



Planning and Zoning Commission
Canyon County Development Services Dept.

Case No: CU2023-0013

HEARING DATE:	April 4, 2024
OWNER:	Knife River Corporation-Mountain West
APPLICANT/REP:	Joseph Smith
PLANNER:	Deb Root
CASE NUMBER:	CU2023-0013



LOCATION: The subject property is located approximately 1885 feet east of Notus Road on the south side of Red Top Road, Caldwell, Idaho, also referenced as parcel R36092010, a portion of the NE quarter of Section 15, T4N, R4W, BM, Canyon County, Idaho.

PROJECT DESCRIPTION

Case No. CU2021-0013: Knife River Corp.- Mtn. West, represented by Joseph Smith, is requesting a mineral extraction permit to include crushing, staging, hauling, concrete and/or asphalt batch plant operations on approximately 64.5 acres in an “A” (Agricultural) zone for a period not to exceed twenty (20) years. The proposed general hours of operation are 05:00 am to 07:00 pm, Monday – Saturday, hauling of materials may take place 24 hours a day, seven days per week to support construction activity that requires nighttime operations.

PROPERTY INFORMATION (See Exhibit 1 for Parcel Information)

Property History and information: The subject property is zoned agricultural. A review of aerial imagery revealed that the property once had a small mineral extraction operation prior to the 1979 ordinance adoption (Exhibit 20 1975 aerial) and then had become a non-conforming salvage yard with junk cars, trailers, and debris. From the year 2010 forward, the debris and salvage materials were being reduced. The debris has been completely removed from the property by December 2023 (see Exhibit 24). The property was split by administrative decision, AD2021-0177, separating a five acre residential parcel and the subject property, a 64.51 acre balance, R36092010.

The subject property is located within the Greenleaf area of city impact. The city is located approximately one (1) mile southwesterly of the site. Caldwell city limits are located approximately 3.6 miles from the proposed site. The City of Notus is approximately two miles north. The City of Greenleaf and the City of Caldwell provided agency comments in Exhibits 7 and 10. Blue lines show the AOI for each city and the Red outline is the subject property to the right.



The 64.51 acre property is comprised of approximately 45 acres of least suited soils with a soil capability of class 6. The 45 acres is not prime farmland and has not been in agricultural production and there is not evidence of significant grazing activities having occurred on the property. Approximately twenty (20) acres is classified moderately suited soils (class 3 designation) and noted as prime farmland if irrigated. (Exhibits 18 and 19). The primary uses of properties in this area of the county are mineral extraction and livestock grazing.

APPLICABLE CODE:

07-07-05 HEARING CRITERIA

The presiding party shall consider each conditional use permit application by finding adequate evidence to answer the following questions in its FCOs:

- (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?*

07-07-17: SPECIAL CONDITIONS:

Special conditions may be attached to a conditional use permit including, but not limited to, conditions which:

- (1) Minimize adverse impact, such as damage, hazard, and nuisance, to persons or the subject property or property in the vicinity;*
- (2) Control the sequence and timing of development;*
- (3) Control the duration of development;*
- (4) Designate the exact location and nature of development;*
- (5) Require the provision for on site or off-site public facilities or services;*
- (6) Require more restrictive standards than those generally required in this chapter; or*
- (7) Mitigate the negative impacts of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the county.*

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

When making a decision for a conditional use permit for the use, the decision-making body shall consider the following:

- (A) The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses;*
- (B) Duration of the proposed use;*
- (C) Setbacks from surrounding uses;*
- (D) Reclamation plan as approved by Idaho Department of Lands;*
- (E) The locations of all proposed pits and any accessory uses; and*
- (F) Recommendations from applicable government agencies.*

PROJECT OVERVIEW

Comprehensive Plan Consistency:

CU2023-0013 was applied for under the Canyon County 2030 Comprehensive Plan (hereafter Plan). The subject property is zoned agricultural (Exhibit 16). The property is located in an area of the county that is comprised of many mineral extraction operations, agricultural uses (primarily livestock and grazing) and residential uses. The Canyon County future land use map (FLU) designates the property as ‘Agriculture’ (Exhibit 14). *“The agricultural designation is the base designation throughout the County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, and ground of lesser agricultural value.”* The Plan does not specifically address mineral extraction in any of the thirteen Plan components with the exception of Chapter 5 Goal 5. The Plan does state that the County is rich in mineral resources that enhance the County’s economy. The following component goals and policies support the proposed application and location of the mineral extraction operations. Chapter 3: Economic Development Goal G3.01.00 encourages the *“promotion of a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.”* Policy P3.01.02 states, *“Support suitable sites for economic growth and expansion compatible with the surrounding area.”* Goal G3.05.00 states, *“Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.”* Chapter 5: Natural Resources and Hazardous Areas Goal, G5.03.00 *“Support the conservation of productive mineral lands and discourage incompatible uses upon or adjacent to these lands.”* Policy P5.03.01 states, *“Sand and gravel mining operations should be located to avoid adverse impacts to the river channel and promote compatibility with adjacent uses.”*

Existing Conditions:

Direction	Existing Conditions	Primary Zone	Other Zones
N	Agricultural fields with livestock grazing with residential homesites, NE CU2006-97 (mineral extraction-not commenced)	AG	
E	Mineral Extraction (JJ&T CU2008-75 partially reclaimed) with some residential development. To the SE is CU-PH2014-12 (160 ac) for mineral extraction (Central Paving)	AG	
S	Approved for mineral extraction (Idaho Materials CU2019-0018 (34 ac) and CU2007-112 (152 ac) (not commenced east of Notus Road))	AG	
W	Residential development along Notus and Red Top roads (avg. lot size 4.32 ac). West of Notus Road is CU2019-0018 active mineral extraction Idaho Materials (97.3 ac west of Notus Road).	AG	CR-C1
<small>“A” (Agricultural), “R-R” (Rural Residential), “R-1” (Single-Family Residential), “C-1” (Neighborhood Commercial), “C-2” (Service Commercial), “M-1” (Light Industrial), “CR” (Conditional Rezone)</small>			

Surrounding Land Use Cases:

There are multiple conditional use permits for mineral extraction on large parcels of land in the area including CU2006-97, CU2008-75, CU-PH2014-12, CU2007-112, CU2019-0018, CU2018-0008, and CU2020-0005 and additional mineral extraction operations and permits to the north, east and west (see Exhibit 17). One rezone case, CR2021-0003 (CR-C1) and a CU2022-21 for RV Storage on an approximate nine (9) acre parcel lies west of Notus Road.

Character of the Area:

The character of the area is mixed ag-residential, livestock grazing, and mineral extraction operations. There is one CR-C1 parcel that is conditionally approved for an RV storage facility with approximately 140 covered spaces. The RV facility is not currently built on R36103020. There is residential development immediately adjacent to area roadways including Notus Road and Red Top Road. The City of Greenleaf lies approximately 3,291 feet to the southwest of the proposed site. Mineral extraction operations have resulted in large ponds on surrounding properties and in the vicinity. One pond owned by the State of Idaho Division of Highways is located approximately 2,760 feet to the east of the proposed development has been reclaimed into a public fishing pond identified as Red Top Pond (see Exhibit 22).

Access and Traffic:

The applicant proposes to take access to Red Top Road (a minor arterial). Red Top Road intersects with Notus Road approximately 1885 feet to the west. The applicant indicates that the expected haul route will be via Hwy 20/26 to the interstate to the Nampa Redi-Mix facility. The Idaho Transportation Department has indicated concerns regarding impact to State Hwy 19 and requested three reports for review and mitigation considerations (Exhibit 11). JUB Engineers responded on behalf of Golden Gate Highway District (Exhibit 8). GGHD did not address any concerns regarding the intersection of Nouts Road and Red Top Road for this proposed operation. They indicated that no new access points will be allowed onto Red Top Road and the existing access must be improved per ACCHD-106 standards. The applicant indicates that this proposed pit will be a replacement of the Notus Pit located 0.75 miles north on Dixie River Road and will not result in increased truck traffic or require more local resources. There are multiple residential properties located along both sides of Red Top Road between the access point to the subject property and Notus Road. At the time of this report staff had not received any public comments regarding the proposed application. The City of Caldwell notes concerns with the proposed mineral extraction operations due to the potential impact of a haul route on Hwy 19 to Centennial Way to the interstate citing noise, dust and traffic concerns (Exhibit 23).

Facilities:

The applicant is not proposing to install water or sewer at the subject property. Portable Sanitary units will be utilized for employees at the site. A scale and scale house with power are the only anticipated improvements on the property. Vehicle fueling and minor maintenance will be performed onsite. Applicant indicates that fuel and lubricating oils will be brought to the site on service vehicles equipped with spill control equipment as needed. Fuel may be stored on at the crusher location in portable containers to support crushing operations. All fuel tanks will be double walled or installed with secondary containment according to the applicant letter of intent (Exhibit 4). Stormwater will be retained on site through grading and infiltration. Dewatering will occur to onsite ponds for settling and then are proposed to be discharged to the drainage facilities inclusive of the South Drain, Riverside Canal, the unnamed drains on the property. The applicant shall comply with the requirements of Section 404 of the Clean Water Act as required and in compliance with the Department of the Army (DA) Corp of Engineers permit application process (Exhibit 9).

