

# MASTER APPLICATION

## CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605

[www.canyonco.org/dsd.aspx](http://www.canyonco.org/dsd.aspx)

Phone: 208-454-7458

Fax: 208-454-6633



<b>PROPERTY OWNER</b>	OWNER NAME: AgEquity Holdings LLC
	MAILING ADDRESS: 14533 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 owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.

Signature: \_\_\_\_\_

Date: 2/23/2023

<b>(AGENT) ARCHITECT ENGINEER BUILDER</b>	CONTACT NAME: Jeff Bower / Kristen McNeill
	COMPANY NAME: Givens Pursley, LLP
	MAILING ADDRESS: PO Box 7270 Boise, ID 83701
	PHONE: 208-388-1260 / 208-388-1276 EMAIL: jeffbower@givenspursley.com, kristenmcneill@givenspursley.com

<b>SITE INFO</b>	STREET ADDRESS: 14533 River Rd / 0 Boise River Rd
	PARCEL #: R3466701100, R3466800000 LOT SIZE/AREA: +/- 56 acres
	LOT: _____ BLOCK: _____ SUBDIVISION: _____
	QUARTER: _____ SECTION: 10 TOWNSHIP: 4N RANGE: 3W
	ZONING DISTRICT: A FLOODZONE (YES/NO): YES (a portion)

<b>HEARING LEVEL APPS</b>	<input checked="" type="checkbox"/> CONDITIONAL USE	<input type="checkbox"/> COMP PLAN AMENDMENT	<input type="checkbox"/> CONDITIONAL REZONE
	<input type="checkbox"/> ZONING AMENDMENT (REZONE)	<input type="checkbox"/> DEV. AGREEMENT MODIFICATION	<input type="checkbox"/> VARIANCE > 33%
	<input type="checkbox"/> MINOR REPLAT	<input type="checkbox"/> VACATION	<input type="checkbox"/> APPEAL
	<input type="checkbox"/> SHORT PLAT SUBDIVISION	<input type="checkbox"/> PRELIMINARY PLAT SUBDIVISION	<input type="checkbox"/> FINAL PLAT SUBDIVISION

<b>DIRECTORS DECISION APPS</b>	<input type="checkbox"/> ADMINISTRATIVE LAND DIVISION	<input type="checkbox"/> EASEMENT REDUCTION	<input type="checkbox"/> SIGN PERMIT
	<input type="checkbox"/> PROPERTY BOUNDARY ADJUSTMENT	<input type="checkbox"/> HOME BUSINESS	<input type="checkbox"/> VARIANCE 33% >
	<input type="checkbox"/> PRIVATE ROAD NAME	<input type="checkbox"/> TEMPORARY USE	<input type="checkbox"/> DAY CARE
	<input type="checkbox"/> OTHER _____		

CASE NUMBER: CW2023-0004	DATE RECEIVED: 3/3/23
RECEIVED BY: Maddy Under Veen	APPLICATION FEE: \$950 CK MO <input checked="" type="radio"/> CASH

# **CONDITIONAL USE PERMIT CHECKLIST**

## **CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**

111 North 11<sup>th</sup> Avenue, #310, Caldwell, ID 83605

[zoninginfo@canyoncounty.id.gov](mailto:zoninginfo@canyoncounty.id.gov) Phone: 208-454-7458 Fax: 208-454-6633



### **THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS CHECKLIST:**

<input checked="" type="checkbox"/> Master Application completed and signed
<input checked="" type="checkbox"/> Detailed letter fully describing the request and addressing any applicable Comprehensive Plan policies and ordinance requirements outlined below
<input checked="" type="checkbox"/> Neighborhood meeting sign-up sheet and copy of neighborhood notification letter
<input checked="" type="checkbox"/> Land Use Worksheet
<input checked="" type="checkbox"/> Site Plan showing existing and proposed site features
<input checked="" type="checkbox"/> Deed or evidence of property interest to all subject properties.
<input checked="" type="checkbox"/> <b>\$950 non-refundable fee, \$600 for a modification</b>

### **NOTE:**

#### **The following criteria are outlined in ordinance 07-07-05: HEARING CRITERIA:**

Please provide a response to each of the criteria in the letter of intent.

- (1) Is the proposed use permitted in the zone by conditional use permit;
- (2) What is the nature of the request;
- (3) Is the proposed use consistent with the comprehensive plan;
- (4) Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area;
- (5) Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use;
- (6) Does legal access to the subject property for the development exist or will it exist at the time of development;
- (7) Will there be undue interference with existing or future traffic patterns; and
- (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?

#### **PROCESS: 1 PUBLIC HEARING (APPROVED BY PLANNING & ZONING COMMISSION)**

\*\*Additional studies and information may be required to understand the impact to traffic, the environment, economics and surrounding properties.

February 24, 2023

Canyon County Development Services Department  
c/o Sabrina Minshall, Director  
111 N. 11th Avenue, Room 310  
Caldwell, Idaho 83605

**RE: Canyon County Conditional Use Permit for Premier LLC**

Dear Planning Staff and Planning & Zoning Commissioners:

We are pleased to submit this narrative in support of applicant, Premier LLC's, application for a conditional use permit ("CUP") for a mineral extraction and gravel processing facility (the "**Project**") on approximately 56 acres, generally located at 14533 River Rd, in Canyon County, Idaho and identified as Canyon County parcel numbers R3466701100 and R3466800000 (collectively, the "**Property**"). Premier LLC owns and operates Premier Aggregates, a family run aggregate supplier with successful operations in Ada, Canyon, Boise, and Twin Falls Counties.

As discussed below, this Project meets all of the County's CUP approval criteria, and we ask for approval from the Planning and Zoning Commission.

**Property Information and Project Background**

The Property is generally located south and east of River Road in Canyon County. The Property is approximately 1 mile from the I-84 and State Highway 26 interchange. The Property is zoned Agriculture (A) and the Future Land Use Map designates the Property as Rural Residential (R-R). The Property is not located within an overlay district. A map depicting the Property is attached as Exhibit A.

This application seeks a temporary CUP for gravel extraction and processing, including crushing and screening, on the Property for a period not to exceed 3 years. Gravel and its component parts are in very high demand in Canyon County to support current and future growth in the area. Once extraction is complete on the Property, it is anticipated the Property will be developed as a residential subdivision in conformity with the R-R Future Land Use Map designation. The eventual residential use of the Property is not the subject of this current application. A Site Plan for the Project is attached as Exhibit B.

**Canyon County CUP Standards for Evaluation**

Under Canyon County Code, mineral extraction for a three year period is considered Mineral Extraction Long-Term, which is conditionally allowed in the A zoning district subject to the Use Standards of Article 14 (Section 7-14-19). The Project meets all of the applicable criteria for approval from Canyon County Code § 7-7-1 *et. seq.*, as follows:

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

Yes. Per the County's' Zoning and Land Use Matrix<sup>1</sup>, Mineral Extraction (long term) is allowed with a CUP in the Agricultural (A) zone.

2. What is the nature of the request:

This application seeks approval of a three-year gravel extraction and processing operation on the Property. The specific use proposed is Mineral Extraction Long Term.<sup>2</sup> The Project complies with the Use Standards in Article 14 (Section 7-14-19) as follows:

- a. **The Project is compatible with the uses of the surrounding properties.** The properties to the north are also zoned Agricultural (A) in Canyon County and consist of single-family residences on large lots. The Project will construct berming around the Project area, including along the north boundary of the Property as shown in the Site Plan. The adjacent properties to the east, buffered by River Rd, are zoned R1 (Single Family Residential) in Canyon County and are within the City of Caldwell area of impact. The Property borders the Boise River and a wooded portion of the City of Caldwell's Curtis Park on the southern border. The Property to the east is unoccupied and zoned Agricultural (A) in Canyon County. Further discussion of the Project's compatibility with the surrounding properties is discussed below.
- b. **The Duration of the proposed use is limited.** The duration of the Project is three years with limited operating hours.
- c. **Setbacks from surrounding uses.** The Project will meet the required 30 foot front, side, rear, and corner setbacks as outlined in Canyon County Code § 07-14-19(1)(A). Only 24 acres of the 56-acre Property will be mined. Accordingly, there will be significant setbacks from extraction activities. These setbacks are shown on the Site Plan.
- d. **The Idaho Department of Lands has approved the Project's reclamation plan.** The Idaho Department of Lands approved the Project's reclamation plan on February 22, 2023. The Idaho Department of Lands approval letter is enclosed with this application.
- e. **The locations of all proposed pits and any accessory uses.** The Site Plan depicts the location of all proposed pits and accessory uses. The pit areas are located internal to the Property to minimize impacts. All accessory buildings, uses, and pits meet the required setbacks.

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<sup>1</sup> Canyon County Code § 07-10-27

<sup>2</sup> Canyon County Code § 07-02-03 DEFINITIONS ENUMERATED - MINERAL EXTRACTION: The various activities associated with the extraction of mineral resources, including, but not limited to, gravel, from the ground.

f. **Recommendations from applicable government agencies.** Currently, the only agency that has reviewed the Project is the Idaho Department of Lands, who approved the reclamation plan.

3. Is the proposed use consistent with the Comprehensive Plan:

The Project is consistent with and supports the Canyon County Comprehensive Plan as detailed in the chart below:

Goal and/or Policy of Comprehensive Plan	Project Fulfillment
<p><b>G4.01.00</b> - <i>Support livability and high quality of life as the community changes over time</i></p> <p><b>P4.01.02</b> - Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.</p>	<p>Allowing the temporary mining of gravel on the Property will protect private property rights, allow the fulfillment of the Idaho Constitution's protection of mining operations as a public use.<sup>3</sup></p>
<p><b>G4.02.00</b> - <i>Ensure that growth maintains and enhances the unique character throughout the County.</i></p> <p><b>P4.02.01</b> - Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.</p>	<p>As indicated in Figure 1 below, the Property does not contain prime agricultural soils, and instead contains minerals valuable for mining. Consequently, mineral extraction is an appropriate use of the Property.</p>
<p><b>G4.03.00</b> - <i>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.</i></p> <p><b>P4.03.01</b> - Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.</p>	<p>Though the Property would not make for good farming use, the presence of valuable minerals makes the Property useful for this three-year gravel mining operation, and the Project will make the property developable for low density residential uses in conformity with the Property's FLUM designation.</p>
<p><b>P4.03.03</b> - Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and</p>	<p>The applicant is willing to mitigate impacts on surrounding properties by restricting hours of operations, and placing intensive uses in the</p>

<sup>3</sup> IDAHO CONST., ART I, § 14 defines as a public use "any other use necessary to the complete development of the material resources of the state," indicating the great importance of Idaho's mineral resources and their extraction to the economy and welfare of the state.

Goal and/or Policy of Comprehensive Plan	Project Fulfillment
co-exist in the same area and in some instances may require conditions of approval to promote compatibility.	interior of the site away from residences. Large setbacks and buffer areas are also provided.
<p><b>G4.05.00</b> - Support a diversity of agricultural uses to sustain the agricultural and agriculturally related economy.</p> <p><b>P4.05.02</b> - Consider development on poor soils (Class 4 or higher) that will not interfere with viable agricultural operations in the area.</p>	As indicated in Figure 1 below, the Property contains predominantly Class IV and V soils. Further, the Project will not interfere with any agricultural operations in the area. This is the proper area for development.

