Subsection 9(B) of this Agreement; (iii) the development, construction, and maintenance of the property; and (iv) the performance by County of its obligations under this Agreement and all related ordinances, resolutions, or other agreements.

D. DEFENSE EXPENSES.

Applicants shall, and do hereby agree, to pay, without protest, all expenses incurred by the County in defending itself with regard to any and all of the claims identified in Subsection 9 of this Agreement. These expenses shall include all out-of-pocket expenses, including, but not limited

to, attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the County.

SECTION 10. PERIODIC REVIEW.

The County's Development Services Department will administer the Agreement after it becomes effective and will conduct a review of compliance with the terms of this Agreement on a periodic basis, including, but not limited to, each time a development of the Property is platted. Applicants shall have the duty to demonstrate Applicants' compliance with the terms of this Agreement during such review.

SECTION 11. REQUIRED PERFORMANCE.

Applicants shall timely carry out all steps required to be performed and maintain all commitments set forth in this Agreement and as set forth in County laws, ordinances, rules and regulations as they pertain to the Subject Property including, but not limited to, those concerning the commencement of development, completion of development, preliminary platting and final platting.

SECTION 12. DEFAULT AND REMEDIES.

In the event of a default or breach of this Agreement or of any of its terms or conditions, the party alleging default shall give the breaching party not less than thirty (30) days, Notice of Default, in writing, unless an emergency exists threatening the health and safety of the public. If such an emergency exists, written notice shall be given in a reasonable time and manner in light of the circumstances of the breach. The time of the giving of the notice shall be measured from the date of the written Notice of Default. The Notice of Default shall specify the nature of the alleged default and, where appropriate, the manner and period of time during which said default may be satisfactorily cured. During any period of curing, the party charged shall not be considered in default for the purposes of termination or zoning reversion, or the institution of legal proceedings. If the default is cured, then no default shall exist and the charging party shall take no further action.

SECTION 13. ZONING REVERSION CONSENT.

The execution of this Agreement shall be deemed written consent by Applicants to change the zoning of the Subject Properties to its prior designation upon failure to comply with the terms and conditions imposed by the approved conditional rezone and this Agreement. No reversion shall take place until after a hearing on this matter pursuant to Idaho Code §67-6511A. Upon notice and hearing, as provided in this Agreement and in Idaho Code §67-6509, if the properties described in attached EXHIBIT "A " are not used as approved, or if the approved use ends or is abandoned, the Board of County Commissioners may order that the property will revert to the zoning designation (and land uses allowed by that zoning designation) existing immediately prior to the rezone action, i.e., the Subject Properties conditionally rezoned from "A" (Agricultural) Zone designation to "CR-R-R" (Conditional Rezone - Rural Residential) Zone designation shall revert back to the "A" (Agricultural) Zone designation.

SECTION 14. COMPLIANCE WITH LAWS.

Applicants agree that they will comply with all federal, state, county and local laws, rules and regulations, which appertain to the Subject Property.

SECTION 15. RELATIONSHIP OF PARTIES.

It is understood that this Agreement between Applicants and the County is such that Applicants are an independent party and are not an agent of the County.

SECTION 16. CHANGES IN LAW.

Any reference to laws, ordinances, rules, regulations, or resolutions shall include such laws, ordinances, rules, regulations, or resolutions as they have been, or as they may hereafter be amended.

SECTION 17. NOTICES.

Except as otherwise provided in this Agreement and/or by law, all notices and other communications in connection with this Agreement shall be in writing and shall be deemed delivered to the addressee thereof, (1) when delivered in person on a business day at the address set forth below, or (2) in the third business day after being deposited in any main or branch United States post office, for delivery by properly addressed, postage paid, certified or registered mail, return receipt requested, at the addresses set forth below.

Notices and communications required to be given to County shall be addressed to, and delivered at, the following address:

Director
Development Services Department
Canyon County Administration
111 North 11th Avenue, #140
Caldwell, Idaho 83605

Notices and communications required to be given to Applicants shall be addressed to, and delivered at, the following addresses:

Name:	Jeffery and Shelly Henderson
Street Address:	P.O. Box 3103
City, State, Zip:	Nampa, ID 83653

A party may change its address by giving notice, in writing, to the other party, in the manner provided for in this section. Thereafter, notices, demands, and other pertinent correspondence shall be addressed and transmitted to the new address.

SECTION 18. TERMINATION.

This Agreement may be terminated in accordance with the notice and hearing procedures of Idaho Code §67-6509, and the zoning designation upon which the use is based reversed, upon failure of Applicants, a subsequent owner, or other person acquiring an interest in the property described in attached EXHIBIT "A" to comply with the terms of this Agreement. Applicants shall comply with all commitments in this Agreement prior to establishing the approved land use.

SECTION 19. EFFECTIVE DATE.

The commitments contained in this Agreement shall take effect in the manner described in this Agreement upon the County's adoption of the amendment to the zoning ordinance as set forth herein.

SECTION 20. TIME OF ESSENCE.

Time is of the essence in the performance of all terms and provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

BOARD OF COUNTY COMMISSIONERSAPPLICANTS
CANYON COUNTY, IDAHO

_____
Commissioner, Pam White

_____
Commissioner Tom Dale

_____
Commissioner Leslie Van Beek

ATTEST: Chris Yamamoto, Clerk

BY: _____
Deputy

DATE:_____

_____
Jeffery Henderson, Property Owner

_____
Shelly Henderson, Property Owner

(All Applicants must sign and their signatures must be notarized)

STATE OF IDAHO)
) ss.
County of Canyon)

On this _____ day of _____, 20___ , before me, a notary public, personally appeared _____, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.

_____
Notary Public for Idaho

Residing at: _____

My Commission Expires: _____

STATE OF IDAHO)
) ss.
County of Canyon)

On this _____ day of _____, 20___ , before me, a notary public, personally appeared _____, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.

_____
Notary Public for Idaho

Residing at: _____

My Commission Expires: _____

EXHIBIT "A"

(LEGAL DESCRIPTION OF THE "CR-R-R" ZONE, A PORTION OF PARCEL R37966)

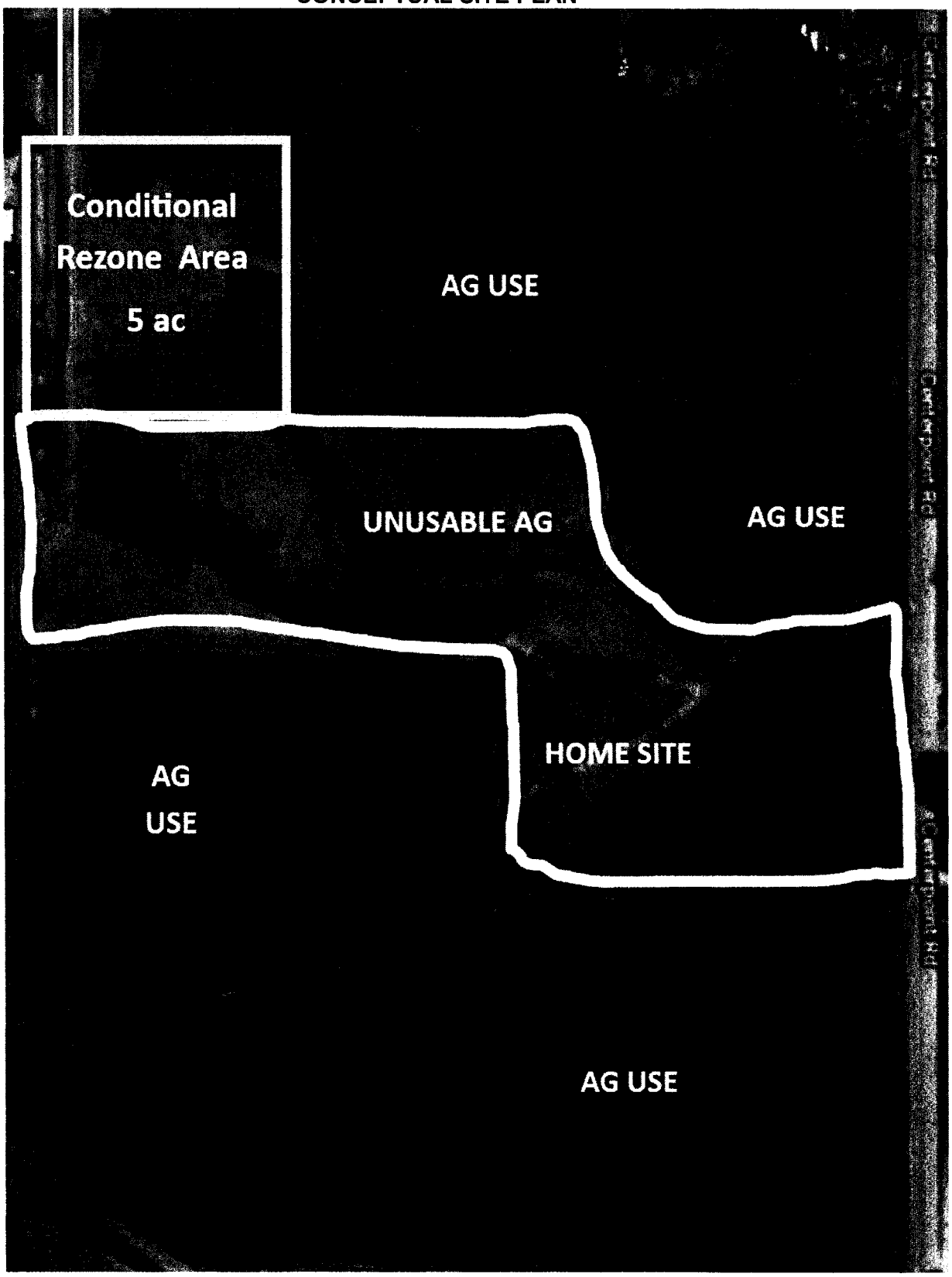
EXHIBIT "B"

