



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

In the matter of the application of:

Knife River Corp. – CU2025-0009 (Notus West Pit)

The Canyon County Planning and Zoning Commission considers the following:

The applicant, Megan Winter, representing Knife River Corporation - Mountain West, requests a conditional use permit to allow for a long-term mineral extraction, mining sand and gravel with aggregate to be crushed, screened, washed and stockpiled on two (2) Parcels R35959 and R35957010, for a maximum of twenty (20) years on approximately 47.72 acres in the "A" (Agricultural) zone (batch plant operations are not approved on the aforementioned parcels). The subject properties are located at 21766 Howe Road and 0 Howe Rowd, Caldwell Idaho, 83607 also referenced as a portion of the SW¼ of Section 04, T4N, R4W, BM, Canyon County, Idaho. Case # CU2025-0009.

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 CU2025-0009.

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), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures) and 09-13-07 (Area of City Impact Agreement).
 - 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, CU2025-0009 was presented at a public hearing before the Canyon County Planning and Zoning Commission on November 6, 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 decide as follows:

CONDITIONAL USE PERMIT HEARING CRITERIA – CCCO §07-07-05

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

Conclusion: Yes, the proposed use of a long-term mineral extraction is permitted in the “A” (agricultural) zone by conditional use permit.

- Findings:** (1) MINERAL EXTRACTION: The various activities associated with the extraction of mineral resources, including, but not limited to, gravel, from the ground per §07-02-03.
- (2) Mineral Extraction (Long-term) is permitted in the “A” (agricultural) zone by conditional use permit per Canyon County Code of Ordinance (CCCO) §07-10-27.
- (3) Per CCCO §07-07-03, the applicant submitted a conditional use permit on April 9, 2025 (**Exhibit A** of the staff report).

- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2025-0009.
- (5) Evidence includes associated findings and evidence supported within this document.

2. What is the nature of the request?

Conclusion: The applicant requests a long-term mineral extraction (**Exhibit A** of the Staff Report).

- Findings:**
- (1) Knife River requests a long-term mineral extraction use on Parcels R35959 and R35957010 (**Exhibit A** of the Staff Report). The duration of the request is 20 years.
 - (2) Per the letter of intent, the mining operations include mining sand and gravel to be crushed, screened, washed, and stockpiled within the proposed parcels using wet and dry extraction conditions (**Exhibit A2** of the Staff Report).
 - (3) Extraction on Parcels R35959 and R35957010 will take place in three (3) phases totaling approximately 47.72-acres, consistent with the Idaho Department of Lands approved reclamation plan (**Exhibits A7** of the staff report). No rock crusher is proposed on the expansion parcels.
 - (4) There will be eight (8) foot tall berms placed around the perimeter of the subject parcels in the 30' setback area, that will act as the perimeter of the excavation site and provide a noise barrier. *See condition of approval No. 4c.*
 - (5) The applicant's proposed hours of operation for the mining activities are from 5 a.m. to 7 p.m. Monday through Saturday (closed on Sundays). However, as the applicant requests loading and hauling of materials may take place anytime, 24 hours a day, 7 days a week "to support construction activity that requires nighttime operations" (**Exhibit A2** of the staff report). *See condition of approval No. 4a.i. to address nighttime hours of operations.*
 - (6) There will be no more than 10 employees on site at any given time (**Exhibit A2** of the staff report). Equipment and vehicle parking will take place on site (**Exhibit A2** of the staff report). The southwest corner of parcel R35959 will be used as the parking area and can accommodate 10 pick-up trucks and employee vehicles. Vehicle fueling and minor maintenance may take place on site, which is considered accessory to the proposed use. *See condition of approval No. 1c & 8.*
 - (7) The reclamation plan was approved by Idaho Department of Lands on February 3, 2025 (**Exhibit A7** of the Staff Report).
 - (8) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2025-0009.
 - (9) Evidence includes associated findings and evidence supported within this document.

3. Is the proposed use consistent with the comprehensive plan?

Conclusion: The proposed use is consistent with the Canyon County 2030 Comprehensive Plan, subject to the conditions of approval.

- Findings:**
- (1) The 2030 Comprehensive plan designates the properties as "A" (Agricultural) per the future land use map (**Exhibit B2.9** of the staff report).

- (2) With the conditions of approval, the requests align with the following goals, actions and policies outlined in the 2030 comprehensive Plan.

Chapter 1. Property Rights

G1.01.00 Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.

Chapter 2. 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.