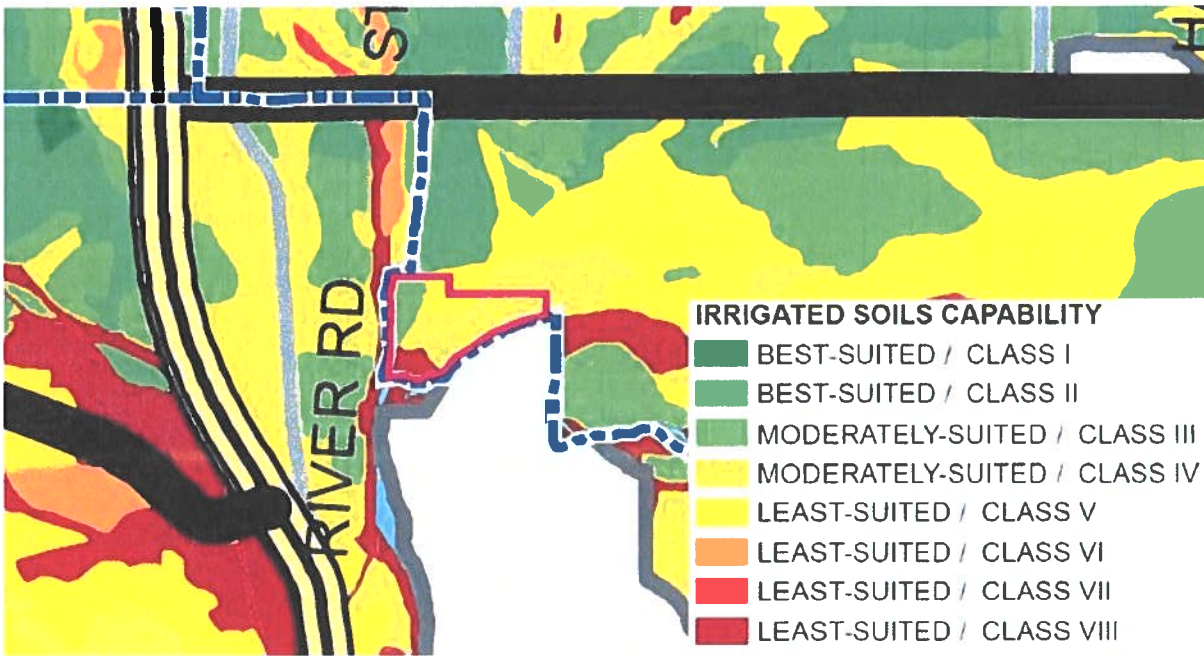


Figure 1 Area Soil Profile

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

The proposed use will not be injurious to other property in the immediate vicinity, nor will it negatively change the essential character of the area. First, as discussed above, this Project is temporary in nature, 3 years or less. The surrounding uses consist of agriculturally zoned large lot residential directly to the north, R-1 one-acre residential lots directly to the west, and vacant land zoned Agriculture to the east and northeast, with the Boise River and vacant land to the south. All of the surrounding uses are buffered by significant setbacks, and the Project will include a raised

berm surrounding the Property to act as a buffer. That the mineral extraction area is only 43% of the Property and interior to the site as shown on the Site Plan also makes the project compatible with the property in the vicinity.

Additional mitigation measures that will be employed by the Project include:

- Limited hours of operation; Monday through Saturday from 7am and 5pm for aggregate sales, and Monday through Saturday from 7am and 7pm for extraction operations.
  - Intermittent processing, which means on-site processing will not be a daily occurrence. Processing will be done in batches to reduce the duration and frequency of processing.
  - Dust will be mitigated through the use of Magnesium Chloride on all haul areas. Premier's processing equipment fully complies with the Idaho Department of Environmental Quality's Permit by Rule regulations and standards of performance, which regulates dust production.
  - Noise will be mitigated through the use of elevated berms, limited operating hours, and modern excavation and processing equipment that uses white noise back up alarms. All of Premier' heavy equipment meets Tier 4 noise emission standards
5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use:

The Property will be adequately served by public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, and water and sewer services.

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

The Property is accessed from River Road on the north side of the Property, as indicated on the Site Map. This is the current legal access to the Property. With CUP approval, this access point will become a stabilized construction entrance to support activities under the CUP. The applicant is already coordinating with Canyon Highway District to construct a full commercial approach to Canyon Highway District's standards.

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

Traffic produced by the Project will be limited and existing roads have adequate capacity to accommodate the Project. The Property is well located for extraction uses because of its proximity to I-84 (approximately 1 mile). This will minimize truck traffic on local roads. Based on the size of the extraction area and the duration of the use, 40 trucks per day are anticipated.

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?

Essential services are available to accommodate this use. The mining extraction use will have no impact on local schools, and will have little to no impact on police and fire protection as well as irrigation. Adequate emergency medical services exist to serve this area, and the use will have little negative impact on public services generally.

**Conclusion and Request**

The conditional use requested will promote economic diversity in Canyon County, and will allow for the full use of the Property to extract gravel to support Idaho's unprecedented growth and development. Once mining operations cease in three years, we will return to Canyon County for approval of a proposed residential subdivision.

We appreciate your consideration of this request for a conditional use permit. If any additional information is required, please do not hesitate to contact us.

Thank you,

A handwritten signature in blue ink, appearing to read "Jeff Bower", with a stylized flourish at the end.

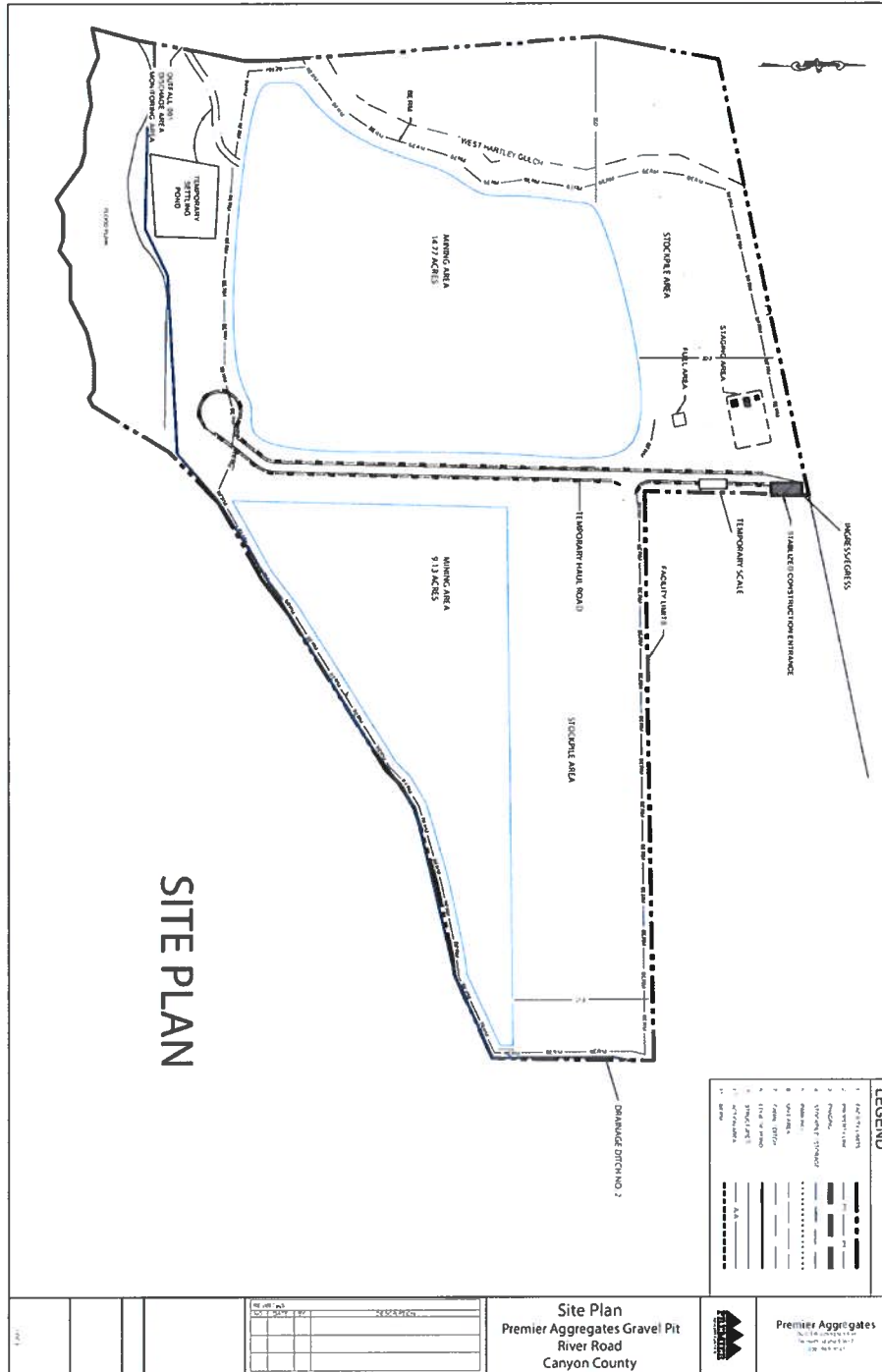
Jeff Bower



**EXHIBIT A**  
**Property Map**



**EXHIBIT B**  
**Site Plan**



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

January 24 ,2023

Dear Neighbor,

We are in the process of submitting an application for a Conditional Use Permit to Canyon County Development Services (DSD). One of the requirements necessary prior to submitting the application is to hold a "neighborhood meeting" and provide information to our surrounding neighbors (Canyon County Zoning Ordinance § 07-01-15).

This meeting is for informational purposes and to receive feedback from you as we move through the application process. This is not a Public Hearing before a governing body of the County. Once our application has been submitted and processed, a public hearing date will be scheduled. Prior to the scheduled date you will receive an official notification from Canyon County DSD regarding the Public Hearing via postal mail, newspaper publication, and/or a display on the property for which the Conditional Use Permit is applied.

**The Neighborhood Meeting details are as follows:**

Date: February 7, 2023

Time: 5:30pm to 6:30pm

Location: 14533 River Road Caldwell, Id 83607

Property description: The applicant is proposing to dig 2 ponds for future development, approximately 12 to 15 lots.

**The project is summarized below:**

Site location: 14533 River Road Caldwell, Id 83607

Proposed access: Existing driveway on to River Road.

Total Acreage: 57.15


Proposed: 2 Proposed Ponds to fill areas for future Lots (approximately 12-15), excess material will be hauled/removed from the site.

We look forward to the neighborhood meeting and encourage you to attend. At that time, we will answer any questions you may have.

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

If you have any questions prior to the meeting, please contact me at [REDACTED] or email [REDACTED]

Sincerely,



# NEIGHBORHOOD MEETING SIGN-UP

## CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605

[www.canyonco.org/dsd.aspx](http://www.canyonco.org/dsd.aspx) Phone: 208-454-7458 Fax: 208-454-6633



### NEIGHBORHOOD MEETING SIGN UP SHEET CANYON COUNTY ZONING ORDINANCE §07-01-15

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

#### SITE INFORMATION

Site Address: 14533 River Road

Parcel Number: R3466701100, R3466808000

City: Caldwell

State: Idaho

ZIP Code: 83607

Notices Mailed Date: 1/24/2023

Number of Acres: 57.2

Current Zoning:

Description of the Request: Long term mineral extraction. The applicant is proposing to dig pond to raise areas that can be subdivided into approximately 15 lots. A preliminary plat application will be submitted in the future.

#### APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Evan Buchert

Company Name: Premier Aggregates Current address: 1500 S Washington Ave, Suite B, Emmett, Idaho 83617

City:

State: Idaho

ZIP Code:

Phone: 208-949-9043

Cell: 208-9499043

Fax:

Email: [ebuchert@premierllc.net](mailto:ebuchert@premierllc.net)

#### MEETING INFORMATION

DATE OF MEETING: 2/7/2023

MEETING LOCATION: 14533 River Road

MEETING START TIME: 5:30 pm

MEETING END TIME: 6:30 pm

#### ATTENDEES:

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. MIKE FREEMAN		14402 S ARMORE RIVER RD CALDWELL, ID 83607
2. MIKE JENSEN		14340 SALMON RIVER RD CALDWELL, ID 83607
3. Tom Mangan		22409 Clearwater Rd Caldwell
4. Larry Elkins		22702 Clearwater Rd. Caldwell 83607
5. Denise Clark		22356 Rutledge Dr 83607
6. Jay Clark		22356 Rutledge 83607
7. Hagen Wallace		14531 River Rd 83607
8. Evan Buchert		15670 Spring Creek Lane, Boyer
9. David Stephens		9160 v Chinden BLVD Meridian

10.	JEFF KATZ	22681 River Rd	jeff.katz.boi@gmail.com
11.	Todd Lowell & Nancy Lowell	22211 Rd U.37c	Tlowell99@gmail.com
12.	AUSTEN WILSON	14437 SILVER CRK RD	
13.	Susan Cottrell	14499 CHANNEL Rd	Susan.cottrell@comcast.NET
14.	Kari Stanley	22880 Channel Rd	chws@chws8386@yahoo.
15.	JASON Rippetoe	14339 CHANNEL RD	River@Rippetoe.com
16.	CHRIS BELL	22420 RUTLEDGE	
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):

Steve Arnold / Evan Buchert

APPLICANT/REPRESENTATIVE (Signature): Steve Arnold, EB

DATE: 2/7/2023

# LAND USE WORKSHEET

## CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605

[www.canyonco.org/dsd.aspx](http://www.canyonco.org/dsd.aspx)

Phone: 208-454-7458

Fax: 208-454-6633



Required for Conditional Use Permit, Comprehensive Plan and Zoning Ordinance Amendment Applications

**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: none

How many Individual Domestic Wells are proposed? \_\_\_\_\_

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

N/A – Explain why this is not applicable: temporary portable toilet

**3. IRRIGATION WATER PROVIDED VIA:**

Surface  Irrigation Well  None

**4. IF IRRIGATED, PROPOSED IRRIGATION:**

Pressurized  Gravity

**5. ACCESS:**

Frontage  Easement Easement width \_\_\_\_\_ Inst. # \_\_\_\_\_

**6. INTERNAL ROADS:** none

Public  Private Road User's Maintenance Agreement Inst # \_\_\_\_\_

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

Type: no fences Height: \_\_\_\_\_

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

Other: management per multi-sector general permit

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

ditch

**RESIDENTIAL USES**

**1. NUMBER OF LOTS REQUESTED:**

- Residential \_\_\_\_\_  Commercial \_\_\_\_\_  Industrial \_\_\_\_\_  
 Common \_\_\_\_\_  Non-Buildable \_\_\_\_\_

**2. FIRE SUPPRESSION:**

- Water supply source: \_\_\_\_\_

**3. INCLUDED IN YOUR PROPOSED PLAN?**

- Sidewalks  Curbs  Gutters  Street Lights  None

**NON-RESIDENTIAL USES**

**1. SPECIFIC USE:** Mineral Extraction - long term

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

- Monday 7am to 7pm  
 Tuesday 7am to 7pm  
 Wednesday 7am to 7pm  
 Thursday 7am to 7pm  
 Friday 7am to 7pm  
 Saturday \_\_\_\_\_ to \_\_\_\_\_  
 Sunday \_\_\_\_\_ to \_\_\_\_\_

**3. WILL YOU HAVE EMPLOYEES?**  Yes If so, how many? 5-8 temporary; 1 full-time  No

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

Height: \_\_\_\_\_ ft Width: \_\_\_\_\_ ft. Height above ground: 4 ft

What type of sign: \_\_\_\_\_ Wall \_\_\_\_\_ Freestanding  Other "Premier Aggregate"

**5. PARKING AND LOADING:**

How many parking spaces? 8-10

Is there is a loading or unloading area? No

**ANIMAL CARE RELATED USES**

**1. MAXIMUM NUMBER OF ANIMALS:** \_\_\_\_\_

**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

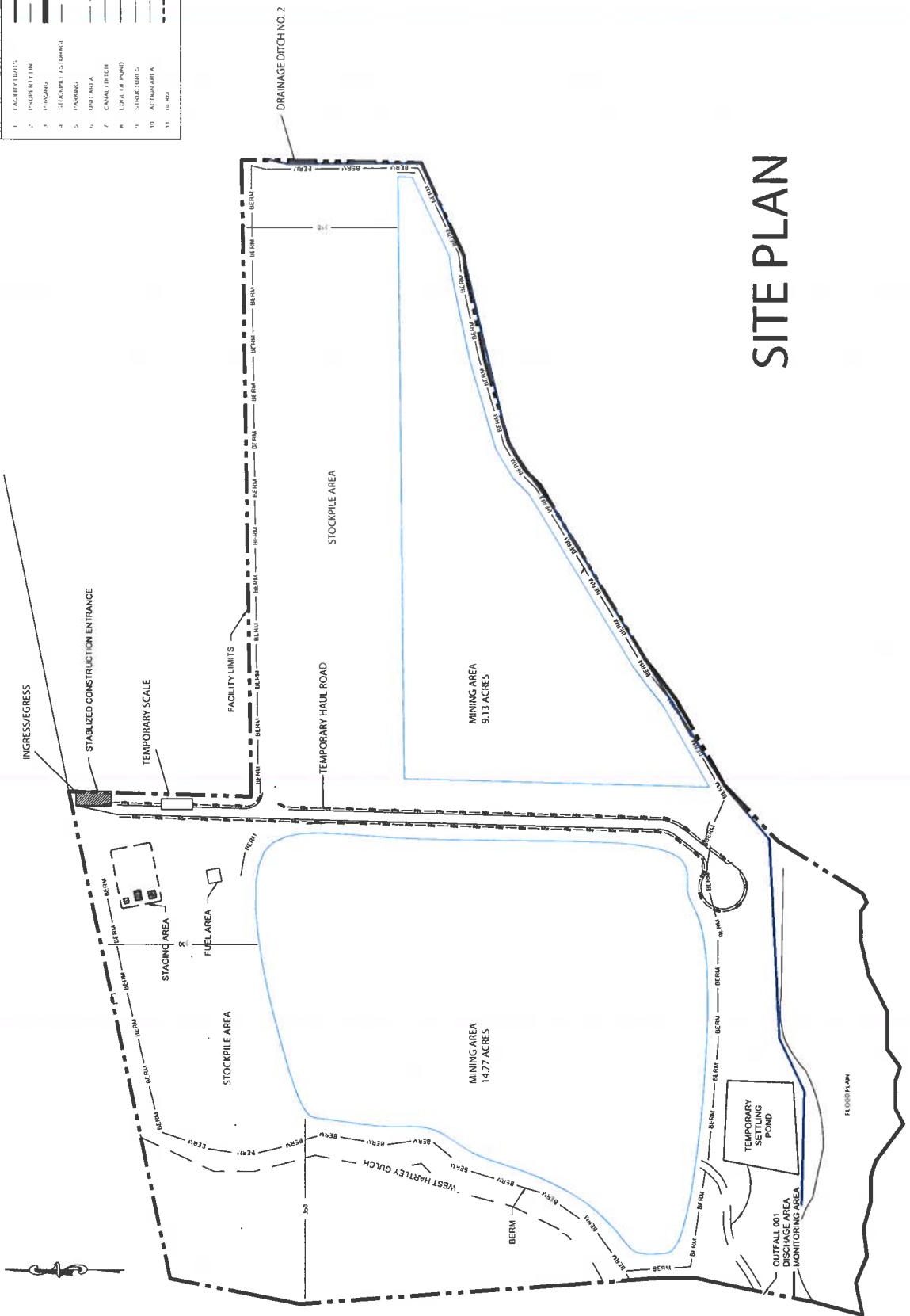
Other: \_\_\_\_\_





NO. 1	DATE	BY

- LEGEND**
- 1. FACILITY LIMITS
  - 2. PROPERTY LINE
  - 3. EASEMENT
  - 4. STOCKPILE / STAGING
  - 5. PAVING
  - 6. DIRT AREA
  - 7. CANAL / DITCH
  - 8. LEAK / POND
  - 9. STRUCTURES
  - 10. ACTIVATION AREA
  - 11. BERM



# SITE PLAN



AFTER RECORDING MAIL TO:

AgEquity Holdings, LLC  
14533 River Road, 0000 Boise River Road, 0000 Channel  
Road  
Caldwell, ID

**2022-047550**  
RECORDED  
**10/19/2022 12:08 PM**  
CHRIS YAMAMOTO  
CANYON COUNTY RECORDER  
Pgs=4 NHANEY \$15.00  
TYPE: DEED  
FIRST AMERICAN TITLE AND ESCROW  
ELECTRONICALLY RECORDED

**2022-047469**  
RECORDED  
**10/18/2022 04:09 PM**  
CHRIS YAMAMOTO  
CANYON COUNTY RECORDER  
Pgs=3 EHOWELL \$15.00  
TYPE: DEED  
FIRST AMERICAN TITLE INSURANCE  
ELECTRONICALLY RECORDED

### WARRANTY DEED

**\*THIS DOCUMENT IS BEING RE-RECORDED TO CORRECT THE LEGAL DESCRIPTION**  
File No.: 4106-3968365 (WS) Date: **October 05, 2022**

For Value Received, **Patrick C. Wallace and Diana J. Wallace, husband and wife**, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto **AgEquity Holdings, LLC as to 47.33 % ownership and #811 Pioneer Exchange Accommodation Titleholder, LLC, an Idaho limited liability company as to 52.67% Ownership**, hereinafter referred to as Grantee, whose current address is **14533 River Road, 0000 Boise River Road, 0000 Channel Road, Caldwell, ID**, 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:

**A portion of Government Lots 2 and 3 and a portion of the SW quarter of the NW quarter of Section 10, T4N., R.3W., Boise Meridian, Canyon County, Idaho more particularly described as follows:**

**Beginning at a brass disk marking the center of said Section 10;**  
**thence on the east west quarter line N89°48'04"E a distance of 1,322.42 feet to the northeast corner of said Government Lot 2;**  
**thence on the east line of said government Lot 2 S01°39'06"W a distance of 479.42 feet to a point on the south right of way line of Boise Interurban Railway also being a point on the north line of that certain property as described in deed to the City of Caldwell recorded November 11, 1910 in Book 58 of Deeds Page 42;**  
**thence on said south right of way line a non-tangent curve to the left having a radius of 2,295.85 feet, a length of 1,638.24 feet and a chord bearing S59°57'19"W a distance of 1,603.71 feet to a point on the ordinary high water mark of the northerly bank of the Boise River;**  
**thence meandering along said northerly bank the following thirteen (13) courses:**

**S84°13'47"W a distance of 59.02 feet; thence**  
**S82°12'37"W a distance of 41.52 feet; thence**  
**N71°20'10"W a distance of 40.44 feet; thence**  
**S89°04'20"W a distance of 104.26 feet; thence**  
**S68°57'49"W a distance of 74.52 feet; thence**  
**S73°53'00"W a distance of 83.35 feet; thence**