CONDITIONS OF APPROVAL FOR CR2019-0006

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. The approximate 50 acre parcel (R35966) shall be divided into two parcels: 1) a five (5) acre parcel which will be zoned "CR-R-R" (Conditional Rezone – Rural Residential); and 2) acreage to remain zoned "A" (Agricultural), approximately 45 acres (See Conceptual Site Plan, Exhibit C of the Draft Development Agreement). The division shall be consistent with the administrative land division requirements of the Canyon County Zoning Ordinance §07-18-01 subject to the following restrictions:
   a. A property boundary adjustment between Parcel R35966 and R35967 must be approved as part of the land division application consistent with CCZO §07-10-17 (Instrument #2019-011257).
   b. The location of the divisions shall be in general conformance to the conceptual site plan (Draft Development Agreement, Exhibit C). Future division shall be prohibited unless granted through law or ordinance that supersedes this Agreement.
   c. A secondary dwelling, as defined and regulated by the Canyon County Zoning Ordinance (CCZO §07-02-03, §07-10-27 and §07-14-25, is prohibited on the five (5) acre parcel (See Conceptual Site Plan, Exhibit C of the Draft Development Agreement) unless granted through law or ordinance that supersedes this Agreement.
   d. Residential development (primary dwelling, secondary dwelling and accessory structures) and agricultural structures on the 45 acres to remain zoned "A" (Agricultural), shall only be allowed within the unusable agricultural areas identified on the Conceptual Site Plan (Draft Development Agreement, Exhibit C). No structures shall be allowed on the identified usable farm ground, approximately 34 acres. The farm ground shall be preserved for agricultural production in perpetuity unless granted through law or ordinance that supersedes this Agreement.
3. The applicant shall comply with CCZO §07-06-07 (4) Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."

EXHIBIT "C"

CONCEPTUAL SITE PLAN



Regarding Case # CR2019-0006

People that have never lived in the country get an idea that living in the country is a very romantic way to live. In reality it's a lot of hard work. Once they move to the country they start complaining about the smell, noise from farming machinery, dust, bugs, weeds or just how hard it is to maintain 5 acres. So they then decide that if they split the land and put just 1 more house it might be worth it and in some cases 5 houses, each on an acre or just let it grow up in weeds.

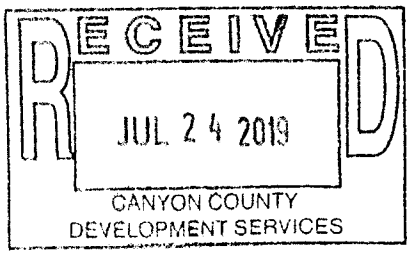
We have seen productive farm ground being torn up to put subdivisions and gravel pits. We need farm ground for food. We need farm ground to raise hay for our cattle and pastures to run the cattle on. So at what point does it stop?

We ask that you please take into consideration the hard work that generations of farmers and ranchers have put into these areas in the country and not rezone our agricultural land to put just 1 more house.

Thank You,

Paula Crockett

Paula Crockett



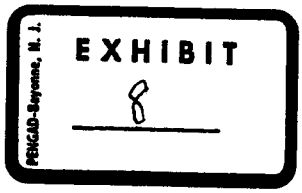


Exhibit C5:

Canyon County Board of County Commissioners
Henderson – Conditional Rezone – CR2019-0006
Development Services Department

Findings of Fact

1. The applicants, applicants, Jeffery and Shelly Henderson, are requesting for a conditional to rezone a five acre portion of Parcel R35966 from "A" (Agricultural) to "CR-R-R" (Conditional Rezone - Rural Residential, two acre average minimum lot size). The vacant parcel is located south of 23983 Centerpoint Road, Caldwell; a portion of the NE ¼ of Section 5, Township 4N, Range 4W, Canyon County, Idaho.
2. The subject property is currently zoned "A" (Agricultural).
3. The subject property is designated "agricultural" on the 2020 Comprehensive Plan Future Land Use Map.
4. The subject property is not located within an area of city impact.
5. The subject property fronts and has access onto Centerpoint Road and has access onto Boise River Road, a rural collector, via 28' wide access easement.
6. The subject property is located within Golden-Gate Highway District, Wilder Fire District, Notus School District, and Eureka Irrigation District.
7. The neighborhood meeting was held on 6/3/2019, compliant with CCZO §07-01-15.
8. On August 1, 2019, the Planning and Zoning Commission recommended approval of the rezone request and development agreement.
9. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on 8/23/2019. Full political notice completed 7/17/19. Newspaper notice was provided on 9/3/2019. Property owners within 300' were notified by mail on 8/22/2019. The property was posted on or before 9/10/2019.
10. The record consists of exhibits as provided as part of the public hearing staff report, exhibits submitted during the public hearing on September 17, 2019 and all information contained in DSD case file CR2019-0005.

Conclusions of Law

For this request the Board of County Commissioners finds and concludes the following regarding the Standards of Evaluation for a Conditional Rezone (§07-06-07(6)A):

A. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The proposed conditional rezone is generally consistent with the comprehensive plan and future land use map.

Finding: The proposed conditional rezone is generally consistent with the following comprehensive plan goals and policies:

- Property Rights Policy No. 1- *"No person shall be deprived of private property without due process of law."*
    - Notice of the public hearing was provided in accordance with CCZO §07-05-01. Letters of opposition (Exhibits 8, 9 and 10 of the staff report) were reviewed by the Board of County Commissioners as part of the decision.
- Land Use- Goal No. 5- *"Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural uses may occur in the same area."*

- Land Use - Policy No. 2- "*Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.*"
    - The area is a mix of agricultural and residential uses within an agricultural designation. As conditioned, the result of the conditional rezone will preserve the agricultural uses on the subject parcel and limit residential uses to non-viable agricultural ground.
- Land Use- Agriculture Policy No. 2-*"Consider the use of voluntary mechanisms for the protection of agricultural lands."*
    - As conditioned by the development agreement, the applicant agrees to preserve land currently used for cattle and grazing, approximately 34 acres (See Conceptual Site Plan, Exhibit C of the Draft Development Agreement).
- Land Use – Residential Policy No. 2: *"Encourage residential development in areas where agricultural uses are not viable."*
    - The parcel and surrounding parcels mostly consist of mostly Class III and IV soils. The Canyon County Comprehensive Plan identifies Class III and IV soils as moderately-suited which have limitations that reduce the choice of plants and require special conservation practices (Comprehensive Plan, Page 90). The parcel is considered prime farmland if irrigated and drained. The parcel has been leased for five years for cattle and grazing.
    - The conceptual site plan provided by the applicant identifies non-viable agricultural ground. The areas consist of pit run, very little topsoil and irrigation ditch and drainage. As conditioned by the development agreement, residential uses will only be allowed within the non-viable agricultural ground.
- Public Services, Facilities and Utilities Policy No. 3 *"Encourage the establishment of new development to be located within the boundaries of a rural fire protection district."*
    - The subject property is located within Wilder Fire District.

B. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: As conditioned, the proposed conditional rezone is more appropriate than the current zoning designation.

Finding: The property and surrounding area is zoned "A". The nearest residential zone is approximately 8,400 feet northeast of the subject parcel, on the north side of Highway 20/26. No residential subdivisions are found within the vicinity. However, when considering the surrounding land uses and character of the area, the proposed conditional rezone is more appropriate than the current zoning designation.

As conditioned by the development agreement, the request will preserve approximately 34 acres of farm ground in perpetuity. Pursuant to the letter of intent and conceptual site plan, the five acres to be rezoned and approximately 11 acres of the 45 acres to remain within the agricultural zone are non-viable farm ground where residential uses are proposed. In those areas, the soil is comprised of pit run and small amounts of topsoil making it difficult for the existing cattle and grazing use. The Canyon County Comprehensive plan encourages residential development in areas where agricultural uses are not viable (Land Use – Residential policies No. 2).

The parcel currently has the ability to building a dwelling, secondary dwelling and accessory structures. Additionally, the property owner has no restrictions as to location or quantity of accessory structures on the 50 acre parcel. As conditioned by the development agreement, the five acre area to be rezoned and divided will be allowed a primary dwelling. A secondary dwelling will be prohibited. Development on the remaining 45 acres will only be allowed within areas identified as unusable farm ground (See Conceptual Site Plan, Exhibit C of the Draft Development Agreement). The remaining farm ground, approximately 34 acres, will be preserved as a condition of the development agreement. As conditioned, the result preserves agricultural farm ground to remain in production.

The result of the request is consistent with the mixed agricultural and residential use within the vicinity. The request proposes lot sizes and uses similar to other parcels within the vicinity (LS2004-155/AD2016-47: Four residential parcels on 15 acres). The farm ground portion is contiguous to neighboring farmland of similar size (Parcels R35960010, R35962, R35978 and R35977).

C. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: As conditioned, the proposed use is compatible with the surrounding land uses.

Finding: The result of the request is consistent with the mixed agricultural and residential use within the vicinity. The request proposes lot sizes and uses similar to other parcels within the vicinity (LS2004-155/AD2016-47: Four residential parcels on 15 acres). The farm ground portion is contiguous to neighboring farmland of similar size (Parcels R35960010, R35962, R35978 and R35977). The development agreement restricts residential development to non-viable areas of the parcel and preserve approximately 35 acre to remain as farmland in perpetuity. Therefore, as conditioned, the rezone is consistent and will restricted by the development agreement to remain consistent with the surrounding land uses.

D. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: As conditioned, the proposed conditional rezone will not have a negative effect to the character of the area.

Finding: The conditional rezone will not be injurious to other properties in the vicinity nor will it negatively change the essential character of the area. The request is similar to other parcels within the vicinity previously divided by land division or in existence. The farm ground portion is contiguous to the neighboring farmland for continuity.