Chapter 3. Economic Development

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.

P3.01.01 Direct business development to locations that can provide necessary services and infrastructure.

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

Chapter 4. Land Use and Community Design

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.

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

Chapter 5. Natural Resources and Hazardous Areas

P5.03.01 Sand and gravel mining operations should be located to avoid adverse impacts to the river channel and promote compatibility with adjacent uses.

Chapter 7. Public Services, Facilities, and Utilities

P7.01.03 New developments should not increase stormwater runoff from the site.

- (3) *See the other criteria, findings, and evidence in this document for additional support. See the Order section of this document for conditions of approval.*
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2025-0009.
- (5) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The proposed use will not be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area, with the conditions of approval mitigating negative effects that may arise.

Findings:

(1) Adjacent Existing Conditions:

Direction	Existing Use	Primary Zone	Lot Size
N	Agricultural Use	"A" (Agricultural)	70.53-acres
E	Agricultural Use with a residence	"A" (Agricultural)	39.85-acres
S	Agricultural Use (CAFO - red line) Gravel pit	"A" (Agricultural)	319.45-acres
W	Agricultural/Gravel Pit	"A" (Agricultural)	39.95-acres
"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)			

- (2) The surrounding land use cases are primarily long-term mineral extraction conditional use permits to the north, east, south and west of the subject property (**Exhibit B2.4** of the Staff Report). Within a 1-mile radius, there are 11 gravel pit operations (**Exhibit B2.5** of the Staff Report).
- (3) Long-term mineral extraction conditional use permits approved in the past five (5) years in the vicinity (**Exhibit B5** of the Staff Report):
- CU2020-0005: Long-term mineral extraction with a concrete and asphalt batch plant on 158.12 acres(R36016) for 40 years.
 - CU2024-0009: Long-term mineral extraction on R38552, approximately 34.93 acres and a 20-year duration.
 - CU2024-0014: Long term mineral extraction on R35953010, approximately 39+ acres and a 15-year duration.

Long-term mineral extraction conditional use permits that have yet to go through the public hearing process in the vicinity:

- CU2024-0023
- CU2024-0024
- CU2025-0011
- CU2025-0022

There are existing long-term mineral extraction conditional use permits in this area and many more are proposed (**Exhibit B6** of the Staff Report).

- (4) According to Canyon County Soil Conservation District, the land is primarily class 3 soil which has moderate limitations; however, it can be productive if irrigated (**Exhibit D5 & B2.8** of the Staff Report). Canyon County Soil Conservation District does not recommend a land use change" (**Exhibit D5** of the Staff Report).
- (5) Although a batch plant will not be located on the subject properties, noise levels may increase in the immediate vicinity due to the mining activities that are proposed to take place on site (**Exhibit A2** of the Staff Report). As conditioned, noise emissions shall follow the regulations and standards of OSHA and MSHA, and back-up alarms shall be restricted to non-beeping alarms in compliance with OSHA/MSHA requirements. The hours of operation for the mining activities are from 5 a.m. to 7 p.m. Monday through Saturday (closed on Sundays and holidays) as the applicant requests loading and hauling of materials may take place anytime, 24 hours a day, 7 days a

week “to support construction activity that requires nighttime operations” (**Exhibit A2** of the Staff Report). Minimum eight (8) foot berms shall be constructed on the perimeter of the subject properties in accordance with **Exhibit A10** of the Staff Report.

- (6) There is no lighting proposed on site per the applicant; however, in the event of nighttime operation the applicant states light plants will be brought in as needed. If the applicant wishes to use lighting for nighttime operations, lighting shall be directed downwards and away from residences. *See condition of approval No. 1.e.* Dust abatement shall be addressed by watering the site and having grass on the berms (**Exhibit A10** of the staff report). *See condition of approval No. 4.b. and 4.c.* As a condition of approval, the applicant shall complete a new SWPPP. *See condition of approval No. 1.*
- (7) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on June 11, 2025. Newspaper notice was published on October 7, 2025. Property owners within 1000’ were notified by mail on October 2, 2025. Full political notice was provided on October 2, 2025. The property was posted on October 6, 2025.
 - A. Agency comments received did not oppose the request (**Exhibit D** of the staff report).
 - B. Public comments were not received.
- (8) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2025-0009.
- (9) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The project will have adequate water, sewer, irrigation, drainage, and stormwater drainage facilities, and utility systems to accommodate the proposed use.