Essential Services:

The proposed uses, including mineral extraction, crushing, staging, hauling, and batch plant operations are not anticipated to significantly impact essential services including schools, police, fire, and emergency medical services. The operations shall not modify or disrupt irrigation and drainage facilities without express written consent from the irrigation district of record and in compliance with the Corp of Engineers (Exhibit 9). The Caldwell Rural Fire Protection District Fire Marshall indicates

that the applicant shall comply with internal access road, turn-arounds, and access gate requirements of the International Fire Code (IFC) as stated in exhibit 10.

POTENTIAL IMPACTS

The subject property is in an area of the county that has multiple mineral extraction operations in process or permitted to be brought into production as evidenced by aerial map and surrounding land use cases. However, this particular property is bounded on the western boundary by existing rural ag-residential properties. Within the 1,000-foot notification distance twenty-eight (28) residential properties and five (5) mining operators were notified of the pending application. Eleven of the ag-residential properties are located immediately adjacent to the proposed mining activities. The Canyon County Code §07-14-19 Mineral Extraction Long Term Use Standards call out a minimum thirty (30) foot setback from all property boundaries and that is what is identified in the applicant's letter of intent and reclamation plan. One residence is within 75 feet of the proposed subject property line near the southwest corner. There are potential impacts of noise, vibration, dust adversely affecting these nearby properties even though the applicant is proposing a fifteen-foot berm within the 30-foot setback requirement.

ITD, the City of Greenleaf, and the City of Caldwell have expressed traffic concerns with regards to State Hwy 19 (Simplot Blvd) and Centennial Way. The stated concerns are turning movements disrupting traffic, posted speeds creating safety concerns as trucks accelerate and decelerate at the intersection of Notus Road and Hwy 19. Also, an additional concern is left-hand turning movements at intersections. The applicant has indicated that the primary haul route will continue to be northbound to State Hwy 20/26 then eastbound to the interstate. To mitigate concerns regarding Hwy 19, a condition has been placed that the operator shall utilize Hwy 20/26 as the primary haul route for the mineral extraction operations. ITD has requested additional information from the applicant with regards to traffic generation numbers, traffic distribution and turn-lane warrants.

COMMENTS

Staff received agency comments from Golden Gate Highway District, the Idaho Transportation Dept., the Army Corp of Engineers, the City of Caldwell, and the Caldwell Rural Fire District. These comment letters are attached as exhibits 7-11 and 23. Knife River Corp. provided response to the City of Greenleaf concerns (Exhibit 26).

Staff did not receive comments or phone calls from the public regarding this conditional use application for mineral extraction.

RECOMMENDATION

Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed application for a conditional use permit for a mineral extraction permit on parcel R36092010 for the purpose of mineral extraction, crushing, staging, hauling along with batch plant operations inclusive of concrete and asphalt.

Based upon the review of the application, the site and surrounding properties, and the review of the criteria for a conditional use permit for a mineral extraction permit as proposed, staff is **recommending approval** of CU2023-0015 as conditioned.

DECISION OPTIONS

For Case No. CU2023-0013: a request for a conditional use permit for a mineral extraction, crushing, staging, hauling along with batch plant operations inclusive of concrete and asphalt for a period not to exceed twenty (20) years:

- The Planning and Zoning Commission may **approve** the mineral extraction permit as proposed or amended;
- The Planning and Zoning Commission may **deny** the mineral extraction permit as proposed and direct staff to make findings of fact to support this decision; or
- The Planning and Zoning Commission may **continue the discussion** and request additional information on specific items.

EXHIBITS

Exhibit 1	Parcel Tool Information Sheet
Exhibit 2	DRAFT FCOs
Exhibit 3	Site Plan
Exhibit 4	Applicant Letter of Intent
Exhibit 5	Master Application documents
Exhibit 6	Reclamation Plan and Department of Lands Approval (Plan #S6002997)
Exhibit 7	City of Greenleaf agency response
Exhibit 8	Golden Gate Highway District/JUB agency response
Exhibit 9	Army Corp of Engineers agency response
Exhibit 10	Caldwell Rural Fire Protection District agency response
Exhibit 11	Idaho Department of Transportation
Exhibit 12	Maps: Small Aerial
Exhibit 13	Maps: Small Vicinity Map
Exhibit 14	Maps: Future Land Use Map (2030)
Exhibit 15	Maps: Greenleaf Future Land Use Map
Exhibit 16	Maps: Zoning and Subdivision Maps
Exhibit 17	Maps: Dairy, Feedlot, and Gravel Pit Map
Exhibit 18	Maps: Prime Farmland Reports
Exhibit 19	Maps: Soil Report
Exhibit 20	Assessor Aerial Map 1975
Exhibit 21	Site Photos
Exhibit 22	Red Top Pond Sign
Exhibit 23	City of Caldwell agency response
Exhibit 24	Google Earth 2024 aerial image
Exhibit 25	Staff -Applicant communications
Exhibit 26	Knife River Response to Greenleaf concerns

R36092010 PARCEL INFORMATION REPORT

3/25/2024 10:40:29 AM

PARCEL NUMBER: R36092010

OWNER NAME: KNIFE RIVER CORPORATION-MOUNTAIN WEST

CO-OWNER:

MAILING ADDRESS: 5450 W GOWEN RD BOISE ID 83709

SITE ADDRESS: 0 RED TOP RD

TAX CODE: 1520000

TWP: 4N RNG: 4W SEC: 15 QUARTER: NE

ACRES: 64.51

HOME OWNERS EXEMPTION: No

AG-EXEMPT: No

DRAIN DISTRICT: DD6

ZONING DESCRIPTION: AG / AGRICULTURAL

HIGHWAY DISTRICT: GOLDEN-GATE HWY

FIRE DISTRICT: CALDWELL RURAL FIRE

SCHOOL DISTRICT: VALLIVUE SCHOOL DIST

IMPACT AREA: GREENLEAF

FUTURE LAND USE 2011-2022 : AG

FLU Overlay Zone Desc 2030:

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: AG

IRRIGATION DISTRICT: PIONEER DIXIE DITCH CO \ POOR BOY DITCH CO INC

FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0208F

WETLAND: NOT In WETLAND

NITRATE PRIORITY: NO Nitrate Prio

FUNCTIONAL Classification: NOT In COLLECTOR

INSTRUMENT NO. : 2022029508

SCENIC BYWAY: NOT In Scenic Byway

LEGAL DESCRIPTION: 15-4N-4W NE TX 22427 IN NE

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



DISCLAIMER:

- 1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS, POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
- 2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
- 3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
- 4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERRIF'S CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.

EXHIBIT
1



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

In the matter of the application of:

Knife River Corporation-Mtn. West CU2023-0013:

The Canyon County Planning and Zoning Commission considers the following:

Knife River Corp.- Mtn. West, represented by Joseph Smith, is requesting a mineral extraction permit to include crushing, staging, hauling, concrete and/or asphalt batch plant operations on approximately 64.5 acres in an “A” (Agricultural) zone for a period not to exceed twenty (20) years. The proposed general hours of operation are 05:00 am to 07:00 pm, Monday – Saturday, hauling of materials may take place 24 hours a day, seven days per week to support construction activity that requires nighttime operations. The subject property is located approximately 1885 feet east of Notus Road on the south side of Red Top Road, Caldwell, Idaho, also referenced as parcel R36092010, a portion of the NE quarter of Section 15, T4N, R4W, BM, Canyon County, Idaho.

Summary of the Record

1. The record is comprised of the following:

A. The record includes all testimony, the staff report, exhibits, and documents in Case File CU2023-003.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-07 (Conditional Use Permits), Canyon County Code §07-02-03 (Definitions), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Canyon County Code §07-14 (Use Standards), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures), and Canyon County Code §09-03-07 (Area of City Impact Agreement).

- a. Notice of the public hearing was provided pursuant to CCZO §07-05-01, Idaho Code §67-6509 and 67-6512.
- b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.
- c. Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. *See* CCZO §07-07-01.
- d. Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of

development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development; (6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. *See* Idaho Code §67-6512, CCZO §07-07-17, and 07-07-19.