As conditioned by the development agreement (Exhibit 7), approximately 34 acres of farm ground would be preserved. Residential uses will be restricted to non-viable farm ground and further division will be prohibited. The result promotes agricultural preservation and restricts further residential growth.

The parcel is completely located within a mapped floodplain. The parcel is within an AE Zone with a base flood elevation (BFE) of approximately 2282.4 feet. All development and structures on the parcel requires a Floodplain Development Permit and constructed in accordance with Canyon County Flood Hazard Overlay requirements (CCZO Chapter 7-10A) prior to issuance of building permits.

E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed conditional rezone?

Conclusion: Adequate water, sewer, irrigation, drainage and storm water drainage facilities and utility systems will be provided to accommodate the proposed use.

Finding: Adequate services (individual well and septic system) can be provided. The parcel is not located within a nitrate priority area. If approved, all services would require review and approval by all affected agencies (Southwest District Health, Idaho Department of Environmental Quality and Idaho Department of Water Resources) prior to land division or issuance of building permits.

Eureka Irrigation District was notified of the request. No comments were received.

F. Does the proposed conditional rezone require road improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: The request will not create undue interference with existing or future traffic patterns.

Finding: The request will allow a residential division of the existing 50 acre parcel. As conditioned, the five acre area to be rezoned to "CR-R-R" is only allowed one residential dwelling (Exhibit 7). The 45 acres to remain zoned "A" (Agricultural) has a building permit available with option for secondary dwelling in accordance with CCZO §07-14-25. The result of the conditional rezone is not anticipated to generate trips that would impact the existing road network.

Golden-Gate Highway District and Idaho Transportation Department do not oppose the request or find the request to cause impacts to existing or future road networks.

G. Does legal access to the subject property for the conditional rezone exist or will it exist at the time of development?

Conclusion: The property currently has access onto Boise River Road; a rural collector, and frontage access onto Centerpoint Road. The five acre portion to be rezone will have access via 28' access easement. Access will meet Canyon County Zoning Ordinance and Highway District standards at the time of land division and building permit applications.

Finding: The five acres proposed to be rezoned to "CR-R-R" will access onto Boise River Road, a rural collector, via 28 foot wide access easement (Instrument No. 2000-09948). The remaining 45 acres has frontage access onto Centerpoint Road. Golden-Gate Highway District and Idaho Transportation Department do not oppose the request. Golden Gate Highway District will require approach and access to meet ACCHD standards at the time of land division or related building permit application. Access will also be required to meet Canyon County Zoning Ordinance requirements (CCZO §07-10-03).

H. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

Finding: Canyon County Ambulance District, Notus School District, Canyon County Sheriff, and Wilder Fire Department were notified of the request. No comments were received. As conditioned, the request allows for a division of the 50 acre parcel. One additional building permit granted as a result of the rezone is not anticipated to impact essential services. The fire district will review the required land division and related building permit applications for consistency with fire code.

ORDER OF DECISION:

Based upon the Findings of Fact, Conclusions of Law, and the reasons contained herein, the Board of County Commissioners orders that Case #CR2019-0006, a request for a **Conditional Rezone** of a five acre portion of Parcel R35966 from an "A" (Agricultural) Zone to an "CR-R-R" (Conditional Rezone - Rural Residential) Zone be **approved** subject to a development agreement with the following conditions:

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. The subject property, R35966, containing approximately 50 acres shall be developed into no more than two parcels and be configured in substantial conformance to the Site Plan in Development Agreement Exhibit "C" affixed hereto. The division shall be consistent with the administrative land division requirements of the Canyon County Zoning Ordinance §07-18-01 subject to the following restrictions:
    a. One parcel shall be a maximum of five (5) acres parcel zoned "CR-R-R" (Conditional Rezone – Rural Residential). A secondary dwelling, as defined and regulated by the Canyon County Zoning Ordinance (CCZO §07-02-03, §07-10-27 and §07-14-25, is prohibited on this parcel.
    b. The remainder of the subject property shall be an approximately 45 acres parcel to remain zoned "A" (Agricultural). Residential development (including, but not limited to primary dwelling, secondary dwelling and accessory structures) and agricultural structures on the 45 acres to remain zoned "A" (Agricultural) shall only be allowed within the non-viable agricultural areas identified in the Site Plan (Exhibit "C"). No structures shall be allowed on the viable farm ground identified in the Site Plan (Exhibit "C").
    c. A property boundary adjustment between Parcel R35966 and R35967 must be approved according to CCZO §07-10-17 as part of the land division application consistent with Instrument No. 2019-011257.
3. No further divisions of the subject property are allowed under this Agreement.
4. All conditions of the Conditional Rezone shall be met within two (2) years of the approval by the Board of County Commissioners. If conditions are not met within the stated time requirement, the application shall be in default and subject to zoning reversion pursuant to the Agreement.

APPROVED this 19 day of Sept., 2019

	Yes	No	Did Not Vote
Commissioner White			
Commissioner Dale	✓		
Commissioner Van Beek			

Attest: Chris Yamamoto, Clerk

By: _____ Date: 9-19-19
Deputy

Exhibit C6:

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT
1115 Albany Street • Caldwell, Idaho • 83605 • Phone (208) 454-7458
Fax: (208) 454-6633 • www.canyoncounty.org/dsd

DEVELOPMENT AGREEMENT BETWEEN CANYON COUNTY AND APPLICANT

Agreement number: 19-143

THIS AGREEMENT, made and entered into this 19 day of Sept., 2019, by and between Canyon County, Idaho, a political subdivision of the state of Idaho, hereinafter referred to as "COUNTY" and Jeffery and Shelly Henderson hereinafter referred to as "Applicants."

RECITALS

WHEREAS, Applicants have applied to County for a conditional rezone from the "A" (Agricultural) Zone to "CR-R-R" (Conditional Rezone - Rural Residential) Zone (CR2019-0006), which are legally described in the attached EXHIBIT "A," incorporated by reference herein (hereinafter referred to as "Subject Property"); and

WHEREAS, Parcel R37785010F is owned by Jeffery and Shelly Henderson;

WHEREAS, on the 19 day of Sept., 2019 the Canyon County Board of Commissioners approved a conditional rezone with conditions of the Subject Property to a "CR-R-R" Zone, which was done with Applicant's approval. The conditions of the approval for the conditional rezone are attached hereto as EXHIBIT "B" with conceptual site plan attached hereto as EXHIBIT "C";

WHEREAS, the parties desire to enter into an agreement to comply with Canyon County Code of Ordinances §07-06-07(2) & 07-06-07(7), Canyon County Zoning Ordinance No. 16-007 or as amended, and to ensure the Applicants will implement and be bound by the conditions of the rezone order issued by the Canyon County Board of Commissioners; and

NOW THEREFORE, the parties hereto do hereby agree to the following terms:

2019-044211
RECORDED
09/19/2019 03:46 PM
00466528201900442110100106
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=10 DLSTEPHENS NO FEE
AGR
CANYON COUNTY COMMISSIONERS

SECTION 1. AUTHORIZATION.

This Agreement is authorized and required by Idaho Code §67-6511A; Canyon County Code of Ordinances 07-06-07 (Conditional Rezoning).

SECTION 2. PROPERTY OWNER.

Applicants are the owner(s) of Subject Properties which is located in the unincorporated area of Canyon County, Idaho, more particularly described in EXHIBIT "A", attached hereto and incorporated herein, which real property is the subject matter of this Agreement. Applicants represent that they currently hold complete legal or equitable interest in the Subject Properties and that all persons holding legal or equitable interests in the Subject Properties or the operation of the business are to be bound by this Agreement.

SECTION 3. RECORDATION.

Pursuant to Idaho Code §67-6511A and Canyon County Code of Ordinances, this Agreement shall be recorded by the Clerk in the Canyon County Recorder's Office and will take effect upon the adoption, by the Board of County Commissioners, of the amendment to the zoning ordinance as set forth herein.

SECTION 4. TERM.

The parties agree that this Agreement shall run with the land and bind the Subject Property in perpetuity, and shall inure to the benefit of and be enforceable by the parties, and any of their respective legal representatives, heirs, successors, and assignees. Provided, however, this Agreement shall terminate if the Board of County Commissioners subsequently rezones the property to allow for a higher density use or if annexation of the Subject Property by a city occurs. In this event, however, the Agreement shall only terminate in regards to the portion of the Property that is actually rezoned or annexed, while the remainder of the Property shall remain subject to the Agreement.

If any of the privileges or rights created by this Agreement would otherwise be unlawful or void for violation of (1) the rule against perpetuities or some analogous statutory provision, (2) the rule restricting restraints on alienation, or (3) any other statutory or common law rules imposing time limits, then such provision shall continue until twenty-one (21) years after the death of the last survivor of the now living lawful descendants of George Herbert Walker Bush, former President of the United States, or for such shorter period as may be required to sustain the validity of such provision.

SECTION 5. MODIFICATION.

This Agreement may be modified only in writing signed by the parties, or their successors in interest, after complying with the notice and hearing procedures of Idaho Code §67-6509 and the requirements of Canyon County Code of Ordinances. The modification proposal must be in the form of a revised Development Agreement and must be accompanied by a statement demonstrating the necessity for the requested modification.

SECTION 6. APPLICATION OF OTHER LAWS TO THE SUBJECT PROPERTIES.

This Agreement shall not prevent the County in subsequent actions applicable to the Subject Properties from applying new rules, regulations, or policies that do not conflict with this Agreement.

SECTION 7. COMMITMENTS.

Applicants will fully and completely comply with the conditions of the approved conditional rezone of the Subject Properties from "A" (Agricultural) Zone to "CR-R-R" (Conditional Rezone - Rural Residential) Zone, which conditions are attached hereto as EXHIBIT "B".