AFTER RECORDING MAIL TO:

AgEquity Holdings, LLC  
14533 River Road, 0000 Boise River Road, 0000 Channel  
Road  
Caldwell, ID

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### WARRANTY DEED

\*THIS DOCUMENT IS BEING RE-RECORDED TO CORRECT THE LEGAL DESCRIPTION

File No.: 4106-3968365 (WS)

Date: **October 05, 2022**

For Value Received, **Patrick C. Wallace and Diana J. Wallace, husband and wife**, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto **AgEquity Holdings, LLC as to 47.33 % ownership and #811 Pioneer Exchange Accommodation Titleholder, LLC, an Idaho limited liability company as to 52.67% Ownership**, hereinafter referred to as Grantee, whose current address is **14533 River Road, 0000 Boise River Road, 0000 Channel Road, Caldwell, ID**, 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:

**A portion of Government Lots 2 and 3 and a portion of the SW quarter of the NW quarter of Section 10, T4N., R.3W., Boise Meridian, Canyon County, Idaho more particularly described as follows:**

**Beginning at a brass disk marking the center of said Section 10;**  
**thence on the east west quarter line N89°48'04"E a distance of 1,322.42 feet to the northeast corner of said Government Lot 2;**  
**thence on the east line of said government Lot 2 S01°39'06"W a distance of 479.42 feet to a point on the south right of way line of Boise Interurban Railway also being a point on the north line of that certain property as described in deed to the City of Caldwell recorded November 11, 1910 in Book 58 of Deeds Page 42;**  
**thence on said south right of way line a non-tangent curve to the left having a radius of 2,295.85 feet, a length of 1,638.24 feet and a chord bearing S59°57'19"W a distance of 1,603.71 feet to a point on the ordinary high water mark of the northerly bank of the Boise River;**  
**thence meandering along said northerly bank the following thirteen (13) courses:**

**S84°13'47"W a distance of 59.02 feet; thence**  
**S82°12'37"W a distance of 41.52 feet; thence**  
**N71°20'10"W a distance of 40.44 feet; thence**  
**S89°04'20"W a distance of 104.26 feet; thence**  
**S68°57'49"W a distance of 74.52 feet; thence**  
**S73°53'00"W a distance of 83.35 feet; thence**

**S85°22'25"W a distance of 155.45 feet; thence  
N89°26'20"W a distance of 117.87 feet; thence  
N50°32'58"W a distance of 58.77 feet; thence  
N74°25'14"W a distance of 122.04 feet; thence  
S85°02'27"W a distance of 109.58 feet; thence  
S66°00'01"W a distance of 114.12 feet; thence  
S53°29'22"W a distance of 16.83 feet to the easterly right of way line of River Road as  
shown on Plat of Rutledge Ranch Subdivision; thence on said easterly right of way line the  
following four (4) courses:**

**N20°00'17"E a distance of 124.15 feet; thence  
N12°14'27"E a distance of 335.81 feet; thence  
N03°43'13"W a distance of 801.70 feet; thence  
N12°50'47"E a distance of 312.01 feet to a point on the centerline of River Road as shown  
on Record of Survey Instrument Number 2010025910;  
thence on last said centerline of River Road N80°29'31"E a distance of 1,027.47 feet to a  
point on the north south quarter line of said Section 10;  
thence on last said quarter line S01°29'34"W a distance of 383.97 feet to the Point of  
Beginning. EXCEPTING THEREFROM the portion of land as accreted through the natural  
movement of the Boise River since the dependent resurvey dated June 21, 1937**  
APN: 34667011 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.



**SOUTHWEST SUPERVISORY AREA**

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



DUSTIN MILLER, DIRECTOR  
EQUAL OPPORTUNITY EMPLOYER

**STATE BOARD OF LAND COMMISSIONERS**

*Brad Little, Governor*  
*Phil McGrane, Secretary of State*  
*Raúl R. Labrador, Attorney General*  
*Brandon D. Woolf, State Controller*  
*Brandon D Woolf, State Controller*

February 22, 2023

Crimson Bridge Holdings  
9160 W Chinden Blvd.  
Meridian, ID 83646

To whom it may concern,

This correspondence is notification that the following reclamation plan was approved on 02/14/2023:

<u>PLAN NO.</u>	<u>ACRES</u>	<u>COUNTY</u>	<u>LEGAL DESCRIPTION</u>
S603000	23.9	Canyon	T04N R03W Section 10, Pts. Gov. Lots 2 & 3

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. In accordance with provisions of Idaho Code title 47, chapter 18, a prorated payment to the state reclamation fund of \$230 for up to 25 disturbed acres over the next 7 months shall be paid by April 24, 2023. This payment will constitute financial assurance in lieu of a reclamation bond. Approval of this reclamation plan is conditioned upon receipt of the above payment by the date shown and annual payments in accordance with Idaho Code title 47, chapter 18 and IDAPA 20.03.03..

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

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

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

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

If the department does not receive a written notice of objection from you regarding these stipulations by March 8, 2023, the stipulations will be considered as accepted.

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

Sincerely,



Derek Kraft  
Resource Supervisor  
Lands and Waterways

Enclosure(s):

- 1) Bond Assurance Fund Acknowledgement Form



# Development Services Department



**Canyon County, 111 North 11<sup>th</sup> Avenue, #310, Caldwell, ID 83605**  
**▪ Engineering Division ▪**

March 29, 2023

Re: CU2023-0004 /14533 & 0 Boise River Road, Caldwell / Long-Term Mineral Extraction  
Parcel No.'s R34667011 & R34668  
Applicant: AgEquity Holdings LLC

Sam Hammond,

I have reviewed the application, letter of intent and site plan for the proposed long-term mineral extraction in the Special Flood Hazard Area (SFHA).

The master application and site plan indicate mineral extraction, stockpiling, ponding and staging area shall not take place in the regulatory floodway. Application shall be made for a floodplain development permit prior to commencement of mineral extraction activities and other development within the AE & A Zone floodplains.

I have included a FEMA Firmette for both parcels outlining the floodplain and floodway boundaries.

CCO 07-10A-03

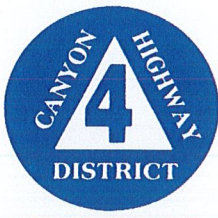
*DEVELOPMENT ACTIVITY: Any activity defined as development which will necessitate a floodplain development permit; such as; the construction of buildings, structures, or accessory structures; additions or substantial improvements to existing structures; bulkheads, retaining walls, piers, and pools; the placement of mobile homes; or the deposition or extraction of materials; the construction or elevation of dikes, berms and levees.*

Sincerely,



Stephanie Hailey, CFM  
Engineering Coordinator  
Floodplain Manager  
Canyon County Development Services  
[Stephanie.hailey@canyoncounty.id.gov](mailto:Stephanie.hailey@canyoncounty.id.gov)





May 22, 2023

Canyon County Board of Commissioners  
and Planning & Zoning Commission  
111 N. 11<sup>th</sup> Street  
Caldwell, Idaho 83605

Attention: Samantha Hammond, Planner

Jeff Bower & Kristen McNeill, Applicants

**RE: CU2023-0004 Conditional Use Permit for Gravel Mine and Crushing Operation  
Canyon County Parcels R34667011 and R34668 (approx. 56 acres)**

Dear Commissioners:

Canyon Highway District No. 4 (CHD4) has reviewed the application for a Conditional Use Permit to construct and operate a gravel mine and crusher on the above parcels, totaling approximately 56-acres. CHD4 offers the following comments on the proposed use:

**General**

The two parcels included in the application have access and/or frontage to only one public road, River Rd along the northerly boundary of Parcel R34668. River Rd is classified as a collector road on the functional classification maps adopted by CHD4 and Canyon County. Existing right-of-way width for River Rd varies along the property frontage. Ultimate right-of-way width for a collector road is a 40-foot half-width measured from the existing road centerline. It is CHD4's understanding that the property will be converted to a residential subdivision after mineral extraction is complete.

**Access**

A commercial approach permit from CHD4 will be required for a change in use of the property from agricultural to commercial (gravel mine).

A commercial access permit conditions agreement between the mine operator and CHD4 will be required to establish conditions for operations, improvements to public roads and/or intersections impacted by the use, and the timing of any necessary improvements.

CHD4 anticipates the following requirements will be a part of the commercial access agreement, to be finalized upon preparation of the agreement and approval by the CHD4 Board:

- Construct a commercial approach onto River Rd to serve the gravel mine operations.
- Improve the pavement section of River Rd from the access point to the River/Channel Rd intersection. Existing asphalt section on River Rd is in very poor condition and will not support truck traffic. Improvements will require new aggregate base and plant mix pavement.

- Restrictions on haul route to limit truck traffic to the use of River Rd east and north of the site only. No commercial truck traffic will be allowed on River Rd west of the access, or on Channel Rd.
- Improvements to River Rd/SH 44 intersection as may be required by ITD.
- Reserve property sufficient for future 40-foot right-of-way for River Rd during mining process.
- Maintain drainage way for West Hartley Gulch drain such that no additional rise in flood elevation occurs at the River Rd crossing of the drainage.

### **Traffic Mitigation and Impact Study**

The Highway Standards and Development Procedures Manual (HSDP Manual) adopted by CHD4 requires mitigation of traffic impacts from development activities such as those proposed for the site. This requirement is typical for any commercial development, and is applied to any new or expanded gravel extraction operation.

A Traffic Impact Study (TIS) is required for development generating more than 500 trips/day or 50 trips in the peak hour, or for other uses that, in the opinion of the District, will impact traffic operations. The applicant has indicated that 40 commercial truck trips per day are anticipated from the site during the 3-year operations period. This is well below the threshold for requiring a TIS, and 80 additional trips per day (one in, one out per truck) will not significantly degrade the Level of Service of either River Rd or the River Rd/SH 44 intersection.

The 24 acres proposed to be mined would generate approximately 774,000 cubic yards assuming a 20-foot depth of usable material. This is equivalent to roughly 59,000 truck loads. Assuming 200-days per year of operation, approximately 100 trips per day is required to export all material from the mine area. This is still below the threshold which would require a TIS, and 10 additional trips during the peak hour are not anticipated to materially reduce the LOS at any affected intersections.

CHD4 requests that the Planning & Zoning Commission and Canyon County Commissioners consider these comments, and make all requirements provided above conditions of approval of this proposed conditional use. CHD4 does not otherwise oppose the requested land use changes. Please feel free to contact me with any questions on this matter.