Findings:

- (1) A well is not required for mining. The applicant is proposing to use processed water; therefore, the water system for the proposed use is anticipated to be adequate. The applicant anticipates encountering groundwater which will be managed via grading and maintenance pumping. During each active mining phase, dewatering will occur once material has been mined at 15-20 feet deep by pumping surface water from active mines to a previously mined phase for storage or discharged into the drain ditch to the west of the subject property. (**Exhibit A2** of the Staff Report). Dewatering will occur in accordance with the Stormwater Pollution Prevention Plan (SWPPP). The applicant shall complete a SWPPP. *See condition of approval No. 1.* The reclamation plan is to create a 13-acre water feature (**Exhibit A2 & A7.3** of the Staff Report). The applicant proposes to mitigate dust by watering the site, using process water. The applicant will use water trucks to apply water to the site to prevent runoff and control dust. “Process water is collected in an excavated depression near the crushing equipment in an excavation pit floor.”
- (2) The applicant is not proposing permanent structures or facilities on site; therefore, wastewater will not be treated on site. *See proposed condition of approval No. 1.* Southwest District health was notified of the request on June 11, 2025 and on October 2, 2025. Comments were received on June 11, 2025 stating that a nutrient pathogen study is not required and a septic system is not

required (**Exhibit D1** of the Staff Report). In a pre-development meeting Southwest District Health noted “the extraction process will not affect adjacent properties” (**Exhibit D1.1** of the Staff Report).

- (3) According to the land use worksheet the applicant is not proposing to use irrigation water. “The site will discharge to an irrigation canal” (**Exhibit A2** of the Staff Report). Eureka Ditch Co. No. 2 was notified of the request on June 11, 2025, and October 2, 2025, Shari Doramus stated via a phone call on September 24, 2025, discharge will occur in the north drain. Eureka Ditch Co. No. 2 provided comments on October 27, 2025 (**Exhibit D8** of the Staff Report). Drain Ditch No. 6 was notified of the request on June 11, 2025, and October 2, 2025, and provided comments on September 26, 2025 stating discharge into the ditch is okay, and if possible in the summer months, discharged into the irrigation canal (**Exhibit D7** of the Staff Report). *See proposed condition of approval No. 3a.i.* There is a canal on the west and east boundary of parcel R35959 and the North Drain runs along the north boundary of parcel R35957010.
- (4) Stormwater shall be retained on-site per the applicant’s letter of intent (**Exhibit A2** of the Staff Report). Stormwater is controlled on-site via grading, permanent or temporary ditches and berms. Stockpile berms will be seeded for stabilization to act as the first control for runoff. Stormwater may be channeled into the lower parts of the pit to the pond. There is a canal on the east and west perimeter of the subject properties, and the North Drain lies north of parcel R35957010. The aforementioned ditch will act as a storage area for stormwater and its conveyance downstream. Access roads within the site will have a burrow ditch constructed to collect stormwater runoff. The burrow ditches will have check dams to allow the stormwater to pond and infiltrate, then be discharged into the burrow ditches.
- (5) Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on June 11, 2025, and October 2, 2025. No agency comments were provided by those services. It is anticipated that the applicant will be able to work with utility providers to gain any additional utilities needed.
- (6) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on June 11, 2025. Newspaper notice was published on October 7, 2025. Property owners within 1000’ were notified by mail on October 2, 2025. Full political notice was provided October 2, 2025. The property was posted on October 6, 2025.
- (7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2025-0009.
- (8) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The subject properties will take access from the center southern property line of parcel R35959 onto Howe Road.

Findings:

- (1) Parcel R35959 has frontage along Howe Road, classified as a Minor Collector.

- (2) Golden Gate Highway District 3 (GGHD3) was notified of the request on June 11, 2025, GGHD3 provided a comment letter on June 12, 2025 (**Exhibit D3** of the Staff Report). Per GGHD3 an approach permit is required and the access must be constructed in accordance with ACCHD Standards. See **Exhibit D3** of the Staff Report for Golden Gate Highway District's recommendations. See *proposed condition of approval No. 9*.
- (3) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on June 11, 2025. Newspaper notice was published on October 7, 2025. Property owners within 1000' were notified by mail on October 2, 2025. Full political notice was provided on October 2, 2025. The property was posted on October 6, 2025.
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2025-0009.
- (5) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: There will not be undue interference with the existing and/or future traffic patterns with the added conditions of approval.