- e. Use Standards – Mineral Extraction Long Term: (1) If a conditional use permit is required, the following standards shall apply: A. Setbacks: Front 30’, Side 30’, Rear 30’ Corner 30’; 1. Front and corner setbacks shall be measured from the greatest of either the property line, right-of-way line, or road easement line of any local or private street. 2. When making a decision for a conditional use permit for the use, the decision making body shall consider the following: (A) The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses; (B) Duration of the proposed use; (C) Setbacks from surrounding uses; (D) Reclamation plan as approved by Idaho Department of Lands; (E) The locations of all proposed pits and any accessory uses; and (F) Recommendations from applicable government agencies. *See* CCZO §07-14-19.
2. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-07-01.
3. There are no mandates in the Local Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. Chambers v. Kootenai Cnty. Bd. of Comm’rs, 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).
4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCZO §07-05-03.
5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.
6. The County’s hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application CU2023-0013 was presented at a public hearing before the Canyon County Planning and Zoning Commission on April 4, 2024. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Canyon County Planning and Zoning Commission decide as follows:

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

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

Conclusion: The Planning and Zoning Commission finds and concludes that long term mineral extraction operations and batch plants are allowed by conditional use permit (CUP) approval in the “A” (Agricultural) zone.

Findings: (1) The subject property is zoned “A” (Agricultural) as evidenced by Exhibit 1-Parcel information tool.

(2) Pursuant to CCZO Section 07-10-27: Land Use Matrix, a mineral extraction (long-term) use is allowed in the “A” Zone subject to conditional use permit approval.

07-10-27: LAND USE REGULATIONS (MATRIX):

This section lists uses within each land use zone: allowed uses (A), permitted uses through a conditional use permit (C), Director administrative decision (D), not applicable because covered by different use/section (n/a), or prohibited (-).

Zoning Classification	A	R-R	R-1	R-2	C-1	C-2	M-1	M-2	MU-A
Mineral extraction (long term)	C	-	-	-	-	-	A	A	-

- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0013
- (4) Evidence includes associated findings and evidence supported within this document.

2. What is the nature of the request?

Conclusion: The Planning and Zoning Commission finds and concludes that the applicant is requesting a CUP for a long term mineral extraction permit to include crushing, staging, hauling, concrete and/or asphalt batch plant operations on approximately 64.5 acres in an “A” (Agricultural) zone for a period not to exceed twenty (20) years. The proposed general hours of operation are 05:00 am to 07:00 pm, Monday – Saturday, hauling of materials may take place 24 hours a day, seven days per week to support construction activity that requires nighttime operations. The subject property is located approximately 1885 feet east of Notus Road on the south side of Red Top Road, Caldwell, Idaho, also referenced as parcel R36092010, a portion of the NE quarter of Section 15, T4N, R4W, BM, Canyon County, Idaho.

- Findings:**
- (1) Applicant Letter of Intent (Exhibit 4)
 - (2) Reclamation Plan as approved by the State of Idaho Dept. of Lands (Exhibit 6)
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0013.
 - (4) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The Planning and Zoning Commission finds and concludes that the proposed mineral extraction operation is generally consistent with the 2030 Comprehensive Plan components for economic development and natural resources. More specifically goals and policies G3.01.00, P3.01.02, and G3.05.00 in the Economic Development chapter and G5.03.00 and P5.03.01. The remaining components of the plan do not specifically address the proposed application with limited impacts to population, housing, schools and public services, facilities and utilities.

- Findings :**
- (1) The site contains approximately 45 acres of least suited class 6 soils and has not been in agricultural production as evidenced by exhibits 12, 18, 19, 20 and 24.
 - (2) This area of the county is primarily comprised of mineral extraction operations that are in production or permitted for mining operations as evidenced by aerial site maps and the gravel pit map showing mineral extraction sites within one mile of the property (see Exhibits 12 and 17).
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0013.
 - (4) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The Planning and Zoning Commission finds and concludes that the proposed use as conditioned will not be injurious to other property in the immediate vicinity nor will it negatively change the essential character of the area.

- Findings:**
- (1) The area is a mix of residential, agricultural and mineral extraction operations. There are mineral extraction operations in production or permitted to the north, south, east and west of the subject property as evidenced by the aerial maps, site photos and the Gravel Pit Map (see exhibits 12, 17, and 20)
 - (2) Properties within 1,000 feet of the subject property boundary were notified by mail, site postings and publication in the newspaper. No public comments were received in opposition of the proposed mineral extraction operation.
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and JEPAs to the City of Greenleaf were noticed on January 2, 2024. Newspaper notice was published on February 24, 2024. Property owners within 1000' were notified by mail on February 21, 2024. The property was posted on February 29, 2024.
 - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0013.
 - (5) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The Planning and Zoning Commission finds and concludes that adequate facilities and utilities will be provided to accommodate the use.

- Findings:**
- (1) The applicant letter of intent and reclamation plan indicate the use of process water, providing for dewatering, settling ponds, and discharge of process water, inclusive of appropriate grading to maintain stormwater on property. Irrigation supply and drainage systems are available on the site and shall not be modified or discharged to without express approvals as required by the irrigation district and the Army Corp of Engineers (exhibit 9).
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and JEPAs to the City of Greenleaf were noticed on January 2, 2024. Newspaper notice was published on February 24, 2024. Property owners within 1000' were notified by mail on February 21, 2024. The property was posted on February 29, 2024.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0013.
 - (4) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The Planning and Zoning Commission finds and concludes that legal access exists to the subject property or will exist at the time of commencement. The access approach to the subject property from Red Top Road will require an approach permit from Golden Gate Highway District prior to work beginning on the site as evidenced by Exhibit 8.

- Findings:**
- (1) JUB Engineers agency response on behalf of Golden Gate Highway District indicates that legal access exists via a current access point. No additional access points will be provided to the site. The current approach requires improvements to meet commercial ACCHD approach requirements (see Exhibit 8).
 - (2) Notice of the public hearing was provided per CCZO §07-05-01 to affected agencies on January 2, 2024.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0013.
 - (4) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The Planning and Zoning Commission finds and concludes that the request for a mineral extraction site that will replace the existing Knife River facility to the north will not create undue interference with existing or future traffic patterns as proposed. However, the Commission notes that the Idaho Transportation Department, the City of Greenleaf, and the City of Caldwell have expressed concerns with truck traffic using Hwy 19 (Simplot Blvd.) and Centennial Way as a haul route.

- Findings:**
- (1) GGHD responded to the agency notification and through review did not require additional traffic studies. GGHD will require an approach permit to improve the site approach to ACCHD commercial approach standards as evidenced in Exhibit 8.
 - (2) The Idaho Transportation Department provided comments in Exhibit 11 requesting additional traffic related information. Subsequent discussions with the applicant and staff occurred. ITD expressed specific concerns with the intersection of Notus Road and Hwy 19 noting concerns including potential change in current traffic pattern from Hwy 20/26 to Hwy 19. There is a posted speed of 60 mph on Hwy 19 at Notus Road intersection, creating safety concerns as trucks slow to make right hand turns. Also trucks/vehicles exiting the facility to the Notus intersection require a left hand turning movement to travel east bound creating additional potential for traffic conflict.
 - (3) The City of Greenleaf and the City of Caldwell (Exhibits 7 & 10) expressed concerns with truck traffic and impacts to State Hwy 19 and Centennial Way as a haul route to the interstate. The City of Greenleaf also concerned with operators not covering the loads increasing dirt and gravel pollution/hazards along the haul routes.
 - (4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and JEPA to the City of Greenleaf were noticed on January 2, 2024. Newspaper notice was published on February 24, 2024. Property owners within 1000' were notified by mail on February 21, 2024. The property was posted on February 29, 2024.
 - (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0013.
 - (6) Evidence includes associated findings and evidence supported within this document.

8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?

Conclusion: The Planning and Zoning Commission finds and concludes that the request for a mineral extraction site that will replace the existing facility to the north will not require additional services and will not negatively impact services or require additional public funding. The facility is conditioned to comply with the fire district requirements in compliance with the IFC and to not disrupt the existing irrigation and drainage facilities that exist on the site.

- Findings:**
- (1) Agencies were notified of the application for a mineral extraction operation. Staff received comment from the Caldwell Rural Fire District. No other agencies responded to the request for comment.
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and JEPAs to the City of Greenleaf were noticed on January 2, 2024. Newspaper notice was published on February 24, 2024. Property owners within 1000' were notified by mail on February 21, 2024. The property was posted on February 29, 2024.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0013.

**Canyon County Code §09-03-07 (Area of City Impact Agreement) –
AREA OF CITY IMPACT AGREEMENT ORDINANCE**

Conclusion: The Planning and Zoning Commission finds and concludes that the property is located within the Greenleaf Area of City Impact. A notice was sent to the City of Greenleaf per Canyon County Code Section 09-03-07.