Respectfully,



Chris Hopper, P.E.  
District Engineer

File: Subdivision\_River Rd- Crimson Bridge Sub & Gravel Mine

# CANYON SOIL CONSERVATION DISTRICT



2208 E. Chicago, Suite A  
Caldwell, ID 83605  
Phone 208-779-3443  
Fax 1-877-504-6752

SUPERVISORS: Mike Swartz, Chairman; Rex Runkle, Vice Chairman; Robert McKellip, Secretary/Treasurer;  
Chris Gross, Supervisor, Brad McIntyre, Supervisor & Clay Erskine, Supervisor  
ASSOCIATE SUPERVISORS: Tom Johnston, Rich Sims & Matt Livengood  
SOIL CONSERVATION DISTRICT STAFF: Lori Kent; Administrative Assistant & Stan Haye, Soil Conservation Technician

**April 29, 2023**

**To: Dan Lister Planner of Record  
Canyon County Development Services**

**From: Canyon Soil Conservation District (Canyon SCD)**

**Subject: P & Z Agency Notice**

**Thank you for sending Canyon Soil Conservation District (SCD) zoning requests.**

**They are: RZ2022-0012/SD2022-0044 Penelope Constantikes, SD2022-0053 Daniel Caldwell, OR2022-0005/CR2022-0011/SD2022-0019 Steve Law, CU2023-0004 Jeff Bower/Kristen McNeill.**

**Comments from Canyon SCD:**

**The acreage amounts on the maps are an estimate. Percentages of soils are rounded to a whole number.**

**RZ2022-0012/SD2022-0044 Penelope Constantikes is 97% Class 3 and 3% Class 4. Class III have moderate limitations and appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change.**

**SD2022-0053 Daniel Caldwell is 5 acres or less. Canyon SCD has no comments, no map included.**

**OR2022-0005/CR2022-0011/SD2022-0019 Steve Law is 50% Class 4 and 50% was not rated (slope range is 12 to 25%). Canyon SCD has no comments.**

**CU2023-0004 Jeff Bower/Kristen McNeill is 1% Class 2, 30% Class 3, 54% Class 4, 11% Class 5 and 4% not rated. Canyon SCD has no comments.**

**Continued Partnership and Conservation.**

**Sincerely,**

*Rich Sims acting for:*

**Mike Swartz, Canyon SCD Chairman**

All programs and services of the Canyon Soil Conservation District are offered on a nondiscriminatory basis without regard to race, color, national origin, religion, sex, age, disability, marital or familial status, and political beliefs.



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

**CU2023-0004 Jeff Bower Kristen  
McNeill**



April 29, 2023

## Custom Soil Resource Report

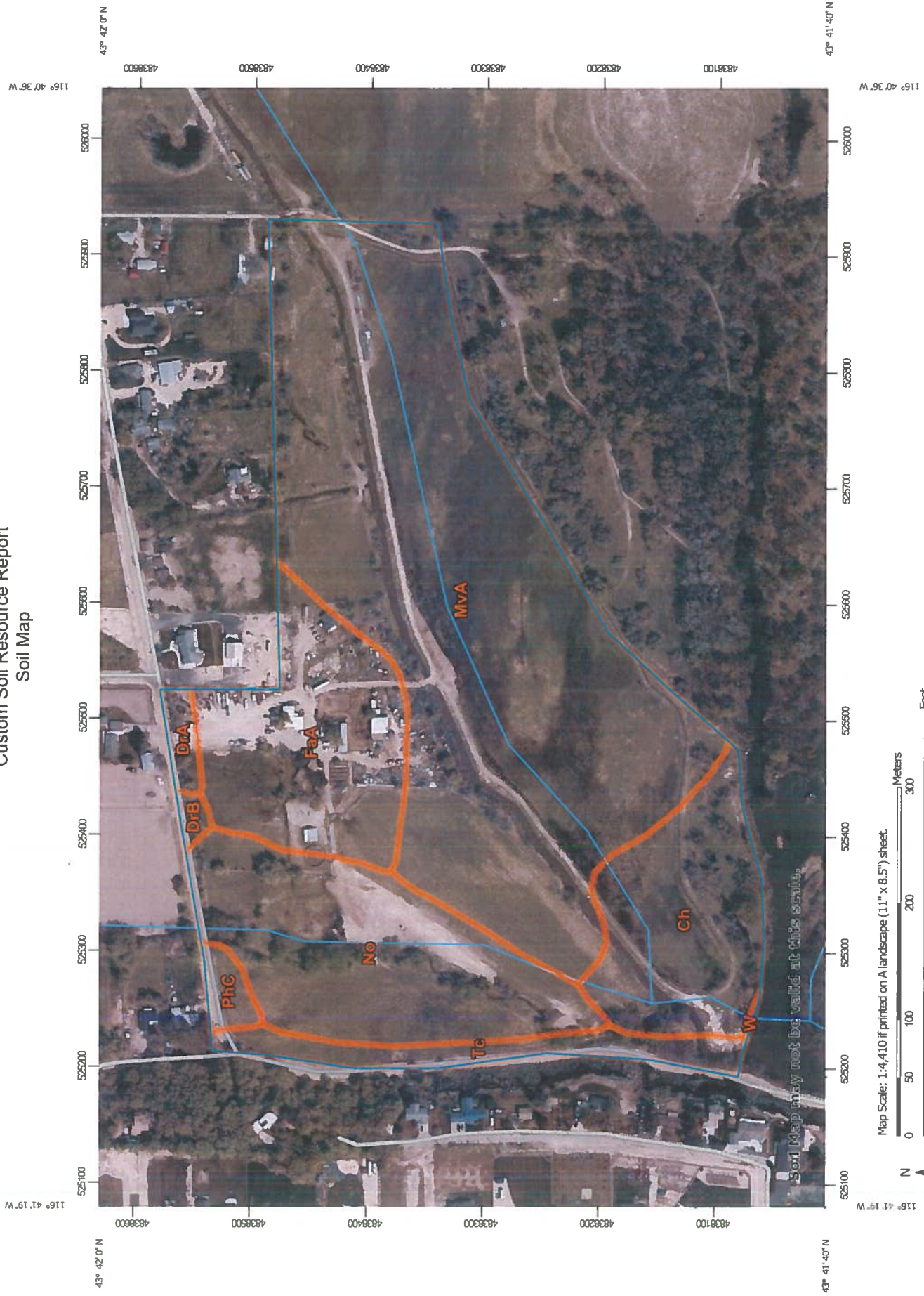
identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

# Soil Map

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The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

# Custom Soil Resource Report Soil Map



Map Scale: 1:4,410 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 11N WGS84

# CANYON SOIL CONSERVATION DISTRICT



2208 E. Chicago, Suite A  
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Phone 208-779-3443  
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ASSOCIATE SUPERVISORS: Tom Johnston, Rich Sims & Matt Livengood

SOIL CONSERVATION DISTRICT STAFF: Lori Kent; Administrative Assistant & Stan Haye, Soil Conservation Technician

**May 9, 2023**

**To: Dan Lister Planner of Record  
Canyon County Development Services**

**From: Canyon Soil Conservation District (Canyon SCD)**

**Subject: P & Z Agency Notice**

**Thank you for sending Canyon Soil Conservation District (SCD) a zoning request.**

**The request is: CU2023-0004 Jeff Bower/Kristen McNeill.**

**Comments from Canyon SCD:**

**The acreage amounts on the maps are an estimate. Percentages of soils are rounded to a whole number.**

**CU2023-0004 Jeff Bower/Kristen McNeill is 1% Class 2, 30% Class 3, 54% Class 4, 11% Class 5 and 4% not rated. Canyon SCD has no comments.**

**Continued Partnership and Conservation.**

**Sincerely,**

*Rich Sims acting for!*

**Mike Swartz, Canyon SCD Chairman**





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

cu2023-0004 Jeff Bower Kristen  
McNeill



May 5, 2023

# Soil Information for All Uses

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## 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 (CU2023-0004 Jeff Bower Kristen McNeill)**

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:

## Custom Soil Resource Report

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.

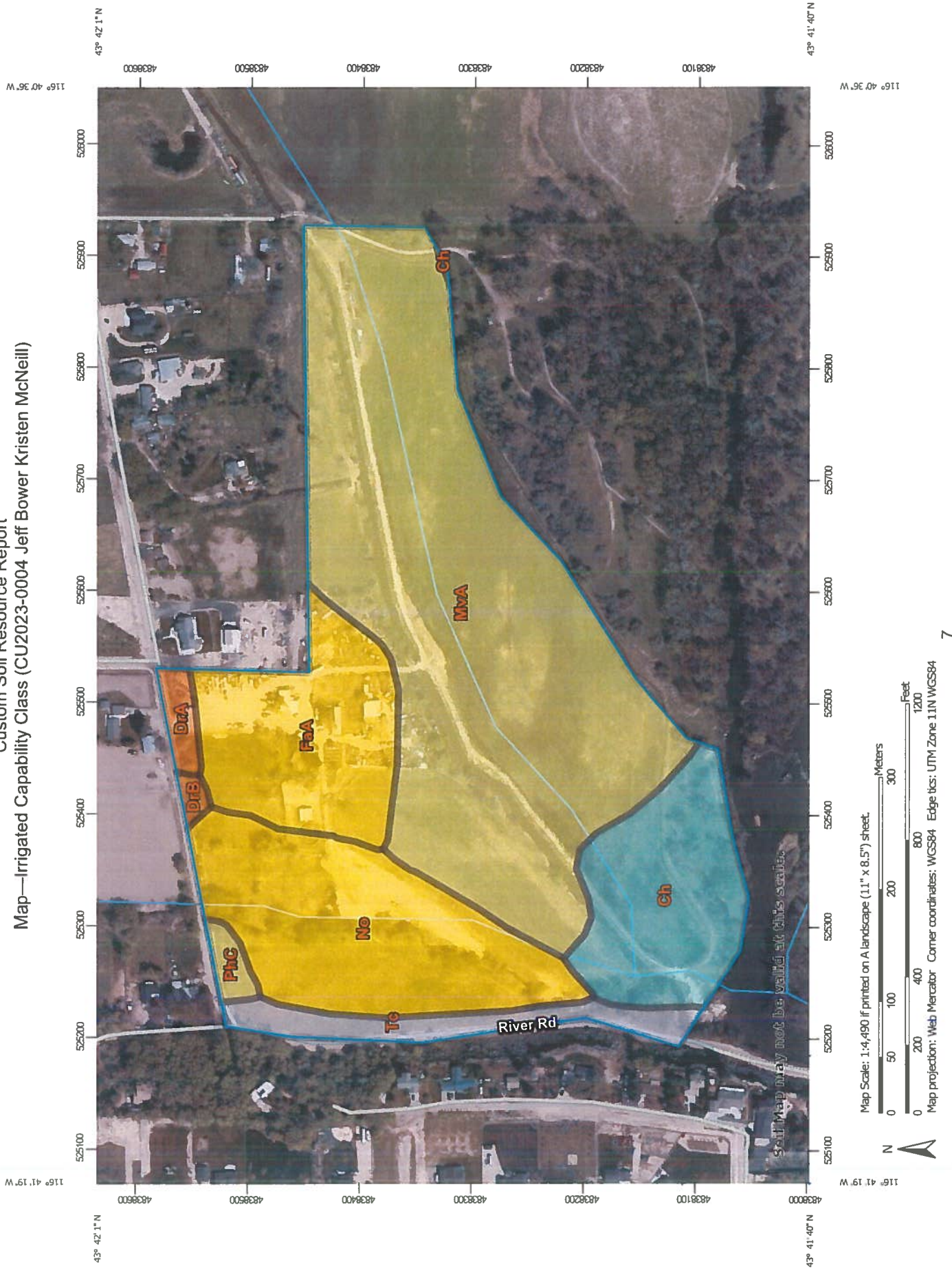
Class 5 soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

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.