Findings:

- (1) The applicant anticipates 44 average daily trips (**Exhibit A2** of the Staff Report). A Traffic Impact Study (TIS) is required per Golden Gate Highway District No. 3 (GGHD3) to determine impacts with the existing and future traffic patterns. See **Exhibit D3** of the Staff Report for GGHD3 comment letter and condition of approval No. 9 & 9a.
- (2) Staff spoke with Niki Benyakhlef on October 21, 2025, regarding safety concerns along Simplot Blvd. (Highway 19) and Notus Road intersection. There is a condition placed on Idaho Materials & Construction (IMC) gravel pit (CU2020-0005/ R36016) stating "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" (**Exhibit B5.1**). IMC is responsible for making improvements to the aforementioned intersection but has yet to complete the improvements. Per the phone conversation there is public sentiment that there are safety concerns at this intersection. Additionally, the intersection's pavement is in poor quality, the turn radius is too small and there are speed limit concerns. See **Exhibit D9** of the Staff Report for details from Idaho Transportation Department. Due to the cumulative trucks on the road from various gravel pit operators the road is degrading (**Exhibit D9.1**). Lastly, ITD states "it's not really concerning the Knife River application." The intersection is approximately 2.5 miles south of the subject properties and the applicant anticipates on 44 average daily trips. As proposed condition of approval No. 1 states, the applicant shall comply with all laws, rules and regulations that pertain to the proposed use.
- (3) Knife River submitted a Notus West Haul Route Map (**Exhibit A11** of the Staff Report) that shows the operators will take Howe Road then turn left onto Notus Road then to Highway 20/26. The applicant does anticipate using the Simplot Blvd. and Notus Road intersection. See condition of approval no. 9b to remedy the intersection concerns.

- (1) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on June 11, 2025. Newspaper notice was published on October 7, 2025. Property owners within 1000' were notified by mail on October 2, 2025. Full political notice was provided on October 2, 2025. The property was posted on October 6, 2025.
- (2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2025-0009.
- (3) Evidence includes associated findings and evidence supported within this document.

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?

Conclusion: Essential services will be provided to accommodate the use, 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.

Findings:

- (1) School facilities are not anticipated to be negatively impacted by the proposed use. The Notus School District was notified of the request on June 11 and June 11, 2025, and October 2, 2025; no comments were received.
- (2) Canyon County Sheriff and Caldwell Rural Fire District were notified of the request on June 11, 2025, and October 2, 2025; no comments were received from the Sheriff. Police protection is not anticipated to be negatively impacted by the proposed use. Caldwell Rural Fire District provided comments on June 11, 2025, and recommends approval subject to added conditions. See **Exhibit D2** of the Staff Report for the full comment letter and conditions by Caldwell Rural Fire. See *condition of approval No. 10*.
- (3) Canyon County paramedics and EMT were notified of the request on June 11, 2025, and October 2, 2025; no comments were received. Canyon County paramedics and EMT services are not anticipated to be negatively impacted by the proposed use.
- (4) The subject properties lie within Eureka Irrigation District. The irrigation district was notified of the request on June 11, 2025, and October 2, 2025. Staff spoke with Sheri Doramus, Secretary of Eureka Ditch Company on September 24, 2025. There are no concerns with the applicant discharging into the canal. Additionally, a comment letter was received from Eureka Irrigation District on October 27, 2025 (**Exhibit D8** of the Staff Report). The applicant shall follow DEQ requirements for Pollutant Discharge Elimination System.
- (5) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on June 11, 2025. Newspaper notice was published on October 7, 2025. Property owners within 1000' were notified by mail on October 2, 2025. Full political notice was provided on October 2, 2025. The property was posted on October 6, 2025.
- (6) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2025-0009.

(7) Evidence includes associated findings and evidence supported within this document.

Article 14 - Use Standards Criteria Analysis - Mineral Extraction (Long Term)

07-14-19(1): MINERAL EXTRACTION LONG TERM

If a conditional use permit is required, the following standards apply:

A. Setbacks

Front	Side	Rear	Corner
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.

Conclusion: Setbacks are 30 feet from the property boundary.

Findings: (1) A minimum of a 30' setback is proposed along the property boundaries. See Site Plan in **Exhibit A3** of the Staff Report for proposed setback areas.

07-14-19(2): MINERAL EXTRACTION LONG TERM

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;

Conclusion: The request for a mineral extraction site is compatible as conditioned with the uses that exist in the vicinity of the subject property.