- Findings:**
- (1) Pursuant to the requirements of §09-03-07 a JEPAs notice was sent to the City of Greenleaf on January 29, 2023 as evidenced in case file CU2023-0013.
 - (2) A comment letter was received from the City of Greenleaf (Exhibit 7 Staff Report).
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and JEPAs to the City of Greenleaf were noticed on January 2, 2024. Newspaper notice was published on February 24, 2024. Property owners within 1000' were notified by mail on February 21, 2024. The property was posted on February 29, 2024.
 - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0013

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

When making a decision for a conditional use permit for the use, the decision-making body shall consider the following:

- (A) The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses;**

Conclusion: The Planning and Zoning Commission finds and concludes that the request for a mineral extraction site is compatible with the uses that exist in the vicinity of the subject property. There are existing ag-residential properties to the north and along the western boundary of the property.

- Findings:**
- (1) The ag-residential properties currently exist where there are mineral extraction operations. There are both active and permitted mineral extraction sites in the vicinity and immediately to the west of the ag-residential properties as evidenced by exhibits 12 and 17.
 - (2) No public comments were received in opposition to the mineral extraction permit.

- (3) Notice of the public hearing was provided per CCZO §07-05-01. Newspaper notice was published on February 24, 2024. Property owners within 1000' were notified by mail on February 21, 2024. The property was posted on February 29, 2024.
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0013
- (5) Evidence includes associated findings and evidence supported within this document.

(B) Duration of the proposed use;

Conclusion: The Planning and Zoning Commission finds and concludes that the request for a mineral extraction operation for a duration not to exceed twenty (20) years is consistent with mineral extraction permit duration requests. The permit duration shall not exceed twenty (20) years from the date of signing of the FCOs (April 2044).

- Findings:**
- (1) CCZO §07-07-23: Land Use Time Limitations: Gravel pits and public utility facilities are excepted from the commencement and time completion requirements. The presiding party has the discretionary power to establish commencement and completion requirements as specific conditions of approval for gravel pits and power plant public service facilities. CCZO §07-07-26 Request for Extension provides for opportunity for the operator to submit a request for extension if operations are expected to exceed the permit limitations.
 - (2) No public or agency comments were received in opposition to the mineral extraction permit duration.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0013

(C) Setbacks from the surrounding uses;

Conclusion: The Planning and Zoning Commission finds and concludes that the mineral extraction operation plan meets the minimum thirty (30) foot required setbacks from the property lines and also from the irrigation and drainage facilities on the subject property.

- Findings:**
- (1) The applicant's letter of intent, reclamation plan
 - (2) No public comments were received in opposition to the mineral extraction permit.
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and JEPA to the City of Greenleaf were noticed on January 2, 2024. Newspaper notice was published on February 24, 2024. Property owners within 1000' were notified by mail on February 21, 2024. The property was posted on February 29, 2024.
 - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0013

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

Conclusion: The Planning and Zoning Commission finds and concludes that the Idaho Department of Lands has reviewed and approved the reclamation plan for the proposed mineral extraction site.

- Findings:**
- (1) Letter dated December 12, 2022 from the Idaho Department of Lands indicating approval of Plan No. S602997 for 65 acres subject to conditions and bond requirements (see Exhibit 6).

- (2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0013

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

Conclusion: The Planning and Zoning Commission finds and concludes that the site plan and reclamation plan provided for the mineral extraction operations inclusive of the extraction, crushing, staging, hauling, and potential batch plants is consistent with the extraction operations in the vicinity. The operator plans to maintain the crushing and any batch plant operations in the northeast corner of the property. The operator also proposes to maintain 15-foot berms where operations are adjacent to a public roadway and along the western boundary to aid in minimizing impacts to adjacent ag-residential properties.

- Findings:**
- (1) The applicant letter of intent, reclamation plan and subsequent communications with staff via email as evidenced in exhibits 4,6, and 25.
 - (2) No public comments were received in opposition to the mineral extraction permit or site plans.
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and JEPAs to the City of Greenleaf were noticed on January 2, 2024. Newspaper notice was published on February 24, 2024. Property owners within 1000' were notified by mail on February 21, 2024. The property was posted on February 29, 2024.
 - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0013

(F) Recommendations from applicable government agencies.

Conclusion: The Planning and Zoning Commission finds and concludes agencies providing comment were not in direct opposition of the proposed mineral extraction request with the exception of the City of Caldwell citing long term noise, dust, and traffic impacts (Exhibit 23). ITD also expressed concerns with the potential traffic impacts to the intersection of Hwy 19 and Notus Road and at Centennial Way and requested additional information. The City of Greenleaf expressed some concerns regarding traffic, noise, and dust with specific concerns regarding uncovered loads.

- Findings:**
- (1) Agencies inclusive of Golden Gate Highway District, Caldwell Fire District, the City of Greenleaf, the Department of Lands approval of Reclamation Plan, Army Corp of Engineers did not express opposition to the proposed mineral extraction permit as evidenced in Staff Report exhibits 6,7,8,9 and 10.
 - (2) Agencies inclusive of the Idaho Transportation Department (ITD) and the City of Caldwell expressed opposition to the application. ITD requested additional information citing concerns with traffic safety on State Hwy 19 and at the intersection of Notus Road. (Exhibit 11). The City of Caldwell expressed opposition citing traffic concerns on Hwy 19 and Centennial Way which lie within the city limits of Caldwell (Exhibit 23).
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and JEPAs to the City of Greenleaf were noticed on January 2, 2024. Newspaper notice was published on February 24, 2024. Property owners within 1000' were notified by mail on February 21, 2024. The property was posted on February 29, 2024.
 - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0013

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case # CU2023-0013, a conditional use permit for mineral extraction to include crushing, staging, hauling, concrete and/or asphalt batch plant operations on approximately 64.5 acres in an “A” (Agricultural) zone for a period not to exceed twenty (20) years subject to the following conditions as enumerated:

Conditions of Approval

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. The applicant shall comply with applicable Caldwell Rural Fire District requirements as evidenced by an approval letter from the Caldwell Rural Fire District that conditions have been complied with.
3. The applicant shall comply with applicable Golden Gate Highway District access requirements (Exhibit 8). The applicant shall obtain a permit before the operations commence on this site. Prior to commencement of operations the applicant shall submit in writing to DSD a letter from the appropriate Highway District stating this requirement has been satisfied.
4. The applicant shall provide the Idaho Transportation Department with the three requested reports including 1. Traffic Generation Numbers, 2. Traffic Distribution, and 3. Turn-Lane Warrants and work with ITD to mitigate impacts to the highway systems related to Knife River Corporation traffic as evidenced by a letter from ITD indicating compliance with report submission prior to commencement of operations at the Red Top Road facility.
5. To minimize truck traffic impacts on State Hwy 19, the primary haul route for the proposed operations shall be exiting west on Red Top Road to Notus Road. At Notus Road the haul route shall be northerly to State Highway 20/26 consistent with current hauling operations from the Knife River pit on Dixie River Road.
6. Development shall not impede, disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way. Alterations of irrigation structures located on the property shall be conducted with written approval from the irrigation company having jurisdiction. The alterations shall not impede or affect water delivery to adjacent properties/water users. Evidence shall include a copy of the irrigation district approval provided to Development Services prior to disturbance of the facility.
7. Water, surface and groundwater, shall be discharged in accordance with state, federal, and local standards and/or regulations. Sediment shall not be discharged from the site in process or stormwater overflow into the irrigation structures on site.
8. The operator shall dispose of waste in a manner that does not contribute to potential environmental and water contamination in and around the subject property.
9. The operator proposes to utilize fill materials to back fill a portion of the property during reclamation. Only materials in conformance with Idaho Solid Waste Management Rules (IDAPA 58.01.06.005.19) which defines inert waste shall be utilized as fill in compliance with the Reclamation Plan S602997. (Exhibit 6).
10. The hours of operation shall be 5 a.m. to 7 p.m. Monday through Saturday, as proposed in the applicant’s letter of intent (Exhibit 4). The allowable business hours for the crushing operation shall be Monday through Friday from 7:00 am to 5:00 pm. The operation will be closed Sundays and on traditional legal holidays.
11. Temporary 24 hour per day seven days per week operations may be conducted as required by projects mandating nighttime delivery of materials. No crushing of materials shall occur during nighttime hours. The duration of 24 hour operations shall be for temporary periods required by construction on nighttime projects.
12. The mineral extraction operation shall be conducted in substantial conformance with the reclamation plan and letter of intent with the site plan (Attachment #4 & #6).

13. Dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations including but not limited to nuisance regulations (CCCO Chapter 2 Article 1: Public Nuisances).
14. Operation of mining equipment, storage, and use of fuels and petroleum products shall be per all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations.
15. The mineral extraction, crushing, staging, hauling, and batch plant operations shall not operate in excess of 20 years from the date of the signing of the Findings of Fact, Conclusions of Law, Conditions of Approval, and Order (April 4, 2044) without further jurisdictional approval.
16. The operation shall comply with the reclamation plan approved by the Idaho State Department of Lands (Attachment #6 document #S602997 approved December 12, 2022). The operator shall complete the reclamation plan as approved by the Idaho State Department of Lands.
17. A minimum 15-foot high landscaped berm shall be constructed in accordance with the site plan along Red Top Road prior to extraction of gravel. The berm shall remain in place while mineral extraction, crushing and batch plant operations are occurring on the subject property. A similar berm shall be maintained along the western property boundaries of the subject property to aid in minimizing the impact to the existing residential development. These berms may be removed as part of the reclamation of the site.
18. All berms shall be maintained in a weed free condition and shall be, where facing the public road and adjacent to residential properties be landscaped with rock/perma bark. The developer shall regularly maintain the topsoil berm to assure that berms remain well kept and maintained in a weed free condition for the life of the mineral extraction operation.
19. Stockpiling of gravel shall not exceed 30 feet in height.
20. Construction of any site buildings/facilities shall require a building permit.
21. The setbacks from the subject property boundaries shall be a minimum thirty (30) feet from adjacent property boundaries in accordance with [§07-14-19 (1) A]. The setbacks from any irrigation or drainage facility on the site shall be a minimum of thirty (30) feet.
22. All exterior lighting shall be downward facing and directed away from adjacent residential properties.

DATED this _____ day of _____, 2024.

**PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO**

Robert Sturgill, Chairman

State of Idaho)

SS

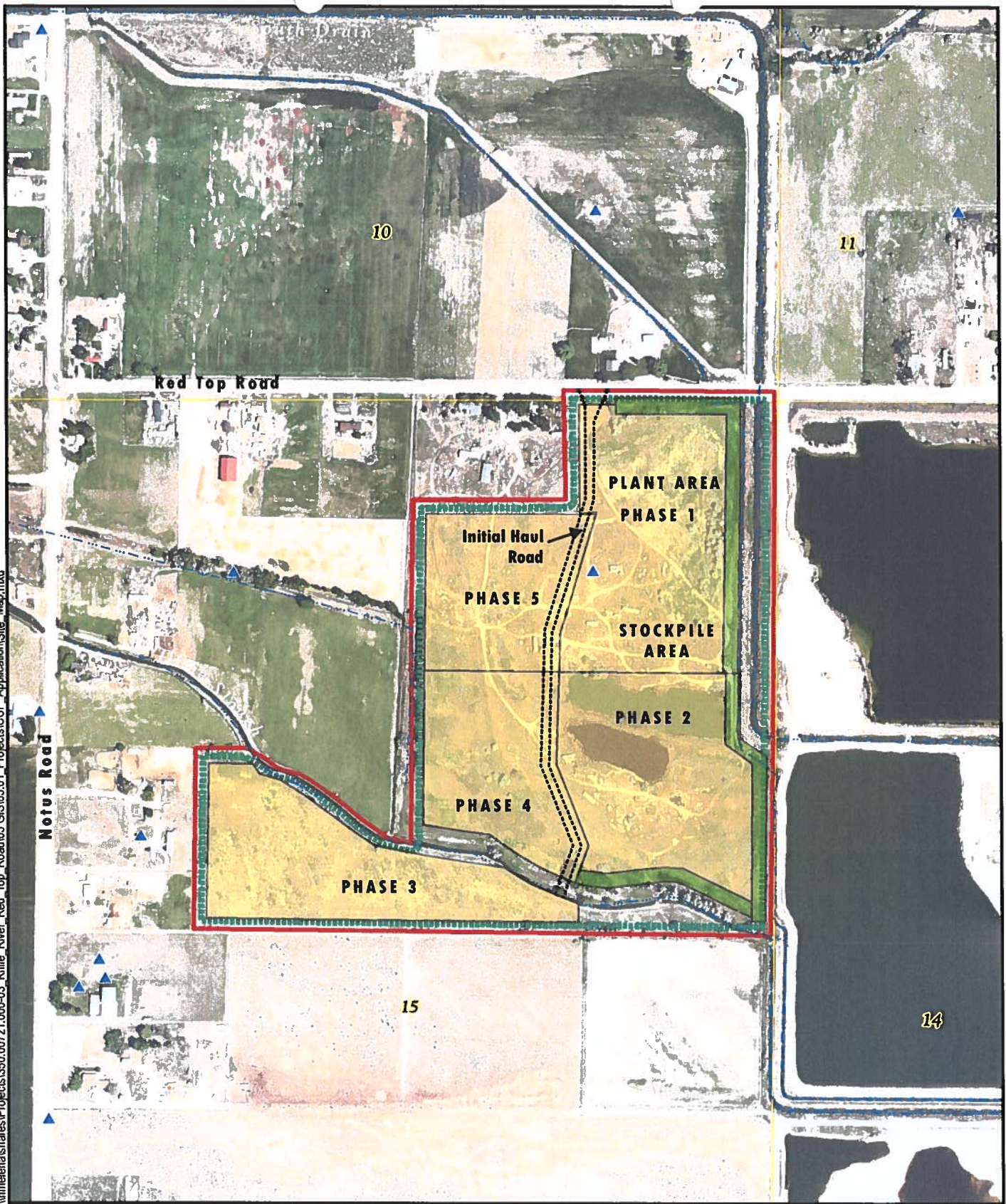
County of Canyon County)

On this _____ day of _____, in the year 2024, before me _____, a notary public, personally appeared _____, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

Notary: _____

My Commission Expires: _____

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Township 4 North/Range 4 West



- Permit Boundary
- Section Lines
- Canal/Ditch (NHD)
- Mine Plts
- Overburden Area
- Proposed Erosion Control Berm (30 foot setback)

Water Wells (Idaho Division Water Resources) ▲



Note: Plant Area will include a crusher and concrete and asphalt production.

Master Site Plan
Red Top Pit Expansion
Knife River
Canyon County, Idaho

EXHIBIT
3

FIGURE 3

Knife River Corporation – Mountain West
Southern Idaho Division
5450 West Gowen Road
Boise, ID 83709

April 3, 2023

Canyon County
Development Services
111 North 11th Ave
Caldwell, ID 83605

Subject: Detailed Letter for Conditional Use Application for the Red Top Pit

Dear Canyon County Development Services & County Commissioners,

Knife River Corporation – Mountain West respectfully submits the following Conditional Use Permit application for a new gravel source. This gravel source is a replacement for Knife River's current gravel source, known as the Red Top Pit.

The population of Canyon County has significantly increased by over double its population the last 30 years. Canyon County's 2020 Comprehensive Plan projects a 51% increase in population between the years 2000 and 2030. In addition, by the year 2030 the number of households is forecasted to be 115,118 representing a 27% increase from 2020. This area of Canyon County is rich with mineral reserves that are essential to support the current and anticipated growth in the area. Having local mineral reserves for construction projects aids in controlling costs of public work projects and aides in developing affordable housing in the County.

The proposed source, known as the Red Top Pit, is located within Canyon County. The legal description of the source is SE NE $\frac{1}{4}$, SW NE $\frac{1}{4}$, NE $\frac{1}{4}$, SEC 15 T4N R4W (**Exhibit C, Figure 1**). The proposed Red Top source is comprised of 1 parcel: R36092010. Parcel R36092010 consists of approximately 65 acres. The surface and mineral rights are currently owned by Knife River Corporation – Mountain West (**Exhibit C, Figure 2**).

Mining operations at the site will include concrete production and asphalt production as well as mining sand and aggregate to be crushed, screened, washed, and stockpiled within the boundary of the Red Top Pit. Current and future stockpile locations, crushing operations, and haul roads are shown on **Exhibit C, Figure 3**. Prior to any mining operations, the vegetation, topsoil, and overburden will be stockpiled onsite for future reclamation. Phase 1 of the mining operation (12.9 acres) consists of the plant area and soil/aggregate stockpiles; Phases 2 through 5 of the mining operation result in a total of 36.3 acres of disturbance for a total of 49.2 acres of mining disturbance. The area outside of active mining phases includes 15.8 acres.

A reclamation plan application was submitted to the Idaho Department of Lands (IDL) and approved on December 12, 2022. The reclamation plan approval and reclamation plan application are included with this application. This property is not within the floodplain therefore a floodplain development application has not been included with this application.

Proposed standard hours of operation for mining activity is 5am – 7pm, Monday through Saturday. However, loading and hauling of material may take place 24 hours a day, seven days a week to support construction activity that requires nighttime operations. 1-10 employees are expected to be on site at any given time. Except for placing truck scales, no additional signage, improvements, or structures will be placed within the CUP area. This application is intended to provide a replacement of mineral reserves for Knife River's Notus Pit located 0.75 miles to the north on Dixie River Road and will not result in increased truck traffic or require more local resources.