Custom Soil Resource Report  
 Map—Irrigated Capability Class (CU2023-0004 Jeff Bower Kristen McNeill)



## MAP LEGEND

 Area of Interest (AOI)	 Capability Class - III
 Area of Interest (AOI)	 Capability Class - IV
<b>Soils</b>	 Capability Class - V
<b>Soil Rating Polygons</b>	 Capability Class - VI
 Capability Class - I	 Capability Class - VII
 Capability Class - II	 Capability Class - VIII
 Capability Class - III	 Not rated or not available
 Capability Class - IV	<b>Water Features</b>
 Capability Class - V	 Streams and Canals
 Capability Class - VI	<b>Transportation</b>
 Capability Class - VII	 Rails
 Capability Class - VIII	 Interstate Highways
 Not rated or not available	 US Routes
<b>Soil Rating Lines</b>	 Major Roads
 Capability Class - I	 Local Roads
 Capability Class - II	<b>Background</b>
 Capability Class - III	 Aerial Photography
 Capability Class - IV	
 Capability Class - V	
 Capability Class - VI	
 Capability Class - VII	
 Capability Class - VIII	
 Not rated or not available	
<b>Soil Rating Points</b>	
 Capability Class - I	
 Capability Class - II	

## 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 19, Sep 2, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 19, 2021—Apr 21, 2021

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.

Custom Soil Resource Report

**Table—Irrigated Capability Class (CU2023-0004 Jeff Bower Kristen McNeill)**

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Ch	Chance fine sandy loam	5	6.5	11.8%
DrA	Draper loam, 0 to 1 percent slopes	2	0.6	1.1%
DrB	Draper loam, 1 to 3 percent slopes	2	0.2	0.4%
FaA	Falk fine sandy loam, 0 to 2 percent slopes	3	7.0	12.7%
MvA	Moulton loam, 0 to 1 percent slopes	4	28.2	51.0%
No	Notus soils	3	9.8	17.8%
PhC	Power silt loam, 3 to 7 percent slopes	4	0.5	0.9%
Tc	Terrace escarpments		2.3	4.2%
<b>Totals for Area of Interest</b>			<b>55.2</b>	<b>100.0%</b>

**Rating Options—Irrigated Capability Class (CU2023-0004 Jeff Bower Kristen McNeill)**

*Aggregation Method: Dominant Condition*

*Component Percent Cutoff: None Specified*

*Tie-break Rule: Higher*



United States  
Department of  
Agriculture

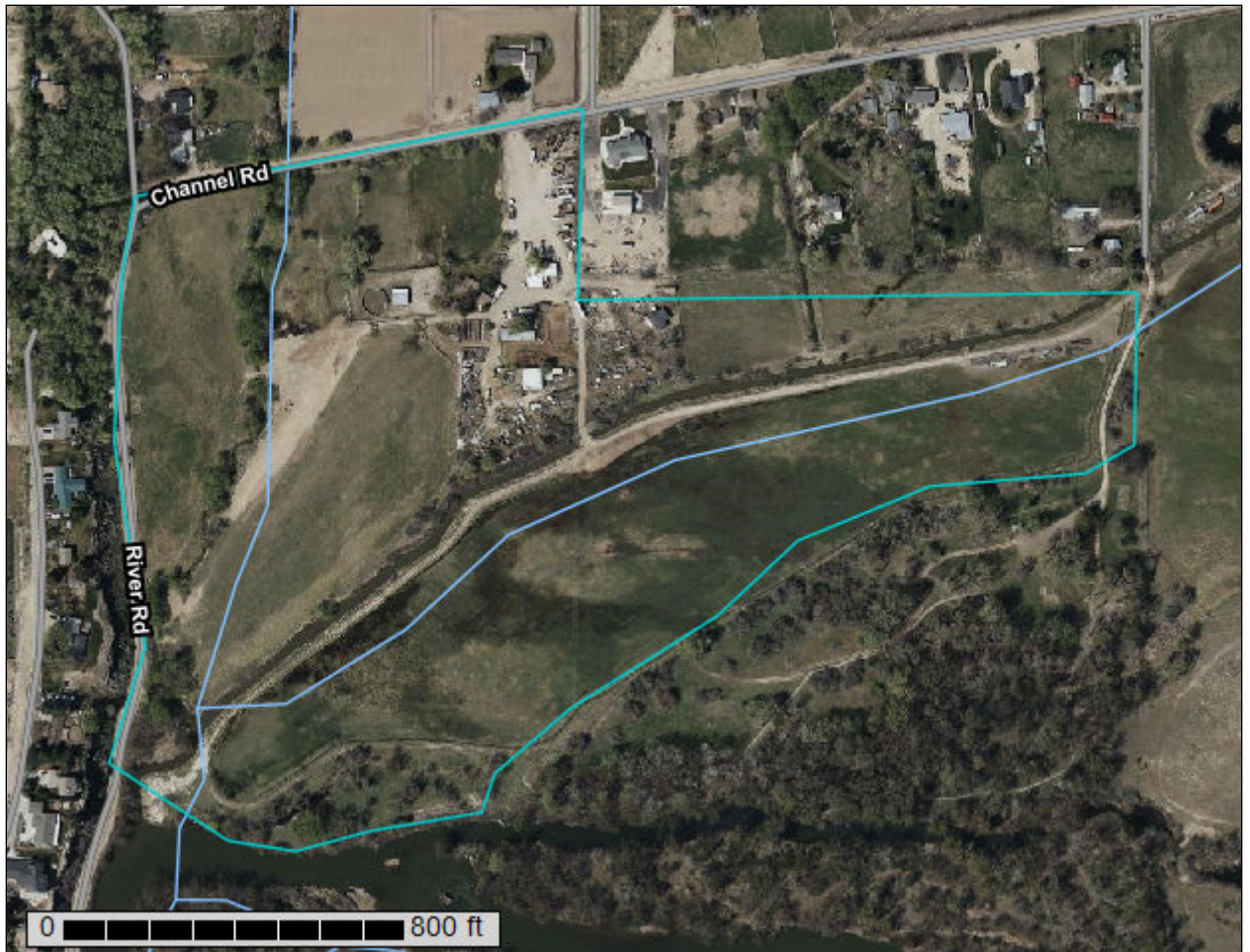
**NRCS**

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# Custom Soil Resource Report for Canyon Area, Idaho

cu2023-0004 Jeff Bower Kristen  
McNeill



# Preface

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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](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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    Land Classifications..... 5  
        Irrigated Capability Class (CU2023-0004 Jeff Bower Kristen McNeill)..... 5

# **Soil Information for All Uses**

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## **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 (CU2023-0004 Jeff Bower Kristen McNeill)**

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:

## Custom Soil Resource Report

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.

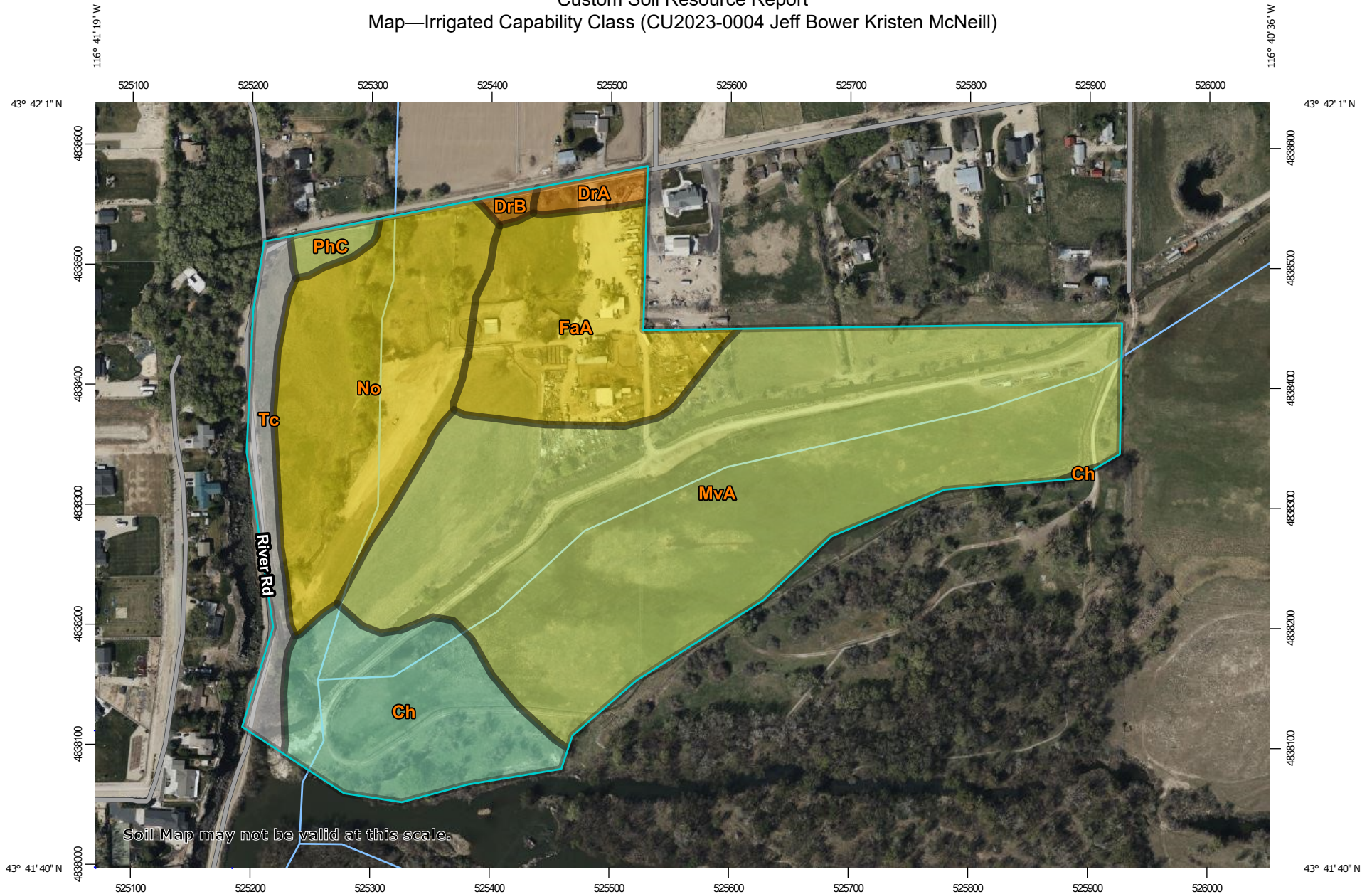
Class 5 soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

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.

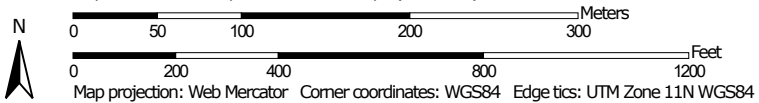
Class 7 soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.

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.

Custom Soil Resource Report  
Map—Irrigated Capability Class (CU2023-0004 Jeff Bower Kristen McNeill)




Map Scale: 1:4,490 if printed on A landscape (11" x 8.5") sheet.