SECTION 8. USES, DENSITY, AND HEIGHT AND SIZE OF BUILDINGS

The density or intensity of use of the Subject Properties is specified in the commitments of Section 7 unless conditioned otherwise (see Exhibit "B"). The uses and maximum height and size of the buildings on the Subject Properties shall be those set pursuant to law, including those contained in the Canyon County Code of Ordinances, that are applicable to an "CR-RR" (Conditional Rezone - Rural Residential) zone and those provisions of law that are otherwise applicable to the Subject Property.

SECTION 9. LIABILITY AND INDEMNITY OF COUNTY.

A. COUNTY REVIEW.

Applicants acknowledge and agree that the County is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates or acceptances, relating to the use and development of the property described in EXHIBIT "A," and that the County's review and approval of any such plans and the improvements or the issuance of any such approvals, permits, certificates, or acceptances does not, and shall not, in any way, be deemed to insure or ensure Applicants or any of Applicants' heirs, successors, assigns, tenants, and licensees, against damage or injury of any kind and/or at any time.

B. COUNTY PROCEDURES.

Applicants acknowledge that notices, meetings, and hearings have been lawfully and properly given and held by the County with respect to Applicant's conditional rezone application in Development Services Department Case Number CR2019-0006 and any related or resulting development agreements, ordinances, rules and regulations, resolutions or orders of the Board of County Commissioners. Applicants agree not to challenge the lawfulness, procedures, proceedings, correctness or validity of any of such notices, meetings, hearings, development agreements, ordinances, rules, regulations, resolutions or orders.

C. INDEMNITY.

Applicants agree to, and do hereby, defend, hold harmless and indemnify the County, the Board of County Commissioners, all County elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any such parties in connection with (i) the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates, or acceptances relating to the use and/or development of the Subject Properties; (ii) any actions taken by the County pursuant to Subsection 9(B) of this Agreement; (iii) the development, construction, and maintenance of the property; and (iv) the performance by County of its obligations under this Agreement and all related ordinances, resolutions, or other agreements.

D. DEFENSE EXPENSES.

Applicants shall, and do hereby agree, to pay, without protest, all expenses incurred by the County in defending itself with regard to any and all of the claims identified in Subsection 9 of this Agreement. These expenses shall include all out-of-pocket expenses, including, but not limited

to, attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the County.

SECTION 10. PERIODIC REVIEW.

The County's Development Services Department will administer the Agreement after it becomes effective and will conduct a review of compliance with the terms of this Agreement on a periodic basis, including, but not limited to, each time a development of the Property is platted. Applicants shall have the duty to demonstrate Applicants' compliance with the terms of this Agreement during such review.

SECTION 11. REQUIRED PERFORMANCE.

Applicants shall timely carry out all steps required to be performed and maintain all commitments set forth in this Agreement and as set forth in County laws, ordinances, rules and regulations as they pertain to the Subject Property including, but not limited to, those concerning the commencement of development, completion of development, preliminary platting and final platting.

SECTION 12. DEFAULT AND REMEDIES.

In the event of a default or breach of this Agreement or of any of its terms or conditions, the party alleging default shall give the breaching party not less than thirty (30) days, Notice of Default, in writing, unless an emergency exists threatening the health and safety of the public. If such an emergency exists, written notice shall be given in a reasonable time and manner in light of the circumstances of the breach. The time of the giving of the notice shall be measured from the date of the written Notice of Default. The Notice of Default shall specify the nature of the alleged default and, where appropriate, the manner and period of time during which said default may be satisfactorily cured. During any period of curing, the party charged shall not be considered in default for the purposes of termination or zoning reversion, or the institution of legal proceedings. If the default is cured, then no default shall exist and the charging party shall take no further action.

SECTION 13. ZONING REVERSION CONSENT.

The execution of this Agreement shall be deemed written consent by Applicants to change the zoning of the Subject Properties to its prior designation upon failure to comply with the terms and conditions imposed by the approved conditional rezone and this Agreement. No reversion shall take place until after a hearing on this matter pursuant to Idaho Code §67-6511A. Upon notice and hearing, as provided in this Agreement and in Idaho Code §67-6509, if the properties described in attached EXHIBIT "A " are not used as approved, or if the approved use ends or is abandoned, the Board of County Commissioners may order that the property will revert to the zoning designation (and land uses allowed by that zoning designation) existing immediately prior to the rezone action, i.e., the Subject Properties conditionally rezoned from "A" (Agricultural) Zone designation to "CR-R-R" (Conditional Rezone - Rural Residential) Zone designation shall revert back to the "A" (Agricultural) Zone designation.

SECTION 14. COMPLIANCE WITH LAWS.

Applicants agree that they will comply with all federal, state, county and local laws, rules and regulations, which appertain to the Subject Property.

SECTION 15. RELATIONSHIP OF PARTIES.

It is understood that this Agreement between Applicants and the County is such that Applicants are an independent party and are not an agent of the County.

SECTION 16. CHANGES IN LAW.

Any reference to laws, ordinances, rules, regulations, or resolutions shall include such laws, ordinances, rules, regulations, or resolutions as they have been, or as they may hereafter be amended.

SECTION 17. NOTICES.

Except as otherwise provided in this Agreement and/or by law, all notices and other communications in connection with this Agreement shall be in writing and shall be deemed delivered to the addressee thereof, (1) when delivered in person on a business day at the address set forth below, or (2) in the third business day after being deposited in any main or branch United States post office, for delivery by properly addressed, postage paid, certified or registered mail, return receipt requested, at the addresses set forth below.

Notices and communications required to be given to County shall be addressed to, and delivered at, the following address:

Director
Development Services Department
Canyon County Administration
111 North 11th Avenue, #140
Caldwell, Idaho 83605

Notices and communications required to be given to Applicants shall be addressed to, and delivered at, the following addresses:

Name:	Jeffery and Shelly Henderson
Street Address:	P.O. Box 3103
City, State, Zip:	Nampa, ID 83653

A party may change its address by giving notice, in writing, to the other party, in the manner provided for in this section. Thereafter, notices, demands, and other pertinent correspondence shall be addressed and transmitted to the new address.

SECTION 18. TERMINATION.

This Agreement may be terminated in accordance with the notice and hearing procedures of Idaho Code §67-6509, and the zoning designation upon which the use is based reversed, upon failure of Applicants, a subsequent owner, or other person acquiring an interest in the property described in attached EXHIBIT "A" to comply with the terms of this Agreement. Applicants shall comply with all commitments in this Agreement prior to establishing the approved land use.

SECTION 19. EFFECTIVE DATE.

The commitments contained in this Agreement shall take effect in the manner described in this Agreement upon the County's adoption of the amendment to the zoning ordinance as set forth herein.

SECTION 20. TIME OF ESSENCE.

Time is of the essence in the performance of all terms and provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

BOARD OF COUNTY COMMISSIONERSAPPLICANTS
CANYON COUNTY, IDAHO

Commissioner, Pam White

Commissioner Tom Dale

Commissioner Leslie Van Beek

Jeffery Henderson, Property Owner

Shelly Henderson, Property Owner

ATTEST: Chris Yamamoto, Clerk

BY: _____
Deputy

DATE: 9/19/19



(All Applicants must sign and their signatures must be notarized)

STATE OF IDAHO)
) ss.
County of Canyon)

On this 19 day of September, 2019, before me, a notary public, personally appeared Jeffery Henderson, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.

Notary Public for Idaho
Residing at: Nampa, ID
My Commission Expires: 3/28/23

JAMIE MILLER
COMMISSION #69686
NOTARY PUBLIC
STATE OF IDAHO

STATE OF IDAHO)
) ss.
County of Canyon)

On this 19 day of September, 2019, before me, a notary public, personally appeared Shelly Laray Henderson, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.

Notary Public for Idaho
Residing at: Nampa, ID
My Commission Expires: 3/28/23

JAMIE MILLER
COMMISSION #69686
NOTARY PUBLIC
STATE OF IDAHO

EXHIBIT "A"

Sawtooth Land Surveying, LLC

2030 S. Washington Ave.	560 W. Canfield Ave., #200	1410 Lincoln Ave., Ste. G
Emmett, ID 83617	Coeur d'Alene, ID 83815	Jerome, ID 83338
P: (208) 398-8104	P: (208) 714-4544	P: (208) 329-5303
F: (208) 398-8105	F: (208) 719-0404	F: (208) 324-3821

August 22, 2019
5 Acre Parcel Legal Description

BASIS OF BEARINGS for this description is South 89°24'54" East, between the 1/2" rebar marking the N1/4 corner of Section 5 and the 5/8" rebar marking the E1/16 corner on the north line of Section 5, both in T. 4 N., R. 4 W., B.M., Canyon County, Idaho.

A parcel of land being a portion of Government Lot 2, of Section 5, T. 4 N., R. 4 W., B.M., Canyon County, Idaho, more particularly described as follows;

COMMENCING at a 1/2" rebar marking the N1/4 corner of said Section 5;

Thence South 0°49'05" West, coincident with the west line of said Government Lot 2, a distance of 198.25 feet to the **POINT OF BEGINNING**;

Thence South 89°24'54" East, parallel with the north line of said Government Lot 2, a distance of 340.00 feet;

Thence South 0°49'05" West, parallel with the west line of said Government Lot 2, a distance of 640.60 feet;

Thence North 89°24'54" West, parallel with said north line of Government Lot 2, a distance of 340.00 feet to said west line of Government Lot 2;

Thence North 0°49'05" East, coincident with said west line of Government Lot 2, a distance of 640.60 feet to the **POINT OF BEGINNING**.

The above described parcel contains 5.000 acres more or less.