Setbacks from the property line will be 30' in accordance with Canyon County Zoning Ordinance § 07-14-19. Knife River proposes a maintained topsoil berm (stabilized with grass or rock) be placed around the site as mining progresses. The berm will be sufficient to shield the site from view and provide a noise barrier and therefore Knife River requests that further landscaping not be required. The topsoil stockpiles will be removed, and the soil used to reclaim the site which would require removal of the landscaping. Based on market conditions, Knife River expects to exhaust the mineral reserves from the site within 5-10 years.

The current approved post mining land use is to create a 38-acre water feature due to the depth of mining. The perimeter berms created during the stripping process will be leveled into the water surface to reduce visual obstruction and the parcel will likely be sold for residential development, similar to other depleted mines in the area.

Operations in the permit area will begin with stripping and stockpiling topsoil in the mining area (**Exhibit C, Figure 3**). Topsoil and overburden will be separated and stockpiled onsite within the northern portion of Phase 1 and along the eastern property boundary for future reclamation. This will help make revegetation of the pit easier after completion of operations in the gravel source. A portion of the salvaged soil will be bermed around the mining operations on the boundary of the permitted mining area. The berms will be graded and seeded to provide a best management practice to control storm water runoff as well as serve as the perimeter of the mining area, per MSHA safety standards. This perimeter berm will be used to keep onsite, and offsite storm water separate; it will also perform the functions of safety and controlling site access. One access point is located near the center of the north property line adjacent to Red Top Road. The property is accessed by a public highway along the north side, which is where the main access will be. This highway serves other pits in the area and has no posted weight restrictions. Due to the location of the drainage ditches throughout the property this will be the only access to the pit.

Gravel extraction is planned to begin in the Northwest corner of the site (**Phase 1 - Exhibit C, Figure 3**). The Red Top Pit will consist of five (5) mining phases, ranging in size; approximately seven (7) to thirteen (13) acres. First year disturbance will be Phase 1 of the operation totaling 13 acres. The site will be mined to a minimum elevation of 2265 feet, to a maximum depth of forty (40) feet below the pre-mining ground surface. Operational slopes on the mine high walls will be between 1:1 and 3:1 and will be dictated by safety.

The aggregate deposit will be mined using both dry and wet extraction techniques. The mining sequence will begin in the northeast corner (Phase 1) and proceed around the property in a clockwise fashion. A crossing will need to be improved across the drainage channel bisecting the southern third of the property to gain access to the aggregate on the south end. Alternatively, the ditch could be relocated to the south property line allowing for uninterrupted mining of the entire parcel. The material will be crushed, screened, washed, and stockpiled at the mining site, as noted on **Exhibit C, Figure 3**. Concrete and asphalt production may also take place on site as shown on **Exhibit C, Figure 3**. The mining operation is planned to begin upon approval and is expected to be in operation for a maximum of twenty (20) years.

After removal and stockpiling of the overburden, the aggregate will be extracted using an excavator, dozer and haul trucks to remove approximately twenty (20) feet of material. It is anticipated groundwater will be encountered during this phase and will be managed through grading and maintenance pumping. Harvesting the deeper material, approximately another 15 to 20 feet deep, will require dewatering within each active mining phase. A pumping circuit will be utilized to move the surface water from the active mining phase to a previously mined phase for storage or discharged, as allowed by permit, to the drainage ditch along the east side of the property. The exposed aggregate will be mined using the same method as the upper lift of the deposit. Aggregates will be processed with crushing and screening equipment and a wash plant. A portable concrete plant and a portable asphalt plant may be moved on site for job specific work. All applicable crushing and material processing equipment, concrete plants, and asphalt plants will be permitted with the Idaho Department of Environmental Quality (IDEQ), Air Quality Division. All reasonable precautions shall be taken to prevent particulate matter from becoming airborne, in accordance with IDAPA 58.01.01.650-651. Best management practices for dust abatement shall be used to control dust and maintain cleanliness of the mine including but not limited to watering of roads and stockpiles.

The pit will be constructed and shaped so that all storm water will be retained on site in existing manmade settling ponds within the pit. As needed during excavation, the site will be dewatered by pumping groundwater and stormwater from the pond. Since the site will discharge to an irrigation canal, and the Boise River is proximal to the site; the Red Top Pit will file a Notice of Intent (NOI) to discharge storm water associated with Industrial Activity under the IDEQ National Pollutant Discharge Elimination System Multi-Sector General Permit.

The Stormwater is controlled on the site through site grading, permanent or temporary ditches, and berms. Before aggregate mining is started, the overburden soil is removed and stockpiled around the perimeter of the mining area. The stockpile berms are seeded to stabilize them, and they create the first runoff control for the facility. The pit is excavated inside the earth berms and stormwater is allowed to pond inside the pit. The pit floor is excavated in stages, so stormwater is channeled to the lower parts of the pit throughout the mining operations. The soils in the pit are sand and gravel soils with a very high permeability, and it is anticipated that dewatering will continue to take place during excavation. A network of legal drainage ditches run along the perimeter and traverse across the property. These ditches provide for the collection of storm water and its conveyance downstream. The functionality of these ditches will need to be maintained throughout the life of the mine, although ditch realignment could be considered in the future. Water will be discharged from the settling pond to a drainage ditch.

Access roads are constructed from sand and gravel excavated from the pit. The roads are constructed with borrow ditches to collect stormwater runoff. The borrow ditches have check dams to cause stormwater to pond and infiltrate before discharging to the borrow ditches along the access road. Because of the highly permeable nature of the subgrade soils water is very rarely ponded in the borrow ditches. The roadway surface will have water applied for dust control.

Industrial activities exposed to stormwater consist of handling construction aggregates and overburden soil at the site. There will be very little material stored at the site. Equipment and vehicle parking will take place at the site. Fuel and lubricating oils will be brought to the site on service vehicles equipped with spill control equipment as needed. Vehicle fueling, and minor maintenance (such as greasing equipment mechanical joints) will be performed on site. Equipment will be transported to Knife River Corporation's yard for major maintenance and repairs. Equipment will not be cleaned at the site. Pollutants or pollutant constituents associated with these activities will be contained through active and passive measures. Fuel may be stored at the crusher location in portable containers to support crushing operations (**Exhibit C, Figure 3**). All fuel tanks will be double walled or installed within secondary containment. A stabilized construction entrance will be constructed within the permit boundary, per State of Idaho specifications, and is maintained to prevent vehicle sediment track out to public right of way. This construction entrance shall serve as the only access point to the site.

In the process of filling concrete trucks with ready-mix, some water, potentially mixed with concrete, is discharged to the pit floor. This area of the site is graded to retain the process water on site where it will infiltrate into the pit floor.

The site may use process water to control dust at the site. The dust control water is applied to high traffic areas during summer months with water trucks. The water applied with trucks is applied in light enough volumes to prevent runoff from the site. The pit floor is highly permeable and most precipitation and applied water infiltrates into the ground.

There is also dust control water that is applied at the crusher and screens to prevent excessive dust at the process equipment. The process water is collected in an excavated depression near the crushing equipment in an excavation in the pit floor. The water is allowed to infiltrate into the ground and is not allowed to discharge to the runoff.

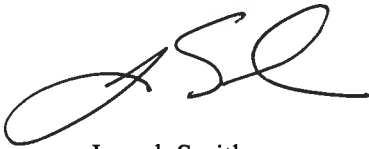
All reclamation will be completed in accordance with the Idaho Surface Mining Act and Administrative Rules. As mining progresses, the pit facility area may be filled with overburden, reject material, and clean fill and brought back to grade. One large pond is estimated to be left on site as part of the reclamation.

All fill material will conform to the Idaho Solid Waste Management Rules (IDAPA 58.01.06.005.19) which defines inert waste as: *“noncombustible, nonhazardous, and non-putrescible solid wastes that are likely to retain their physical and chemical structure and have a de minimis potential to generate leachate under expected conditions of disposal, which includes resistance to biological attack. “Inert waste” includes, but is not limited to, rock, concrete, cured asphaltic concrete, masonry block, brick, gravel, dirt, inert coal combustion by-products, inert precipitated calcium carbonate and inert component mixture of wood or mill yard debris.”*

All haul roads within the permit boundary will be reclaimed and seeded to match the existing topography. All areas around the pond will have overburden and topsoil placed and will be seeded at the time of reclamation. The previous owner of the site operated a salvage yard on the property. The post-mining land use plan for the property contains a large water feature due to the depth of mining. The perimeter berms created during the stripping process will be leveled into the water surface to reduce visual obstruction. The parcel will likely be sold for residential development or agriculture, similar to other depleted mines in the area. The topsoil stockpiled during stripping of the site will be spread to a uniform depth of six (6”) inches over the site. The site will be seeded using Great Basin Native Seed Mix (or equivalent). The seed will be spread via broadcast at 28 lbs. per acre. Fertilizer will be spread as required to stimulate and support growth. Seeding should take place in spring or fall to time germination and establishment of the seedlings with seasonal precipitation. The site will be monitored and treated for noxious weeds in accordance with Idaho Surface Mining Act and Administrative Rules.