Findings: (1) The surrounding area is zoned "A" (Agricultural). To the northwest approximately fifty (50) acres have been conditionally rezoned to "RR" (Rural Residential). The surrounding uses consist of agricultural practices, mineral extractions and residential uses. There are two (2) existing mineral extractions and four (4) active conditional use permits for mineral extractions awaiting the public hearing process (**Exhibit B6** of the Staff Report). There are a few residences in the area (**Exhibit B2.7** of the Staff Report). The mining operation will take place on parcels R35959 and R35957010, approximately 47.72-acre parcels in the Notus area of impact. The existing uses are not anticipated to directly or indirectly interfere with or negatively impact one another. The request will have its individual services, such as water to service the proposed use. Public services are not anticipated to be diminished or exclusionary due to the request.

(2) The long-term mineral extraction use may impact the surrounding area, due to an increase in dust, noise, and potential environmental impacts. The applicant shall work with the Department of Environmental Quality and the Department of Lands to minimize these potential impacts. *See the conditions of approval to mitigate these concerns.*

(3) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on June 11, 2025. Newspaper notice was published on October 7, 2025. Property owners within 1000' were notified by mail on October 2, 2025. Full political notice was provided on October 2, 2025. The property was posted on October 6, 2025.

(4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2025-0009.

(5) Evidence includes associated findings and evidence supported within this document.

(B) Duration of the proposed use;

Conclusion: The duration of the long-term mineral extraction operation is twenty (20) years.

Findings: (1) The proposed end date for the mineral extraction operation is November 20, 2045, which includes reclamation time.

(2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2025-0009.

(C) Setbacks from the surrounding uses;

Conclusion: The mineral extraction operation plan meets the minimum thirty (30) foot required setbacks from the property lines.

Findings: (1) A minimum of a 30' setback is proposed along the excavation areas (**Exhibit A3** of the Staff Report).

(2) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on June 11, 2025. Newspaper notice was published on October 7, 2025. Property owners within 1000' were notified by mail on October 2, 2025. Full political notice was provided on October 2, 2025. The property was posted on October 6, 2025.

(3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2025-0009.

(D) Reclamation Plan as approved by the Idaho Department of Lands

Conclusion: The Idaho Department of Lands has reviewed and approved the reclamation plan for the proposed mineral extraction site (**Exhibit A7** of the Staff Report).

Findings: (1) A reclamation plan was approved by the Idaho Department of Lands on February 3, 2025, subject to conditions (**Plan No. S603018, Exhibit A7** of the Staff Report). *See condition of approval No. 1a for the condition related to the reclamation plan.*

(2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2025-0009.

(E) The location of all proposed pits and any accessory uses;

Conclusion: The Mineral extraction operation shall take place on parcels R35959 and R35957010.

Findings: (1) See the application packet and supporting materials (**Exhibit A** of the Staff Report). No batch plant is proposed as an accessory use for the proposed excavation on the subject Parcels.

(2) Accessory uses include crushing, screening, washing, and stockpiling of material on site. A vehicle fueling station and minor maintenance may take place on site (**Exhibit A2** of the Staff Report). *See condition of approval No. 8.*

(3) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on June 11, 2025. Newspaper notice was published on October 7, 2025. Property owners within 1000' were notified by mail on October 2, 2025. Full political notice was provided October 2, 2025. The property was posted on October 6, 2025.

(4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2025-0009.

(F) Recommendations from applicable government agencies.

Conclusion: The recommendations from agencies have been appropriately addressed via conditions of approval.

Findings: (1) See **Exhibit D** of the Staff Report for all agency recommendations and comments. See the conditions of approval based on agencies' recommendations.

- (2) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on June 11, 2025. Newspaper notice was published on October 7, 2025. Property owners within 1000' were notified by mail on October 2, 2025. Full political notice was provided October 2, 2025. The property was posted on October 6, 2025.
- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2025-0009.

**Canyon County Code §09-13-07 (Area of City Impact Agreement)
AREA OF CITY IMPACT AGREEMENT ORDINANCE**

Conclusion: The property is located within the Notus Area of City Impact. No comment was received from the city on this proposed gravel pit application.