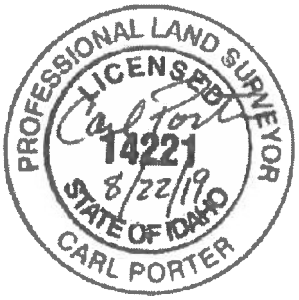


EXHIBIT "B"

CONDITIONS OF APPROVAL FOR CR2019-0006

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.

2. The subject property, R35966, containing approximately 50 acres shall be developed into no more than two parcels and be configured in substantial conformance to the Site Plan in Development Agreement Exhibit "C" affixed hereto. The division shall be consistent with the administrative land division requirements of the Canyon County Zoning Ordinance §07-18-01 subject to the following restrictions:

    a. One parcel shall be a maximum of five (5) acres parcel zoned "CR-R-R" (Conditional Rezone – Rural Residential). A secondary dwelling, as defined and regulated by the Canyon County Zoning Ordinance (CCZO §07-02-03, §07-10-27 and §07-14-25, is prohibited on this parcel.

    b. The remainder of the subject property shall be an approximately 45 acres parcel to remain zoned "A" (Agricultural). Residential development (including, but not limited to primary dwelling, secondary dwelling and accessory structures) and agricultural structures on the 45 acres to remain zoned "A" (Agricultural) shall only be allowed within the non-viable agricultural areas identified in the Site Plan (Exhibit "C"). No structures shall be allowed on the viable farm ground identified in the Site Plan (Exhibit "C").

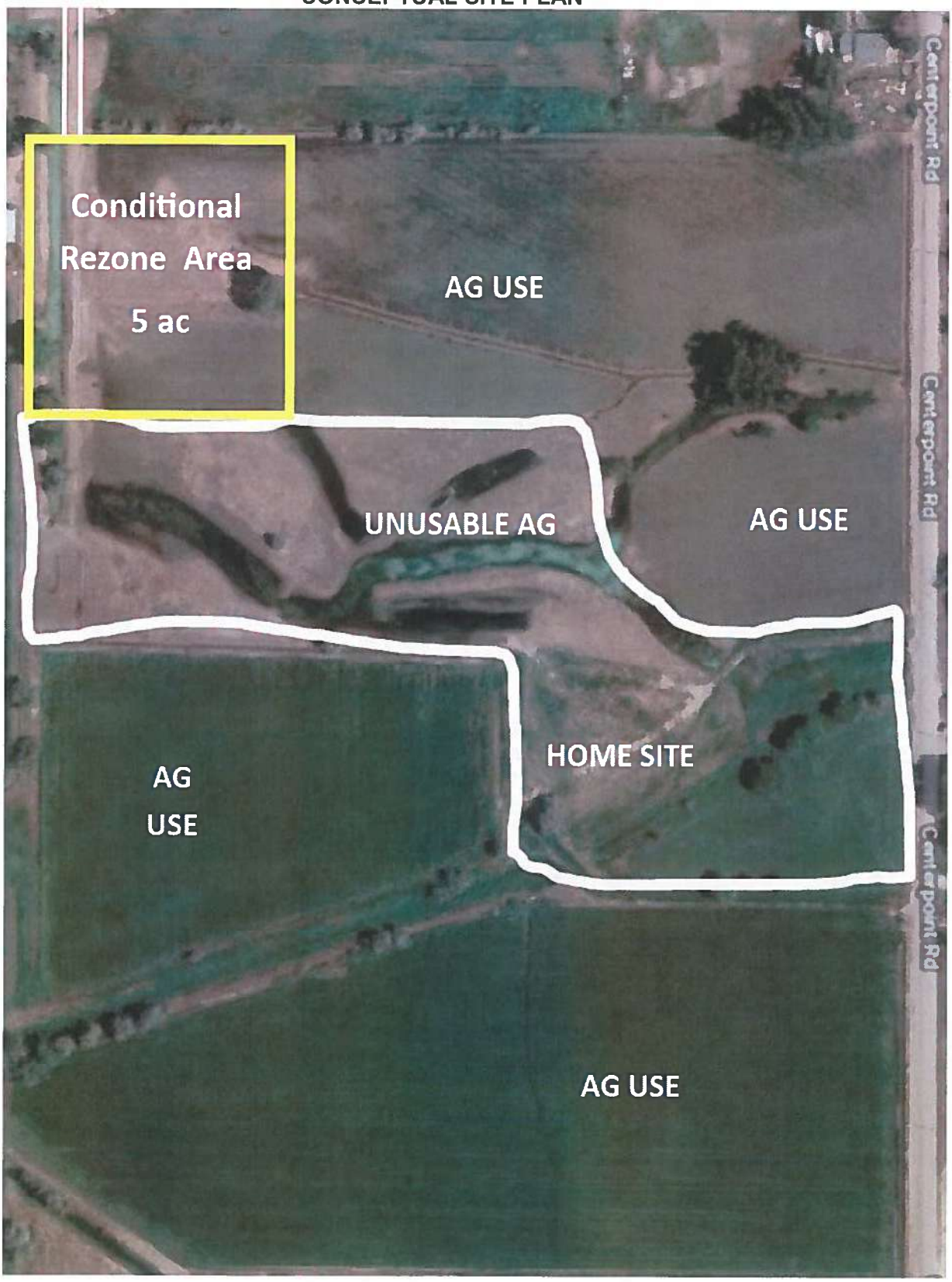
    c. A property boundary adjustment between Parcel R35966 and R35967 must be approved according to CCZO §07-10-17 as part of the land division application consistent with Instrument No. 2019-011257.

3. No further divisions of the subject property are allowed under this Agreement.

4. All conditions of the Conditional Rezone shall be met within two (2) years of the approval by the Board of County Commissioners. If conditions are not met within the stated time requirement, the application shall be in default and subject to zoning reversion pursuant to the Agreement.

EXHIBIT "C"

CONCEPTUAL SITE PLAN



Gravel Pits Located in the Intensive Agricultural Overlay:

Exhibit C7:

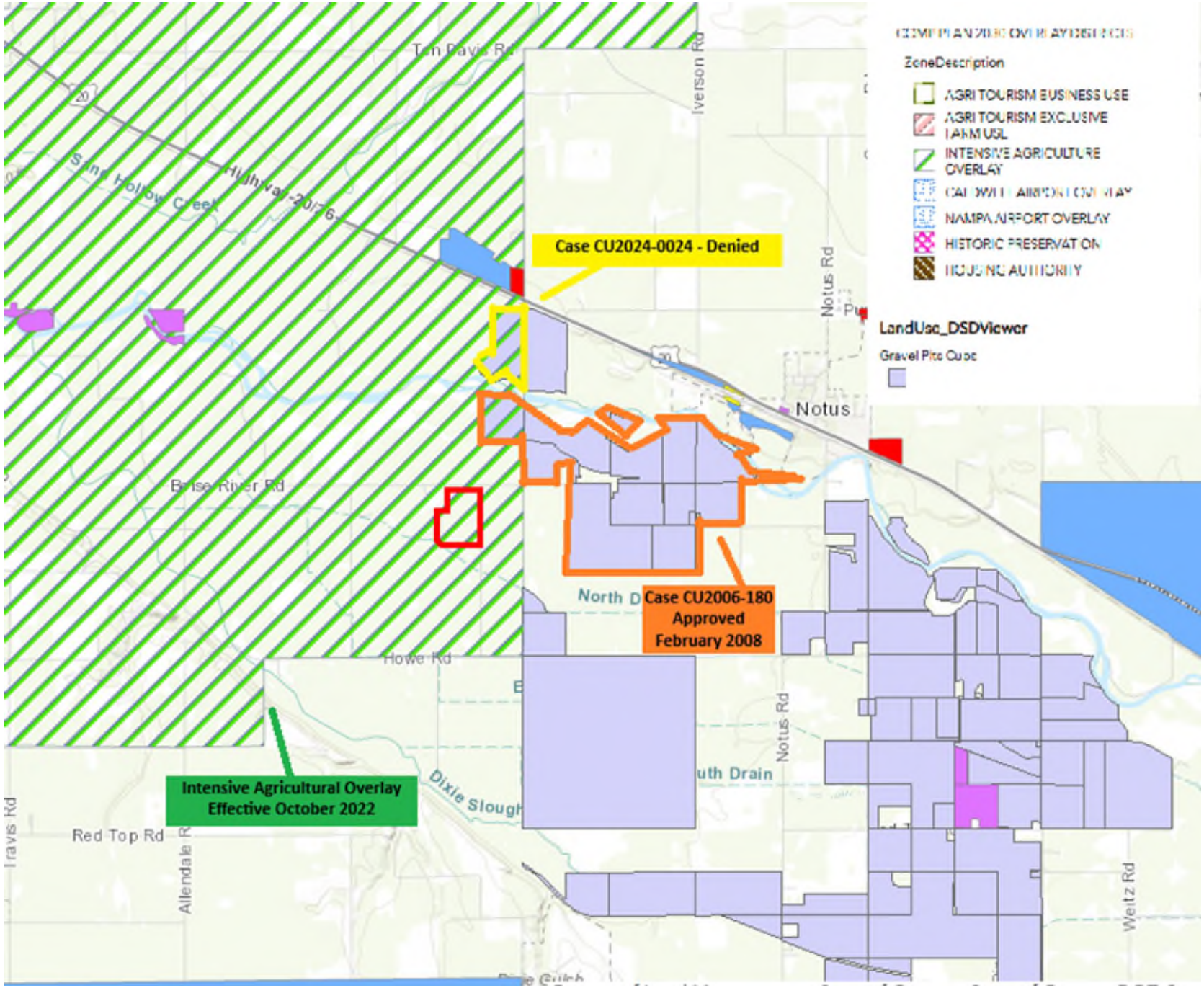


Exhibit C8:

Proposed Berm Locations:

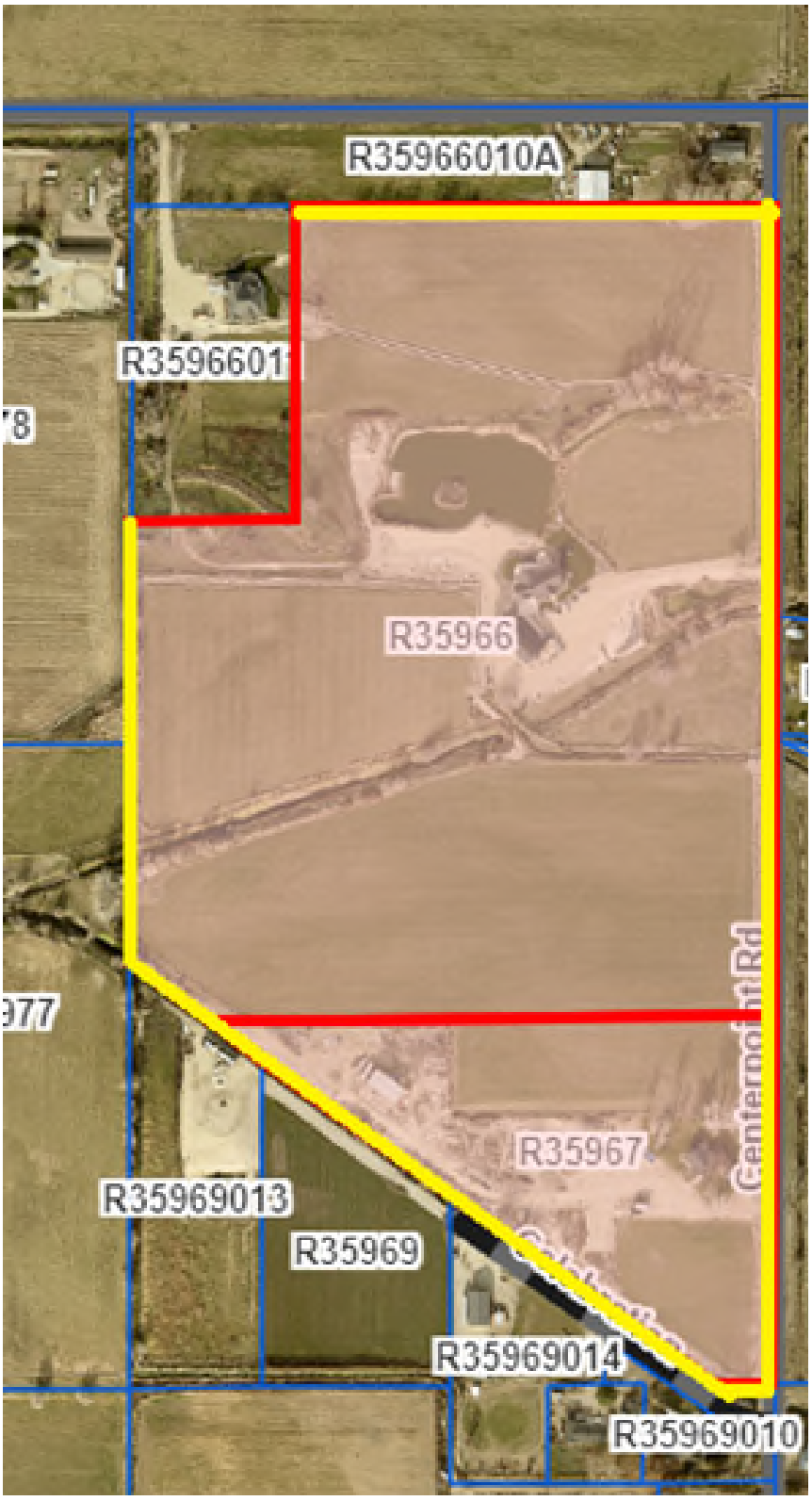


Exhibit C9:

Archived: Monday, July 6, 2026 9:48:08 AM
From: Todd Lakey
Mail received time: Mon, 15 Jun 2026 21:43:50
Sent: Mon, 15 Jun 2026 21:43:36
To: Amber Lewter
Subject: [External] RE: CU2026-0005
Importance: Normal
Sensitivity: None

Amber,

I asked Shelly about this. She advised that when they built their home the county required them to get the home site out of the flood plain so they used the material from their property in the pond area to raise their homesite which in turn created the pond. The pond is significantly less than 2 acres in size. She advised that they have proper water rights for all 50 acres and have a permit for the pond. They did not take the material from the pond area off the property but used it on site to meet county requirements.

Thanks
Todd

From: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Sent: Wednesday, June 3, 2026 7:50 AM
To: Todd Lakey <Todd@LVLawIdaho.com>
Subject: CU2026-0005

Good Morning Todd,

Could you please tell me when the pond was put on parcel R35966, what the property owners did with the materials, and if they have the appropriate water rights?

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

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Exhibit D:

EXHIBIT D

Site Visit Photos: June 26, 2026

Planning & Zoning Commission

Case #: CU2026-0005

Hearing Date: July 16, 2026



Site Photos: June 26, 2026

At the corner of Notus Road and Boise River Road there are grazing cattle and a gravel pit.








Boise River Rd
R35966010A
R3596601
R35966
Centerpoint Rd
R35967
R35969013
R35969
Celebration
R35969014


PUBLIC HEARING
NOTICE
CANYON COUNTY
PLANNING and ZONING








Boise River Rd
R35966010A
R3596601
R35966
Centerpoint Rd
R35967
R35969013
R35969
Celebration
R35969014










Boise River Rd
R35966010A
R3596601
R35966
Centerpoint Rd
R35967
R35969013
R35969
Celebration
R35969014


PUBLIC HEARING
NOTICE
CANYON COUNTY
PLANNING and ZONING








Boise River Rd
R35966010A
R3596601
R35966
Centerpoint Rd
R35967
R35969013
R35969
Celebration
R35969014




PUBLIC HEARI
NOTIC
CANYON COUNTY
PLANNING and ZONI
Development Service Dept.





Exhibit E:

EXHIBIT E

Agency Comments Received by: July 6, 2026

Planning & Zoning Commission

Case #: CU2026-0005

Hearing Date: July 16, 2026

Exhibit E1:

Archived: Monday, July 6, 2026 11:04:27 AM
From: Anthony Lee
Mail received time: Fri, 13 Mar 2026 18:17:14
Sent: Fri, 13 Mar 2026 18:16:59
To: Amber Lewter Amber Lewter
Cc: Mitch Kiester
Subject: [External] RE: Agency Notice CU2026-0005 / JJ&T, LLC
Importance: Normal
Sensitivity: None
Attachments:
Pre.Development.Notes.Signed.11.18.2205.pdf

Hi Amber,

As requested, please see the responses to the questions provided below.

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? **No wastewater will be generated that would require a subsurface sewage disposal system**.
3. Any concerns about the use or request for variance? If so, are there any conditions or mitigation measures recommended to ensure the use or requested variance minimizes potential impacts to the surrounding area and nearby city? **There are no concerns with the use or request for rezoning if the applicant meets all SWDH requirements.**

Please see the attached pre-development notes.

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: Friday, March 13, 2026 11:31 AM
To: Mitch Kiester <Mitch.Kiester@swdh.id.gov>; Anthony Lee <Anthony.Lee@swdh.id.gov>
Subject: Agency Notice CU2026-0005 / JJ&T, LLC

CAUTION: This email originated outside Southwest District Health's network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact IT with any concerns.

Exhibit E1.1:

SOUTHWEST DISTRICT HEALTH
Environmental & Community Health Services
EnvironmentalSupport@swdh.id.gov • (208) 455-5400

Pre-Development Meeting

Name of Development: JJ and T

Applicant: Todd Lakey (Legal Counsel)

P.E./P.G.: N/A

Others In Attendance: NA

of Lots: NA Wastewater Flow: NA Acreage Proposed: 44.97 and 10.99

Location of Development: 23833 and 23597 Centerpoint Rd, Caldwell Idaho

Parcel # : R 35966 and 35967

Project in Area of Concern: _____ Groundwater/Rock <10': _____

Level 1 NP Study Required: ○ Yes ◉ No

LSAS/CSS Proposed: NA

Proposed Drinking Water: ◉ Individual ○ City ○ Community ○ Public Water Supply

Information Distributed: ◉ SER ○ NP Guidance ○ Non-Domestic WW ap

Description of Projects:

Parcel R35966 – Expansion and Pond Development:The existing gravel pit on Parcel R35966 will be expanded to increase material extraction capacity. Upon completion of extraction activities, the expanded area will be converted into a pond.

Parcel R35967 – New Pit and Future Pond:A new gravel pit will be developed on Parcel R35967 to support ongoing and future construction needs. After extraction is complete, this area will also be converted into a pond.

Sanitation and Facilities: No permanent structures will be built on either parcel during the development phase. Portable toilets (porta-potties) will be provided and maintained throughout the construction period.

Environmental and Regulatory Compliance: When ponds are created, they must maintain the required separation distance from existing drainfields on the properties in accordance with IDAPA 58.01.03.

Anthony Lee

Date: 11/17/2025

Exhibit E2:

1445 N. Orchard St.
Boise ID 83706 • (208) 373-0550

Brad Little, Governor
Jess Byrne, Director

March 16, 2026

Amber Lewter, Planner
Canyon County Development Services
111 N. 11th Ave., #310, Caldwell, ID 83605
amber.lewter@canyoncounty.id.gov

Subject: Agency Notice CU2026-0005 / JJ&T, LLC

Dear Amber Lewter:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review every project 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://www2.deq.idaho.gov/admin/LEIA/api/document/download/15083.