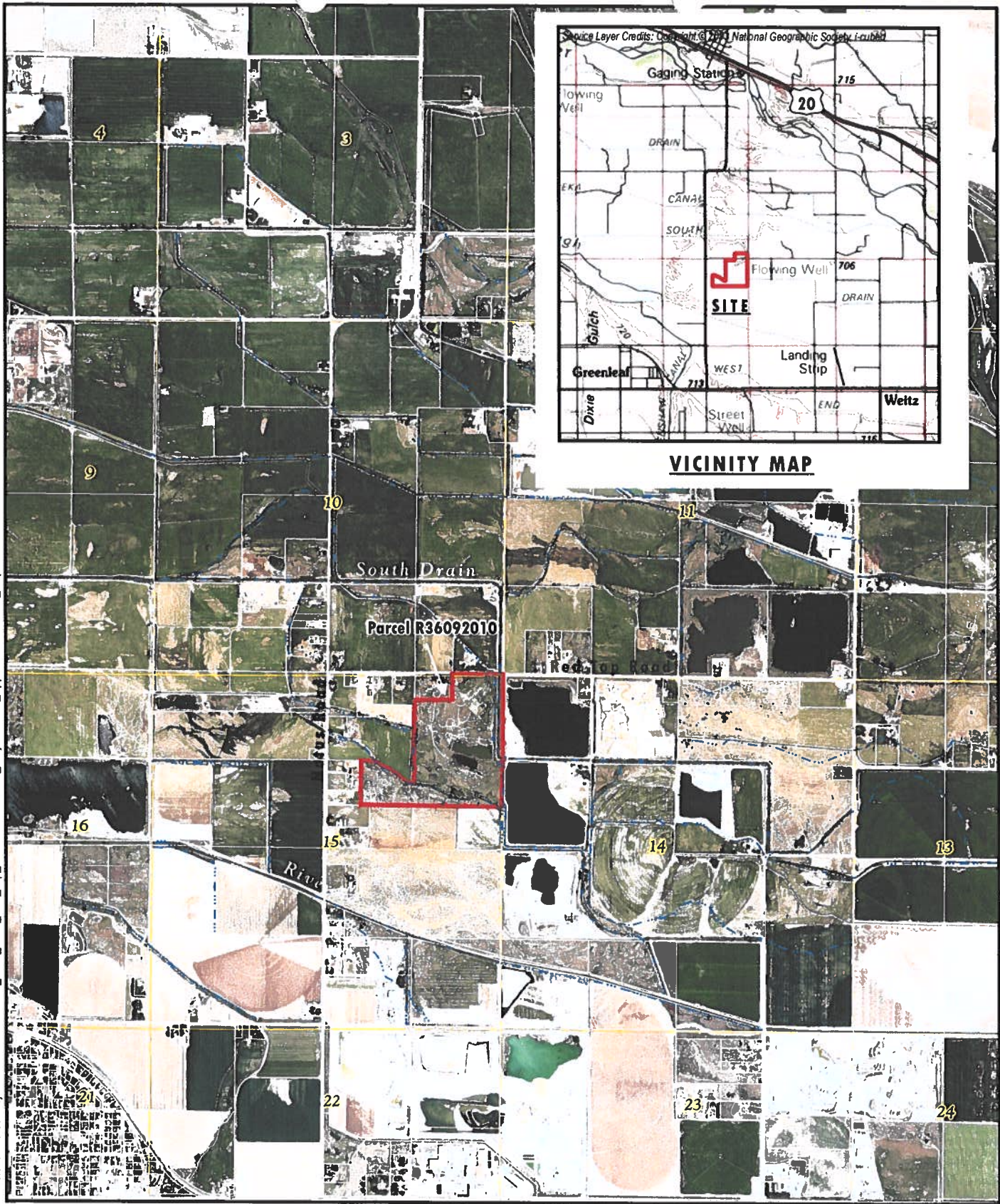
Knife River believes that this application and project aligns with and supports the policies outlined in the 2020 Comprehensive Plan. Please feel free to contact me with any questions regarding this CUP application.

Respectfully submitted,

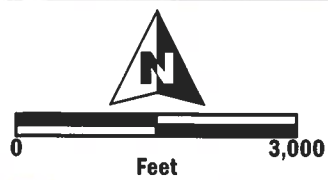


Joseph Smith
Regional Environmental Manager
Knife River, Intermountain Region
406-876-4637
joe.smith@kniferiver.com

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Township 4 North/Range 4 West

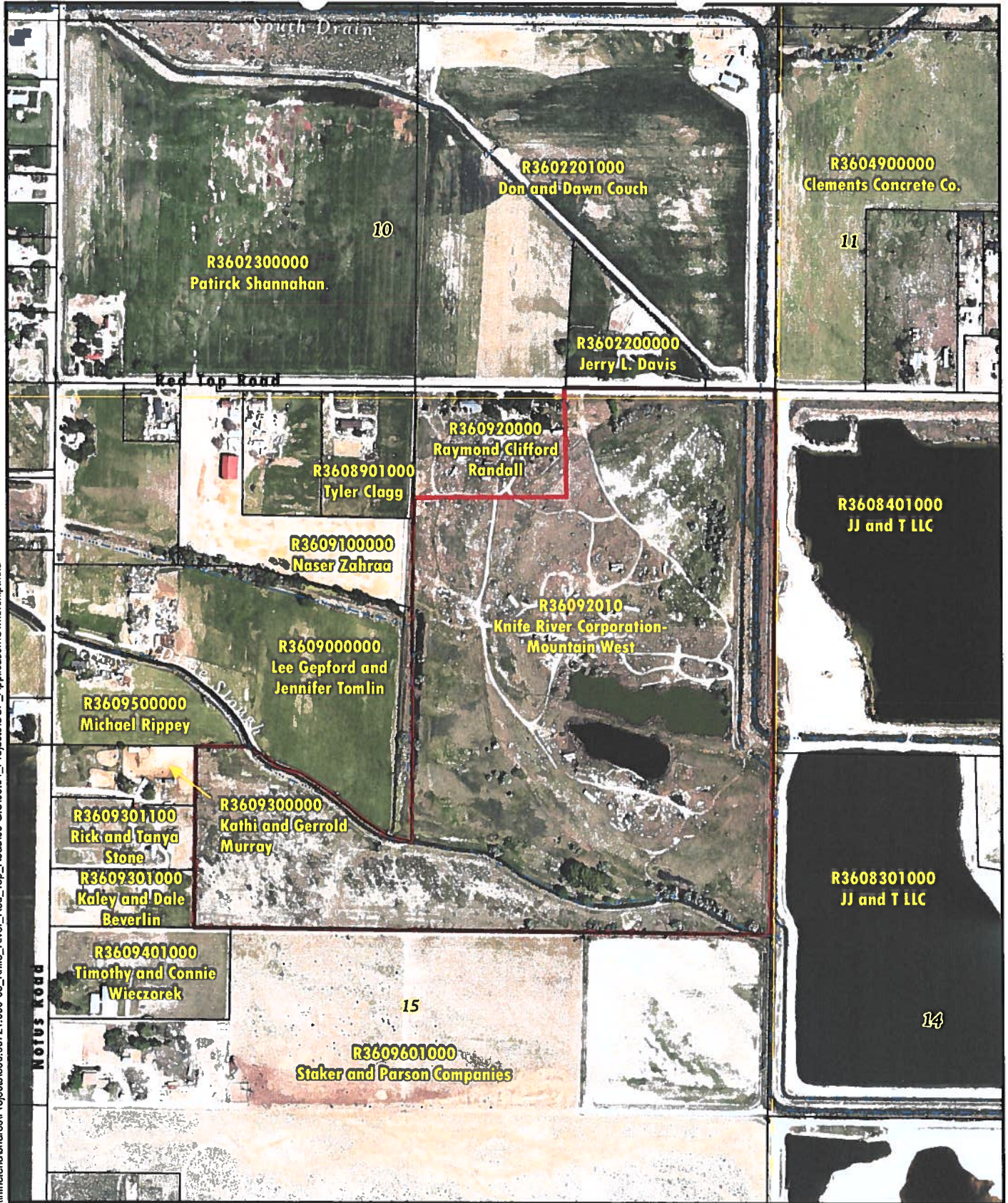


- Permit Boundary
- Canal/Ditch (NHD)
- Canyon County Parcel Boundaries
- Section Lines

NewFields

Site Map
 Red Top Pit Expansion
 Knife River
 Canyon County, Idaho
 FIGURE 1

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Township 4 North/Range 4 West



- Permit Boundary
- Section Lines
- Canyon County Parcel Boundaries and Ownership

Ownership and Mineral Control
 Red Top Pit Expansion
 Knife River
 Canyon County, Idaho
 FIGURE 2



Master Application

Canyon County Development Services 111 N.11th Ave., Caldwell, ID 83605
www.canyoncounty.org Phone 208-454-7458 fax 208-454-6633

Owner(s) information:

Name: Knife River Corporation - Mountain West Address: 5450 West Gowen Road
Telephone: 406-876-4637 Fax 406-532-5220 Email: joe.smith@kniferiver.com
City: Boise State: ID Zip: 83709

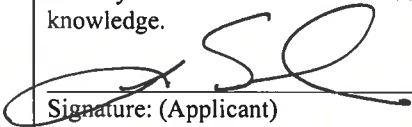
I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections.