- Findings:**
- (1) The City of Notus was provided with a copy of the application on June 11, 2025, per Idaho Code §67-6512 and CCCO §07-05-01. The City of Notus was notified of the public hearing on October 2, 2025. No comment was received from the City of Notus.
 - (2) Affected agencies were noticed on June 11, 2025. Newspaper notice was published on October 7, 2025. Property owners within 1000' were notified by mail on October 2, 2025. Full political notice was provided on October 2, 2025. The property was posted on October 6, 2025.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2025-0009.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case # CU2025-0009, a conditional use permit for a mineral extraction (long term) subject to the following conditions as enumerated:

Conditions of Approval

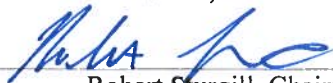
1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
 - a. The operation shall comply with the reclamation plan approved by the Idaho State Department of Lands (**Exhibit A7** of the Staff Report). The operator shall complete the reclamation plan as approved by the Idaho State Department of Lands within the requested 20-year time frame.
 - i. The duration of the mineral extraction operation shall be 20 years from the date of the signing of the Findings of Fact, Conclusion of Law and Order, not to exceed November 20, 2045, without further approval.
 - b. Property boundary setbacks shall be a minimum of 30 feet (**Exhibit A3** of the Staff Report).
 - c. 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).
 - d. 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.
 - e. All exterior lighting shall be directed away from adjacent residential properties.
2. The Conditional Use Permit cannot be transferred to any other person or property other than that approved by the Planning and Zoning Commission.

3. The applicant shall not impede, disrupt, or otherwise disturb the existing irrigation structures on and adjacent to the subject property (**Exhibit D4** of the Staff Report).
 - a. If any discharge is to take place into the drain ditch or irrigation canal located on site, the applicant must get written approval from Eureka Irrigation District and/or Drain Ditch No. 6.
 - i. The applicant shall discharge into the North Drain. Discharge shall be into the irrigation canal between June 1st and September 1st per Drain Ditch No. 6. request (**Exhibit D7** of the Staff Report).
 - b. Water (including surface, groundwater, and stormwater) shall be discharged in accordance with state, federal, and local standards and/or regulations.
 - c. 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.
4. The proposed development shall be in conformance with the applicant's site plan and Letter of Intent (**Exhibit A2 and A3** of the Staff Report). No batch plant operation was requested, so therefore not permitted on the subject properties. Any expansion, extension or modification of the operation shall require a conditional use permit modification.
 - a. The hours of operation for mining shall be 5 a.m. to 7 p.m. Monday through Saturday (**Exhibit A4** of the Staff Report). The site shall be closed on Sundays and holidays.
 - i. Loading and hauling may take place 24 hours a day, 7 days a week. If the Applicant obtains a contract that requires night-time delivery of materials, such as highway construction on the interstate. The night-time operations for the limit of that contract, twenty-four hours a day, seven (7) days a week if required. The applicant shall make a reasonable effort to utilize stockpiled materials rather than mining at night. If the applicant obtains such a contract, it shall notify the property owners within a ¾-mile radius and Canyon County a minimum of one (1) week before the commencement of the contract as to the duration of the hours of operation required by that contract. Normal operating hours shall resume immediately upon termination of the contract.
 - b. Minimum eight (8) foot berms shall be located on the perimeter of the mining site, and the berms shall be seeded with dryland grass in accordance with **Exhibit A2 & A10** of the Staff Report.
 - c. The berm area and property line shall be maintained with weeds being 6" in height or less and shall not become a public nuisance in accordance with CCCO §02-13-09.
 - d. The stockpiles, crusher, and washer shall be in conformance with the site plan location (**Exhibit A3** of the Staff Report).
 - e. There shall be no more than 10 employees on site (**Exhibit A4** of the Staff Report).
5. Stockpiling shall not exceed 30 feet in height.
6. 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 (CCCO Chapter 2 Article 1: Public Nuisances). The mining site shall be watered to mitigate dust concerns (**Exhibit A1** of the Staff Report).
7. All parking spaces shall meet all applicable off-street parking requirements (CCCO 07-13-01). Evidence of consistency shall be submitted to Canyon County DSD within 90 days of the signed Findings of Fact and Conclusion of Law and Order.
8. Vehicle fueling and minor maintenance may take place on site, as an accessory use to the proposed use.
9. The applicant shall comply with all Golden Gate Highway District No. 1 requirements (**Exhibit D3** of the Staff Report).
 - a. A Traffic Impact Study (TIS) shall be completed prior to commencement.
 - b. The applicant shall work with Idaho Transportation Department (ITD) to remediate concerns along Simplot Blvd. and Notus Road intersection prior to commencement.

10. The applicant shall comply with all Caldwell Rural Fire District requirements (**Exhibit D2** of the Staff Report).

DATED this 20 day of November, 2025.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO



Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 20th day of November, 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.

Notary: Caitlin Ross
My Commission Expires: 5/7/2031