### MAP LEGEND

**Area of Interest (AOI)**










 Area of Interest (AOI)

**Soils**



**Soil Rating Polygons**








-  Capability Class - I
-  Capability Class - II
-  Capability Class - III
-  Capability Class - IV
-  Capability Class - V
-  Capability Class - VI
-  Capability Class - VII
-  Capability Class - VIII
-  Not rated or not available

**Soil Rating Lines**


-  Capability Class - I
-  Capability Class - II
-  Capability Class - III
-  Capability Class - IV
-  Capability Class - V
-  Capability Class - VI
-  Capability Class - VII
-  Capability Class - VIII
-  Not rated or not available

**Soil Rating Points**






-  Capability Class - I
-  Capability Class - II

-  Capability Class - III
-  Capability Class - IV
-  Capability Class - V
-  Capability Class - VI
-  Capability Class - VII
-  Capability Class - VIII
-  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 19, Sep 2, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 19, 2021—Apr 21, 2021

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 (CU2023-0004 Jeff Bower Kristen McNeill)**

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Ch	Chance fine sandy loam	5	6.5	11.8%
DrA	Draper loam, 0 to 1 percent slopes	2	0.6	1.1%
DrB	Draper loam, 1 to 3 percent slopes	2	0.2	0.4%
FaA	Falk fine sandy loam, 0 to 2 percent slopes	3	7.0	12.7%
MvA	Moulton loam, 0 to 1 percent slopes	4	28.2	51.0%
No	Notus soils	3	9.8	17.8%
PhC	Power silt loam, 3 to 7 percent slopes	4	0.5	0.9%
Tc	Terrace escarpments		2.3	4.2%
<b>Totals for Area of Interest</b>			<b>55.2</b>	<b>100.0%</b>

**Rating Options—Irrigated Capability Class (CU2023-0004 Jeff Bower Kristen McNeill)**

*Aggregation Method: Dominant Condition*

*Component Percent Cutoff: None Specified*

*Tie-break Rule: Higher*



# CITY OF *Caldwell, Idaho*

**JAROM WAGONER**  
Mayor

208.455.3011  
(f) 208.455.3003

**City Hall**  
411 Blaine Street  
Caldwell, Idaho 83605

**Post Office Box**  
P.O. Box 1179  
Caldwell, Idaho 83606

For a list of the City  
Council members, visit:  
**Website**  
[www.cityofcaldwell.org](http://www.cityofcaldwell.org)

April 21, 2023

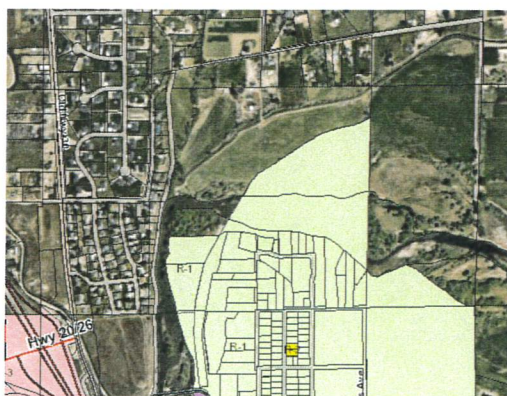
Samantha Hammond  
Case Planner  
Canyon County Development Services Dept.  
111 North 11<sup>th</sup> Ave. Ste. 340  
Caldwell, Idaho 83605

Re: Jeff Bower / Kristen McNeil  
Mineral Extraction Use – CU2023-0004  
14533 River Road  
Caldwell, Idaho

Dear Ms. Hammond,

Our office received your letter regarding the conditional use application for a mineral extraction use on the property located at 14533 River Road in Caldwell, Idaho.

This parcel is not within the City of Caldwell's Area of City Impact but is contiguous to the City of Caldwell incorporated area and is contiguous to the City of Caldwell's Area of City Impact.

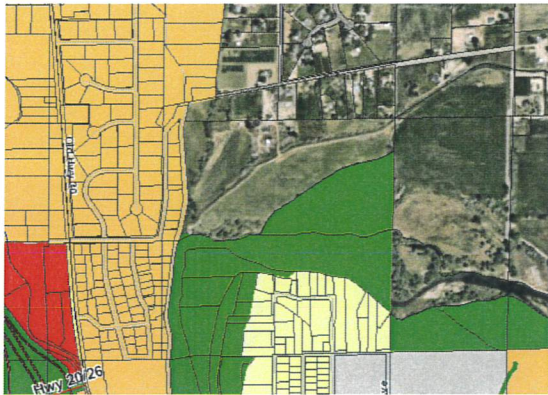


**Zoning Map Legend:**

Light Grey = Low Density Residential  
Light Red = Service Commercial

*The Treasure of the Valley*





**Comprehensive Plan Map Legend:**

Light Orange = Low Density Residential  
Medium Orange = Residential Estates  
Red = Commercial and Service  
Green = Environmentally Sensitive  
Grey = Public

Although this is not in the City of Caldwell's Area of City Impact, the City does have concerns about having a mineral extraction use next to residential zones. Mineral extraction activities can have adverse noise and vibration impacts on neighboring properties.

While we recognize that mineral extraction is a major resource activity that provides raw materials to support economic infrastructure; the pollution, erosion and sedimentation to surface water and groundwater is of concern. In addition, after the minerals are processed, the waste rock and mine tailings are usually stored in large aboveground piles and containment areas, which has a negative visual impact on surrounding neighborhoods, and also poses an environmental problem.

Therefore, the city feels this use would cause damage, hazards, nuisances and other detriments to persons or properties in the vicinity.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robin Collins', written over a white background.

Robin Collins

Director

City of Caldwell Planning and Zoning Department

1445 N. Orchard St.  
Boise ID 83706 • (208) 373-0550



Brad Little, Governor  
Jess Byrne, Director

---

May 25, 2023

Samantha Hammond, Planner  
111 North 11<sup>th</sup> Ave.  
Ste. 310  
Caldwell, Idaho, 83605  
[samantha.hammond@canyoncounty.id.gov](mailto:samantha.hammond@canyoncounty.id.gov)

Subject: AgEquity Holdings / CU2023-0004

Dear Ms. Hammond:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: <https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

**1. AIR QUALITY**

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at (208) 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.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

**2. WASTEWATER AND RECYCLED WATER**

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.

- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

### **3. DRINKING WATER**

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells 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 ground water 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) 373-0550.

#### 4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
  - For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
  - If this project is near a source of surface water, DEQ requests that projects incorporate 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) 373-0550.

#### 5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material 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.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Rebecca Blankenau, Waste & Remediation Manager, at (208) 373-0550.

#### 6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,



Aaron Scheff  
Regional Administrator

c:

2021AEK

**SOUTHWEST SUPERVISORY AREA**

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



DUSTIN MILLER, DIRECTOR  
EQUAL OPPORTUNITY EMPLOYER

**STATE BOARD OF LAND COMMISSIONERS**

*Brad Little, Governor  
Phil McGrane, Secretary of State  
Raúl R. Labrador, Attorney General  
Brandon D. Woolf, State Controller  
Brandon D Woolf, State Controller*

February 22, 2023

Crimson Bridge Holdings  
9160 W Chinden Blvd.  
Meridian, ID 83646

To whom it may concern,

This correspondence is notification that the following reclamation plan was approved on 02/14/2023:

PLAN NO.	ACRES	COUNTY	LEGAL DESCRIPTION
S603000	23.9	Canyon	T04N R03W Section 10, Pts. Gov. Lots 2 & 3

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. **In accordance with provisions of Idaho Code title 47, chapter 18, a prorated payment to the state reclamation fund of \$230 for up to 25 disturbed acres over the next 7 months shall be paid by April 24, 2023. This payment will constitute financial assurance in lieu of a reclamation bond. Approval of this reclamation plan is conditioned upon receipt of the above payment by the date shown and annual payments in accordance with Idaho Code title 47, chapter 18 and IDAPA 20.03.03..**

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

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

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

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

If the department does not receive a written notice of objection from you regarding these stipulations by March 8, 2023, the stipulations will be considered as accepted.

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

Sincerely,



Derek Kraft  
Resource Supervisor  
Lands and Waterways

Enclosure(s):

- 1) Bond Assurance Fund Acknowledgement Form



**Your Safety • Your Mobility  
Your Economic Opportunity**

**IDAHO TRANSPORTATION DEPARTMENT**  
P.O. Box 8028 • Boise, ID 83707-2028  
(208) 334-8300 • [itd.idaho.gov](http://itd.idaho.gov)

May 18, 2023

Samantha Hammond  
Planner  
Canyon County Development Services Department  
111 North 11th Ave., Ste. 310  
Caldwell, Idaho 83605

**VIA EMAIL**

<b>Development Application</b>	<b>CU2023-0004</b>
<b>Project Name</b>	<b>AgEquity Holdings LLC</b>
<b>Project Location</b>	14533 River Rd; Caldwell, Id – Approx. 0.5 miles south of SH-44 @ MP .9
<b>Project Description</b>	Mineral extraction and gravel processing facility
<b>Applicant</b>	Jeff Bowers

The Idaho Transportation Department (ITD) reviewed the referenced conditional use permit application and has the following comments:

1. This project does not abut the State Highway system.
2. Traffic generation numbers were not provided with this application. ITD needs more information on the trip generations to determine if turn lanes will need to be installed by the applicant. Proposed use of the parcel suggests that large vehicles and equipment will be turning onto the parcel from the highway, requiring applicant to show turning movements of the largest vehicle that will be accessing the site.
3. Any necessary mitigation for traffic impacts identified by the Traffic Impact Study shall be the responsibility of the applicant to install.
4. ITD reserves the right to make further comments upon review of any submitted traffic generation data or other documents.

If you have any questions, you may contact me at (208)334-8337.

Sincerely,

*Niki Benyakhlef*

Niki Benyakhlef  
Development Services Coordinator  
[Niki.Benyakhlef@itd.idaho.gov](mailto:Niki.Benyakhlef@itd.idaho.gov)

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## Samantha Hammond

---

**From:** Dan Lister  
**Sent:** Wednesday, March 8, 2023 5:28 PM  
**To:** Samantha Hammond; Michelle Barron  
**Subject:** FW: Contact from Website: Danica Holladay

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

See comment letter for CU2023-0004 below.

### Dan Lister, Planning Official

DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959

[Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)

Development Services Department (DSD)

**NEW** Public office hours

**Effective Jan. 3, 2023**

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

\*\*We will not be closed during lunch hour \*\*

**PUBLIC RECORD NOTICE:** All communications transmitted within the Canyon County email system may be a public record and may be subject to disclosure under the Idaho Public Records Act and as such may be copied and reproduced by members of the public.

---

**From:** Leslie Jansen Van Beek <Leslie.JansenVanBeek@canyoncounty.id.gov>  
**Sent:** Wednesday, March 8, 2023 4:57 PM  
**To:** 'danica3417@aol.com' <danica3417@aol.com>  
**Cc:** Sabrina Minshall <Sabrina.Minshall@canyoncounty.id.gov>; Dan Lister <Daniel.Lister@canyoncounty.id.gov>  
**Subject:** RE: Contact from Website: Danica Holladay

Hi Danica,

I am in receipt of your email and the concerns you have raised regarding a land use decision. According to Idaho statute, the Board is required to comply with Idaho law (Chapter 65, Title 67) which includes the Local Land Use Planning Act. The 2023 Board of County Commissioners wishes to exhibit the highest level of integrity as decision makers in quasi-judicial proceedings. In order to ensure equity, impartiality and fairness for all parties, the Board of County Commissioners chooses to refrain from communication with all parties related to a particular case until the case is heard by all members of the Board at a properly noticed, public hearing. This will allow each Commissioner to participate in hearings without bias and continue as a member of the decision-making body.

We have forwarded your email to our Development Services Director. Development Services will keep the Board advised on the status of items you have submitted for consideration.

Thank you again for contacting our office. We value our citizens and make every effort to be responsive and meet the highest standards of integrity and honor when it comes to serving Canyon County residents.