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. **WATEWATER AND RECYLED 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 local public health district.
   - 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 potential for development of a community treatment system along with best management practices for communities to protect groundwater.
   - 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 plan development and implementation.
   - For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0459.
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.
   - DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system. A drinking water system is a Public Water System (PWS) if it has at least 15 service connections or regularly serves an average of 25 or more people per day for at least 60 days per year (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.
   - 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.
   - If any private wells will be 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 plan development and implementation.
   - For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0459.

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 Emily Montague, IPDES Compliance Supervisor, at (208) 373-0433.
   - If this project is near a source of surface water, DEQ requests that projects incorporate construction best 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) 373-0564.
5. **SOLID WASTE, HAZARDOUS WASTE AND GROUNDWATER 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 58.01.24.060 and 58.01.24.061). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.24.060.01 and 58.01.24.061.04. Hazardous material releases 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.
   - **Groundwater 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) 373-0510.

6. **ADDITIONAL NOTES**
    - If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, additional regulations may apply. If an UST is present, the site should be evaluated to determine whether the UST is regulated by DEQ. If an AST is identified, EPA may have additional requirements. Both 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 land uses: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, ponds and outdoor gun ranges. 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 E3:

United States Department of Agriculture

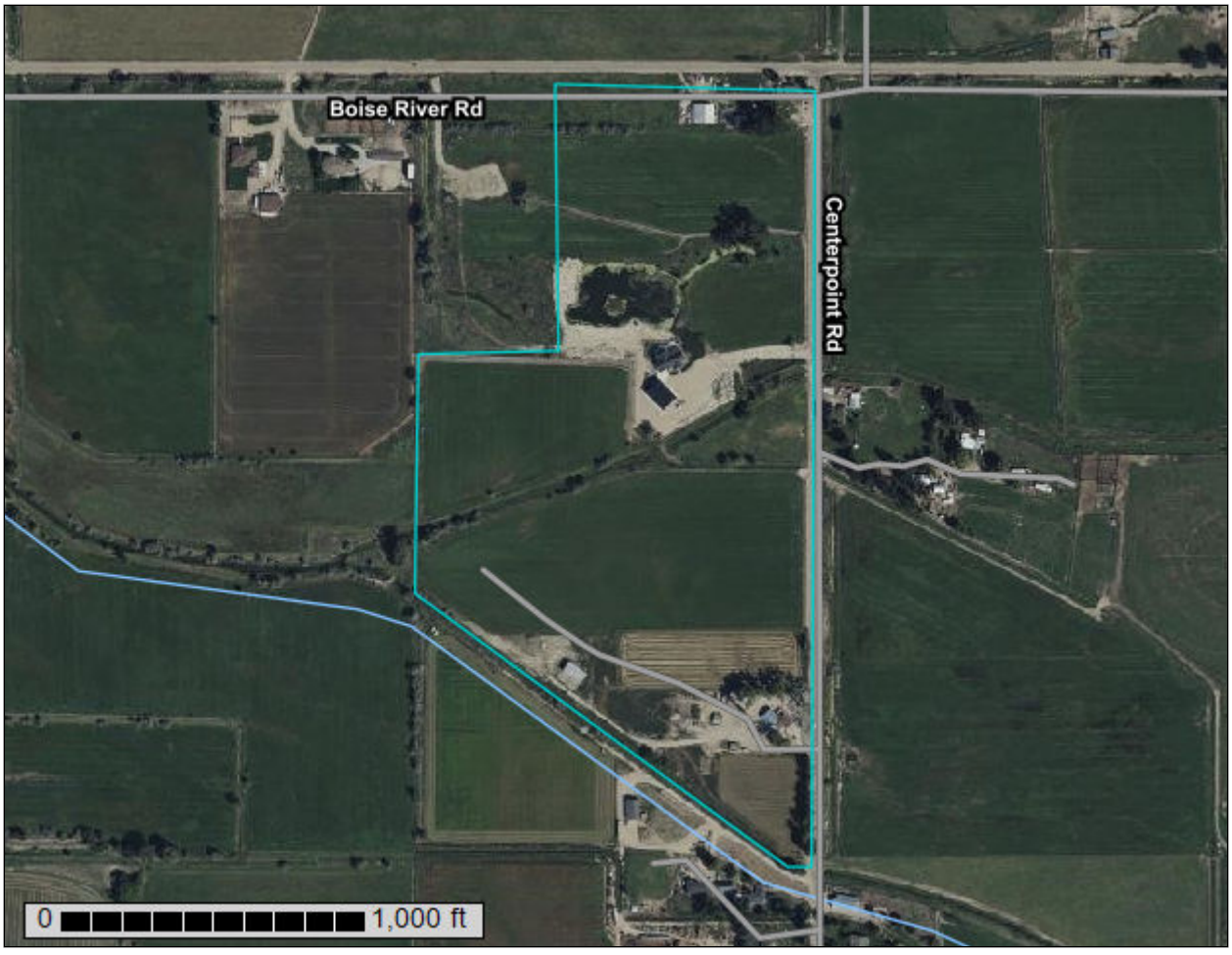
NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Canyon Area, Idaho

CU2026-0005 JJ&T LLC Todd Lakey



March 19, 2026

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (https://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

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Preface..... 2
Soil Information for All Uses..... 5
Suitabilities and Limitations for Use..... 5
Land Classifications..... 5
Irrigated Capability Class (CU2026-0005 JJ&T LLC Todd Lakey)..... 5

Soil Information for All Uses

Suitabilities and Limitations for Use

The Suitabilities and Limitations for Use section includes various soil interpretations displayed as thematic maps with a summary table for the soil map units in the selected area of interest. A single value or rating for each map unit is generated by aggregating the interpretive ratings of individual map unit components. This aggregation process is defined for each interpretation.

Land Classifications

Land Classifications are specified land use and management groupings that are assigned to soil areas because combinations of soil have similar behavior for specified practices. Most are based on soil properties and other factors that directly influence the specific use of the soil. Example classifications include ecological site classification, farmland classification, irrigated and nonirrigated land capability classification, and hydric rating.

Irrigated Capability Class (CU2026-0005 JJ&T LLC Todd Lakey)

Land capability classification shows, in a general way, the suitability of soils for most kinds of field crops. Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. The criteria used in grouping the soils do not include major and generally expensive landforming that would change slope, depth, or other characteristics of the soils, nor do they include possible but unlikely major reclamation projects. Capability classification is not a substitute for interpretations that show suitability and limitations of groups of soils for rangeland, for woodland, or for engineering purposes.

In the capability system, soils are generally grouped at three levels-capability class, subclass, and unit. Only class and subclass are included in this data set.

Capability classes, the broadest groups, are designated by the numbers 1 through 8. The numbers indicate progressively greater limitations and narrower choices for practical use. The classes are defined as follows:

Class 1 soils have few limitations that restrict their use.

Class 2 soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.

Class 3 soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both.

Class 4 soils have very severe limitations that reduce the choice of plants or that require very careful management, or both.

Class 5 soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class 6 soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class 7 soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.

Class 8 soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or esthetic purposes.

MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

Soils

Soil Rating Polygons

- Capability Class - 1
- Capability Class - 2
- Capability Class - 3
- Capability Class - 4
- Capability Class - 5
- Capability Class - 6
- Capability Class - 7
- Capability Class - 8
- Not rated or not available

Soil Rating Lines

- Capability Class - 1
- Capability Class - 2
- Capability Class - 3
- Capability Class - 4
- Capability Class - 5
- Capability Class - 6
- Capability Class - 7
- Capability Class - 8
- Not rated or not available

Soil Rating Points

- Capability Class - 1
- Capability Class - 2
- Capability Class - 3
- Capability Class - 4
- Capability Class - 5
- Capability Class - 6
- Capability Class - 7
- Capability Class - 8
- Not rated or not available

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Canyon Area, Idaho
Survey Area Data: Version 22, Aug 27, 2025

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 9, 2023—Sep 14, 2023

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Table—Irrigated Capability Class (CU2026-0005 JJ&T LLC Todd Lakey)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
BdA	Baldock loam, 0 to 1 percent slopes	3	34.8	63.1%
MtA	Moulton fine sandy loam, 0 to 1 percent slopes	4	3.7	6.7%
MuA	Moulton fine sandy loam, saline, 0 to 1 percent slopes	4	4.6	8.4%
MwA	Moulton loam, saline, 0 to 1 percent slopes	4	12.0	21.7%
Totals for Area of Interest			**55.2**	**100.0%**

Rating Options—Irrigated Capability Class (CU2026-0005 JJ&T LLC Todd Lakey)

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Exhibit E4:

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 4, 2026

Amber Lewter
Planner
Canyon County Planning & Zoning

VIA EMAIL

Development Application	CU2026-0005
Project Name	JJ&T, LLC
Project Location	23833 & 23579 CenterPoint Road
Project Description	Mineral Extraction
Applicant	Todd Lakey; Lakey-Villegas Law

The Idaho Transportation Department (ITD) reviewed the referenced application(s) and has the following comments:

1. The Department does not have any concerns with the proposed application due to the limited number of vehicle trips per day. 4-5 vehicle trips per hour does not meet our threshold for requiring any traffic analysis, however, the county is more than welcome to request traffic and safety analyses on State Highways.
2. I recommend trucks to and from the site be required to use the US 20/26 & Notus Road intersection since there are turn lanes to facilitate traffic in both directions.
3. ITD reserves the right to make further comments upon review of the submitted documents.

If you have any questions, you may contact me at 208-334-8377.

Sincerely,

Kendra Conder

Kendra Conder
Development Services Coordinator
Kendra.conder@itd.idaho.gov

Exhibit E5:

J-U-B COMPANIES | THE LANGDON GROUP | GATEWAY MAPPING INC.

J-U-B ENGINEERS, INC.