Respectfully,  
Commissioner Van Beek

**From:** Danica Holladay <[noreply@canyoncounty.id.gov](mailto:noreply@canyoncounty.id.gov)>

**Sent:** Wednesday, March 8, 2023 11:49 AM

**To:** Leslie Jansen Van Beek <[Leslie.JansenVanBeek@canyoncounty.id.gov](mailto:Leslie.JansenVanBeek@canyoncounty.id.gov)>

**Subject:** Contact from Website: Danica Holladay

**Contact**

District 1 - Van Beek

**Name**

Danica Holladay

**Email**

[danica3417@aol.com](mailto:danica3417@aol.com)

**Message**

Hello Commissioner Van Beek,  
My name is Danica and I live in Caldwell in a somewhat rural area, near the Boise River. It has come to the attention of myself and some of our neighbors that an application for a gravel pit has been placed. Here is the information about this application that I have...  
Canyon County  
CU2023-004  
03/02/2023  
CUP for gravel pit and processing in AG zone.  
Applicant: Givens Pursley LLC  
Parcel: 14533 River Road, Caldwell  
Staff Assigned: Sam Hammond

- Due to the close proximity of this address to the Boise River we are concerned about it's approval for a number of reasons.
1. How will this impact the wildlife that currently reside in that area? A large variety of birds inhabit this area. To name a few, wood ducks, migratory geese, quail, turkeys, and pheasants. This does not include any large animal like deer.
  2. Will this create a problem for the park that is located just behind this property? This area is used by the public, community groups, as well as provides additional habitat for wildlife.
  3. Based on my most recent findings, currently the proposed address is listed as ID Game Management Unit #38. What will the impact of removing this be?
  4. River road in itself is quite unsafe due to it being pushed up to a rock face on one side and the river on another. How will the road safety for my community be further impacted by a large scale operation going in at a place where the road may not be suit to manage such growth?
  5. How will the well and the irrigation that service our area be impacted by the increased water use of a gravel pit?

Also, I am curious how an approval of this gravel pit would or would not align with the future planning of Canyon County? At the last zoning and planning I attended in 2022 the representatives talked about keeping with agriculture and rural community values. I am having a hard time how a gravel pit, which would take over pasture land, in a mainly residential area would align with these values

If you are not the correct person to reach out to regarding these concerns I would appreciate any suggestions you have. Please feel free to reach out via email as well as by call or text on my cell phone, 509-475-8921.

Thanks for your time and consideration to this matter that is very important to my community!

## Samantha Hammond

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**From:** EDWARD SWANDER <ekswander@msn.com>  
**Sent:** Wednesday, April 12, 2023 7:58 PM  
**To:** Samantha Hammond  
**Subject:** [External] Conditional use permit for 14533 River RD, Caldwell, Idaho

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

My name is Kay Swander. I am submitting this correspondence for both myself and my husband, Ed Swander. I am writing with our concerns for a conditional use permit for a gravel pit at 14533 River Rd, Caldwell, ID. This property butts up to the back of our property. We live at 14299 Channel Rd. We purchased this proper in 2016, tore down the existing condemned house and built a new house in 2017. We moved out here from Boise for the quiet and solitude that this area provided. Because there was an existing house on the property there was also an existing shallow well which has been tested and is very good clean water. It is our understanding our well is artesian which comes from the aquifer. Because the water table is so high in this area the proposed gravel pit would be pumping the ground water which could not only pollute our drinking water but may cause our well to go dry. At present we use the overflow from the aquifer for livestock and our gardens, no pump required. What guarantees do we have that our water will not be affected?

Other concerns:

Noise pollution

Air pollution

Dangerous silica in the air

Heavy truck traffic

Lower property values

Lower quality of life

Reduced wildlife

Once issued a one to three year conditional use permit can be extended as long as the land continues to produce.

One issue that was not covered at the neighborhood meeting which we were not able to attend was if there will be blasting in the extraction of the rock. That would be another concern.

Below are some of the issues a short research of living near a gravel pit/quarry revealed:

What is the problem with gravel pits?

Pits and quarries **disrupt the existing movement of surface water and groundwater**; they interrupt natural water recharge and can lead to reduced quantity and quality of drinking water for residents and wildlife near or downstream from a quarry site.

Is it OK to live near a quarry?

Rock quarries create invisible dust particles proven to cause silicosis—a progressive, incurable lung disease. **Long-term exposure to particulate matter is strongly associated with heart disease, stroke, infertility, and pregnancy complications.**

**Asbestos is just as lethal as silica dust.** The dangers are the same, yet we cannot afford for the results of exposure to silica dust to be the same as what occurred with asbestos. Silica could be as lethal as asbestos, if not more so, with equally serious consequences.

What are 5 effects of quarrying?

Several serious environmental impacts related to quarrying activities on and near the river, such as **vibrations, land degradation, land subsidence and landslides, water pollution, occupational noise pollution, and air pollution**, will lead to health-related problems and loss of biodiversity.

How far away can you feel a quarry blast?

Is Rock Blasting Occurring Near My Property? Although the State of Florida has set regulations to ensure a safe use of explosives, most rock quarry blasts are still felt within a radius of approximately **three to four miles**.

***If blasting is felt up to four miles away what kind structural damage can be done to the dwellings just a couple hundred feet away?***

What are the disadvantages of living near a rock quarry?

People who live in close proximity to the quarry sites reported **exposure to dust at home (98%), land destruction (85%), plant leaves covered with dust (97%), and an inability to grow crops (92%)**. The exposed group reported significantly higher eye and nasal allergy

Thank you

Ed and Kay Swander

Jake & Kim Grubbs  
14106 Channel Rd, Caldwell, ID 83607  
208-989-4828  
[kgrubbs@caldwellschools.org](mailto:kgrubbs@caldwellschools.org)

Samantha Hammond

RE: Givens Pursley LLC  
Gravel Pit Application  
CUP for gravel pit & processing in AG zone  
CU2023-004  
Parcel: 14533 River Road, Caldwell, ID

3/13/23

Dear Samatha:

I am writing this letter to voice my opposition to the gravel permit application on Channel Rd in Caldwell, ID. Our neighborhood is a peaceful rural residential neighborhood with a perfect setting near the Boise River. It is a place where residents can escape the noise and business of the city and relax in the tranquility of their properties. We bought property here 8 years ago because of the peaceful rural lifestyle in which we wanted to raise our family and eventually retire.

A gravel and sand pit right in the heart of the community would be devastating and ruin the quality of life that ourselves and our neighbors enjoy so much. I request you to hear my concerns and to take into careful consideration the enormous negative impact such an operation would have on the community and the environment in which we live.

My first concern is **traffic and public safety**. With the strange intersection of Channel and River, with one stop sign near their driveway. I can see the potential for accidents with gravel trucks pulling in and out their business. The roads are narrow with blind corners, very little room on the shoulder and several school bus stops. River road is already in rough condition and then add the size of the trucks driving on it every day, it a sign of disaster. Many residents and their children walk, run or bike on these roads at all times of the day.

With the proposed amount of gravel being extracted, it would means numerous trucks per day one way would be traveling on these same roads causing congestion, pollution, more wear and tear on the roads, and a greater potential for accidents.

My second concern is **noise, dust and pollution**. The noise, dust and pollution created by this proposal would adversely affect the entire. Imagine what the decibel

level will be if this gravel pit is allowed to operate in such close proximity to residential properties!

My third concern is **water**. The water table is extremely low in our neighborhood. The applicant proposes to excavate gravel, which would be below the water table and would have a negative impact on neighboring wells that are fed by the aquifers that flow through the property in underground streams. Water always follows the path of least resistance and any single, multiple or successive development or site alteration activities and would have an irreversible negative impact on community wells and important wetlands.

My next concern is **the wildlife**. We are lucky to be surrounded with amazing wildlife in our neighborhood. We have seen fox, massive amount of different species of birds, raccoons, and deer, not to mention the massive amount of fish in the river that will also be effected by this gravel pit. Not only does this area provide critical habitat for fish, birds and other wildlife, they help to minimize or remediate environmental problems and help regulate atmospheric gasses and climate cycles.

A gravel pit would have an enormous negative impact by adding to the sediment washing into the wetland from run off on the property. Airborne particulates as well as toxic emissions from trucks, equipment and machinery may seep into the ground and contaminate groundwater, which flows into the wetland and into neighboring wells.

In closing, I would like to say that a gravel and sand pit on Channel Rd would drastically affect our ability to enjoy our properties that we have invested so much money and time into, decrease our property values, and destroy the quiet, peaceful community in which we live. If a permit were granted, the negative impact that this pit would have on the environment and its inhabitants is irreversible. It would compromise the health and safety of our community and ruin the character of this unique place forever.

I thank you for taking the time to hear my concerns and hope you will consider them when making your decision about the future of our community.

Sincerely,

Jake and Kim Grubbs

## Samantha Hammond

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**From:** Larry Elkins <lkelins@ecsmithinc.com>  
**Sent:** Tuesday, May 2, 2023 9:05 PM  
**To:** Samantha Hammond  
**Subject:** [External] Case # CU2023-0004, 14533 River Road, Caldwell

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Samantha:

I'll be providing several comments regarding why the referenced proposed gravel operation at 14533 River Road should be rejected in the future but I thought it would benefit you to visit the site now so you can see first hand one of the many concerns that will impact the river and our area. The Boise River isn't even at flood stage but your visit will show you how much of the river water is backed up into the project location. You will also see how the existing stream and drainage ditch is at capacity and will most likely be made worse by their proposed diversion and rechanneling. In the past, the water at times has actually covered the proposed gravel operations site all the way to River Road on the northside. You should also consider that filling the site to elevate the future building pads will displace the high water and flood water to other properties to be determined which would also have a big negative impact.

I strongly suggest you drive by the site while the water is flowing at its current levels. If you have any questions or require additional information, please feel free to call me.

Thanks,

Larry Elkins  
(208) 899-6518  
22702 Clearwater Drive  
Caldwell, ID 83607

## Samantha Hammond

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**From:** susan.cottrell@comcast.net  
**Sent:** Wednesday, April 12, 2023 11:45 AM  
**To:** Samantha Hammond  
**Subject:** [External] Conditional use permit for 14533 River Rd, Caldwell Id 83607

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Samantha,

My name is Susan Cottrell. My address is 14499 Channel Rd, Caldwell Id 83607. I own the property directly east of the property applying for the permit.

Their property surrounds me on 2 sides. I am the closest property and will be affected the most. When we purchased this property 10 years ago I never dreamed there could be a gravel pit in my surroundings.

We put considerable money into tearing down the old house and building a new house and shop in 2018.

Here is a list of my concerns should the conditional use permit be issued for a gravel pit at this property

1. First this will drastically lower my property value (who wants to live next to a gravel pit)
2. What will this do to my well water ?
3. Crystalline Silica dust will be continually released into the air and blown by the wind which can cause lung problems. And just plain more dust all the time.
4. Noise from the rock crusher 86.5 decibels And noise from all the equipment and trucks back up alarms!!
5. The scale they have placed for weighing the trucks is right next to my property line. My quiet afternoons of reading on my patio (and privacy) will be non existent.
6. They are asking for hours of operation 7am to 7pm Monday thru Saturday. Lights and noise
7. Truck traffic continually
8. And what about all the wildlife?

This is agricultural residential area. Not commercial and certainly not a gravel pit.

Will they be required to put a barrier between my property and their business for some privacy, dust control, and noise?

I know they are asking for a short term (3years) permit. I also know these permits can be extended once they are in there. What is our guarantee that this won't be indefinite?

Please let me know you received this.

Additionally, I would like a list of all the agencies that are being contacted for environmental impact reports.

Thank you for your time

Susan Cottrell  
14499 Channel Rd  
Caldwell ID 83607  
(559)737-3044