June 3, 2026

Canyon County Development Services Department
Attn: Amber Lewter, Associate Planner
111 North 11th Ave, Suite 310
Caldwell, ID 83605
Phone: (208)454-6631, Email: amber.lewter@canyoncounty.id.gov

RE: Case No.: CU2026-0005, JJ&T LLC, Conditional Use Permit (CUP) Application Review

Dear Amber,

On behalf of Golden Gate Highway District No. 3 (GGHD), J-U-B Engineers, Inc. has reviewed the subject Conditional Use Permit Application submitted to GGHD via email on June 1, 2026 for property located at 23833 Centerpoint Rd, Caldwell, ID 83607. The property is on the southwest corner of the Boise River Rd/Centerpoint Rd intersection, includes Parcels #R35966 (44.97 acres) and R35967 (10.99 acres), and is in the W1/2 of the NE1/4 of Section 5, T4N, R4W, BM, Canyon County.

The application requests a Conditional Use Permit for gravel extraction that will ultimately result in ponds on the subject property; one pond on each parcel. Extraction is expected to last five years with operating hours of 7 am to 7 pm Monday through Saturday and an estimated peak trips per hour of 2.5 and average daily trips of 26.44. Crushing, staging, and batching are not expected on the site. Both parcels are proposed to access Centerpoint Rd utilizing separate temporary accesses. It is unclear whether site traffic will travel north to Boise River Rd or south to Howe Rd.

Centerpoint Rd is under the jurisdiction of GGHD and is classified as **Local Road** according to GGHD's 2024 Functional Classification Map.

At this time, and based upon information provided with the application, the following items apply:

1. Section 3110.010 Traffic Impact Studies of the 2022 Association of Canyon County Highway Districts Highway Standards & Development Procedures (ACCHD Standards) states a Traffic Impact Study (TIS) is required for rural developments if the Peak Hour Trips and Average Annual Daily Trips exceed 50 and 500, respectively. If a project has special circumstances associated with it, the District may require a TIS even if the aforementioned criteria are not met. Based on the information provided and the proposed use **a TIS is *not* warranted**.

2. A **Pavement Analysis and Improvements/Reconstruction Recommendations** prepared by a registered licensed professional Idaho engineer are required for Centerpoint Rd between Boise River Rd and Howe Rd. A scoping meeting with GGHD for the analysis is required.

3. An **Approach Permit Application** is required to be submitted for the temporary access locations. The accesses are required to be constructed in accordance with Standard Drawing ACCHD-106 – Commercial & Multiple Residential Approach of the ACCHD Standards.

4. If the minimum driveway spacing requirement of Section 3061.020.A Rural Roadway Driveway Spacing of the ACCHD Standards cannot be met, a **Variance Application** is required.

5. A site visit by a GGHD representative is required to address possible sight distance issues, if any.

GGHD reserves the right to provide amended comments/conditions of approval in the event of application revision or when additional information becomes available. GGHD requests Canyon County Development Services incorporate these comments into proposed Conditions of Approval for consideration/approval by Canyon County.

Respectfully,

Christopher S. Pettigrew, P.E.
Transportation Services Group, Project Manager/Engineer

CC: Bob Watkins, GGHD Director of Highways

Exhibit F:

EXHIBIT F

Public Comments Received by: July 6, 2026

Planning & Zoning Commission

Case #: CU2026-0005

Hearing Date: July 16, 2026

Exhibit F1:

Date: 6/15/2026

To: Canyon County Planning & Zoning Commission
Re: Case No. CU2026-0005
Applicants: JJ&T, LLC

Chairman and Commissioners,

Thank you for your time and consideration of our Conditional Use Permit application.

We respectfully submit this letter in support of our application and to address what appears to be the primary basis for the staff recommendation of denial: the interpretation of the Development Agreement associated with our 2019 conditional rezone.

At its core, this issue is not whether mineral extraction is an appropriate use in the Agricultural zone. Canyon County's code already answers that question. Mineral extraction is an expressly recognized Conditional Use within the Agricultural zoning district, subject to review and approval through the CUP process.

The question before the Commission is whether our proposed use is inconsistent with the Development Agreement. We respectfully believe it is not.

The Development Agreement Requires Agricultural Zoning to Remain

The Development Agreement states that the approximately 45-acre remainder parcel shall remain zoned Agricultural. That requirement remains fully intact today.

Our application does not seek:

- A rezone;
- Additional subdivision;
- Conversion to residential development;
- Commercial development;
- Or any change to the Agricultural zoning designation.

The property will remain Agricultural before, during, and after any approved extraction activities.

The Development Agreement Does Not Prohibit Mineral Extraction

The Development Agreement contains restrictions regarding residential development and the placement of structures on viable farm ground. However, it does not prohibit mineral extraction, excavation, pond creation, or other Conditional Uses allowed within the Agricultural zone.

Likewise, the Agreement does not require that the property remain in active agricultural production in perpetuity, nor does it limit the property exclusively to farming or grazing activities.

If such restrictions had been intended, they could have been expressly stated in the Development Agreement. They were not.

The County's current interpretation appears to expand the Agreement beyond its written terms by effectively requiring that the property be used only for traditional farming activities. Respectfully, that restriction does not appear in the document that was negotiated, approved, and recorded.

We Are Following the Process Established by Canyon County

Rather than seeking to avoid County oversight, we are utilizing the exact process established by Canyon County Code for evaluating mineral extraction in Agricultural zoning.

The Conditional Use Permit process exists so that projects can be reviewed individually, conditions can be imposed where appropriate, and impacts can be mitigated. We welcome that review.

If approved, this project will remain subject to all applicable County conditions, operational requirements, and oversight.

Mineral Extraction Is Already Part of the Area

It is also important to recognize that mineral extraction is not a new or unprecedented use in this area. The County has approved similar operations within approximately one mile of our property on multiple parcels.

We are not proposing a use foreign to the surrounding area. We are proposing a use that Canyon County has previously determined can be compatible with Agricultural zoning when properly conditioned and regulated.

We are simply asking to be evaluated under the same standards applied to similarly situated properties.

We Have Worked to Address Potential Concerns

We understand that neighboring property owners may have questions regarding traffic, dust, noise, and other operational impacts.

Those concerns deserve thoughtful consideration, and we have made every effort to address them through the application process. We are committed to operating responsibly and complying with any reasonable conditions imposed by the County.

Importantly, several nearby property owners who would be among the most directly affected by this proposal have expressed support for the project. We believe that support reflects the fact that those most familiar with the property and the proposal understand that it can be conducted responsibly and compatibly with surrounding uses.

Fairness and Consistency Matter

We recognize and appreciate the County's longstanding interest in preserving agricultural land. However, that policy objective must be balanced with the actual language of the Development Agreement and the provisions of the zoning code.

The Development Agreement requires Agricultural zoning to remain in place. We are complying with that requirement.

The Agricultural zoning district allows mineral extraction through a Conditional Use Permit. We are complying with that requirement as well.

To deny this application based solely upon an interpretation that the Development Agreement requires perpetual farming, despite the absence of any such language in the Agreement itself, would effectively impose a restriction that was never written, negotiated, or recorded.

Conclusion

We respectfully ask the Commission to evaluate this application based on the standards set forth in Canyon County Code and the actual language of the Development Agreement.

The property remains zoned Agricultural.

The proposed use is expressly contemplated within Agricultural zoning through the Conditional Use Permit process.

The Development Agreement does not prohibit mineral extraction.

For these reasons, we respectfully request that the Planning & Zoning Commission recommend approval of our Conditional Use Permit application.

Thank you for your time, consideration, and service to Canyon County.

Respectfully submitted,

Jeff Henderson
Shelly Henderson
Applicants and Property Owners

Exhibit F2:

Archived: Monday, July 6, 2026 11:13:32 AM
From: Hub Morphew
Mail received time: Sun, 28 Jun 2026 21:50:33
Sent: Sunday, June 28, 2026 3:50:35 PM
To: Amber Lewter
Subject: [External] RE: CU2026-0005
Importance: Normal
Sensitivity: None

RE: CU2026-0005

6/28/26

Canyon County Planning & Zoning Commission
111 N. 11th Avenue
Caldwell, ID 83605

Re: Letter of Support for the Henderson Conditional Use Permit Application

Chairman and Commissioners,

We are the owners of the property immediately adjacent to the proposed mineral extraction site. Because our property directly borders the proposed project, we will likely experience its impacts more than almost anyone else.

After taking the time to understand the proposal and discuss it with the applicants, we support approval of this Conditional Use Permit.

We understand that concerns have been expressed regarding traffic, dust, noise, and safety. As neighboring property owners, those are concerns we would naturally share if we believed they would unreasonably affect our home or our quality of life. We believe those concerns can be appropriately addressed through the Conditional Use Permit process and the operational conditions imposed by Canyon County.

Mineral extraction is not a new activity in this part of Canyon County. Similar operations already exist nearby, and we believe this proposal can operate responsibly under the County's oversight, just as other approved operations have.

While Shelly Henderson is our daughter, we are writing this letter not simply as family members, but as the neighboring property owners who will be among those most directly affected by this project. If we believed this proposal would unreasonably impact our property, our quality of life, or our ability to continue enjoying our home, we would not support it.

Throughout this process, Jeff and Shelly have been open and honest with us about their plans. They have listened to concerns, worked to minimize potential impacts, and have chosen to follow the exact process Canyon County requires for this type of application. We believe they have approached this project responsibly and in good faith.

As the owners of the property immediately adjacent to the proposed project, we respectfully ask that you consider our support when evaluating whether this use is compatible with the surrounding area. Based on our understanding of the proposal, we believe it can be conducted responsibly and respectfully while remaining consistent with the County's regulations.

Thank you for your time, your service, and your thoughtful consideration of this application.

Respectfully,

Hub Morphew

Kris Morphew

Adjacent Property Owners

22543 Boise River Rd.

Sent from AT&T Yahoo Mail for iPad