Signature: (Owners) _____ Date: _____
If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign

Applicant/Representative: Business Name:

Name: Joseph Smith
Address: 4800 Wilkie Road
City: Missoula State: MT Zip: 59846
Telephone: 406-876-4637 Fax: 406-532-5200
Email: _____

I certify this information is correct to the best of my knowledge.

 _____
Signature: (Applicant) _____ Date: 5/24/23

Additional Contact if applicable: Business Name:

Name: Knife River Corporation - Mountain West
Address: 5450 West Gowen Road
City: Boise State: ID Zip: 83709
Telephone: 406-876-4637 Fax: 406-532-5220
Email: _____

Engineer / Surveyor if applicable: Business Name: _____
Name: _____ Phone: _____
Address: _____ Fax: _____
City: _____ State: _____ Zip: _____
Email: _____

Site Information: Address: nhn Red Top Road Caldwell, ID 83607 Total Acreage: 64.51

Tax Parcel Number(s): R36092010

Section: 15 Township: 4N Range: 4W Quarter Section: SENE ¼, SWNE ¼, NE ¼ Zoning: AG

Area of Impact: _____ Subdivision: _____ Lot: _____ Block: _____

Check application type:

- Assisted Care Facility
- Bed and Breakfast
- Day Care Facility
- Reduction Frontage, Easement, Road Lot
- Floodplain Development
- Home Business New Application Renewal
- Land Division Administrative
- Mineral Extraction short term
- Public Service Agency Telecom >75'

ADMINISTRATIVE APPLICATIONS

- Parcel Inquiry
- Property Boundary Adjustment
- Quasi-Public Use
- Sign
- Temporary Use New Application Renewal
- Utility Facility
- Variance up to 33%
- Wind Energy System Small
- Zoning Compliance Certificate

HEARING LEVEL APPLICATIONS

- Appeal
- Comprehensive Plan Change Text Map
- Conditional Use
- Conditional Use Modification
- Time Extension
- Variance
- Zoning Ordinance Amendment Map Text
- Road Name Change

SUBDIVISION APPLICATIONS

- Final Plat
- Short Plat
- Preliminary Plat
- Plat Amendment or Minor Replat
- Simple Changes to a Plat
- Vacation of Plat, Lot, Road, Easement

Case File No:
AD2021-0177
①64.56 ②5+

CU2023-0013

Office Use Only: Case #: _____ Received by: _____ Date: _____ Fees: _____ Receipt #: _____

612 950.00

SCANNED Master Application must be accompanied with application check list

EXHIBIT
5

12/2/2014



CONDITIONAL USE PERMIT

PUBLIC HEARING - CHECKLIST

CONDITIONAL USE PERMIT - CCZO Section 07-07-05

THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS APPLICATION TO BE DEEMED COMPLETE (PLEASE CHECK OFF THE ITEMS REQUIRED):

Description	Applicant	Staff
Master Application completed and signed	✓	
Letter of Intent (see standards on next page)	✓	
Site Plan (see standards on next page)	✓	
Land Use Worksheet	✓	
Neighborhood Meeting sheet/letter completed and signed	✓	
Proof of application/communication with (varies per application):		
Southwest District Health		
Irrigation District		
Fire District		
Highway District/ Idaho Transportation Dept.		
Area of City Impact		
Deed or evidence of property interest to the subject property		
Fee: \$950.00 \$600.00 (CUP Modification)		
Fees are non-refundable		

An application that requires additional Use Standards per Chapter 7, Article 14 of the Canyon County Code:

- Contractor Shop
- Mineral Extraction (Long Term)
- Wind Farm
- Staging Area
- Manufacturing or processing of hazardous chemicals or gases
- Ministorage Facility

**If applicable, review the Additional Use Standards Below, if not applicable, please disregard them.*

***DISCLAIMER: The subject property shall be in compliance with the public nuisance ordinance, the building code and the zoning code before the Director can accept the application.**



CONDITIONAL USE PERMIT PUBLIC HEARING - APPLICATION

PROPERTY OWNER	OWNER NAME: Knife River Corporation - Mountain West	
	MAILING ADDRESS: 5450 W Gowen Road Boise, ID 83709	
	PHONE: 406-876-4637	EMAIL: joe.smith@kniferiver.com
<p style="text-align: center;">I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If the owner(s) is a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.</p> <p>Signature: <u><i>[Signature]</i></u> Date: <u>5/23/23</u></p>		

APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER	APPLICANT NAME:	
	COMPANY NAME:	
	MAILING ADDRESS:	
	PHONE:	EMAIL:

SITE INFO	STREET ADDRESS: nhn Red Top Road Caldwell, ID 83607	
	PARCEL NUMBER: 36092010	
	PARCEL SIZE: 64.51 acres	
	REQUESTED USE: Mineral Extraction (Sand and Gravel)	
	FLOOD ZONE (YES/NO) No	ZONING DISTRICT: Agricultural

FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER	DATE RECEIVED:
RECEIVED BY:	APPLICATION FEE: CK MO CC CASH

Knife River Corporation – Mountain West
Southern Idaho Division
5450 West Gowen Road
Boise, ID 83709

April 19, 2023

«AddressBlock»

«GreetingLine»

Knife River is currently working with Canyon County Development Services to apply for a Conditional Use Permit (CUP) for a new gravel source that will serve as a replacement for our Notus Facility located on Dixie River Road. The new source is located on the South side of Red Top Road. One of the necessary requirements 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 is intended 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 purpose of this amendment application is to secure a new source of sand and gravel aggregates. The application is intended to replace our Notus Pit located on Dixie River Road and Knife River does not anticipate any increase in activity in the area as a result of this application. The neighborhood meeting will be held at the subject property on **May 24, 2023 at 6pm**. Please see the attached map for the location of the property and meeting.

We look forward to the neighborhood meeting and encourage you to attend. At that time, Knife River will answer any questions you may have. Please do not call Canyon County Development Services regarding this meeting. This is a PREAPPLICATION requirement and we have not submitted the application for consideration at this time. The County currently has no information on this project. I look forward to meeting with you and answering any questions you may have at the Neighborhood Meeting. Please feel free to reach out to me with any further questions at (406) 876-4637.

Sincerely,

Joe Smith

Joe Smith
Knife River – Mountain West
Regional Environmental Manager

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

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

zoninginfo@canyoncounty.id.gov Phone: 208-454-7458 Fax: 208-454-6633



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

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

SITE INFORMATION

Site Address: nhn Red Top Road	Parcel Number: 36092010	
City: Caldwell	State: ID	ZIP Code: 83607
Notices Mailed Date:	Number of Acres: 64.51	Current Zoning: Agricultural
Description of the Request: Conditional Use Permit application for a new gravel source. This gravel source is a replacement for Knife River's current gravel source, known as the Notus Pit (.75 miles north).		

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Joe Smith		
Company Name: Knife River Corporation - Mountain West		
Current address: 5450 W Gowen Road		
City: Boise	State: ID	ZIP Code: 83709
Phone: 406-876-4637	Cell: 406-876-4637	Fax: 406-532-5200
Email: joe.smith@kniferiver.com		

MEETING INFORMATION

DATE OF MEETING: 5/24/23 (Notices mailed on 4/16/23)	MEETING LOCATION: Subject Property	
MEETING START TIME: 6:00 PM	MEETING END TIME: 6:35	
ATTENDEES:		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. Jenny Jaynes	<i>Jenny Jaynes</i>	20283 Red Top Rd
2. Ron Harrison	<i>Ron Harrison</i>	20365 Red Top Rd.
3. Larry Spivey	<i>Larry Spivey</i>	20102 Red Top.
4. Patrick Shanahan	<i>Patrick Shanahan</i>	20482 Red Top
5.		
6.		
7.		
8.		
9.		

10.
11.


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

NEIGHBORHOOD MEETING CERTIFICATION:

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

APPLICANT/REPRESENTATIVE (Please print):

Joseph Smith, Nathan Weldon

APPLICANT/REPRESENTATIVE (Signature):  _____

DATE: 5 / 24 / 23

Neighborhood Notification Map

Parcel No. R36092

Buffer Distance 600 Feet

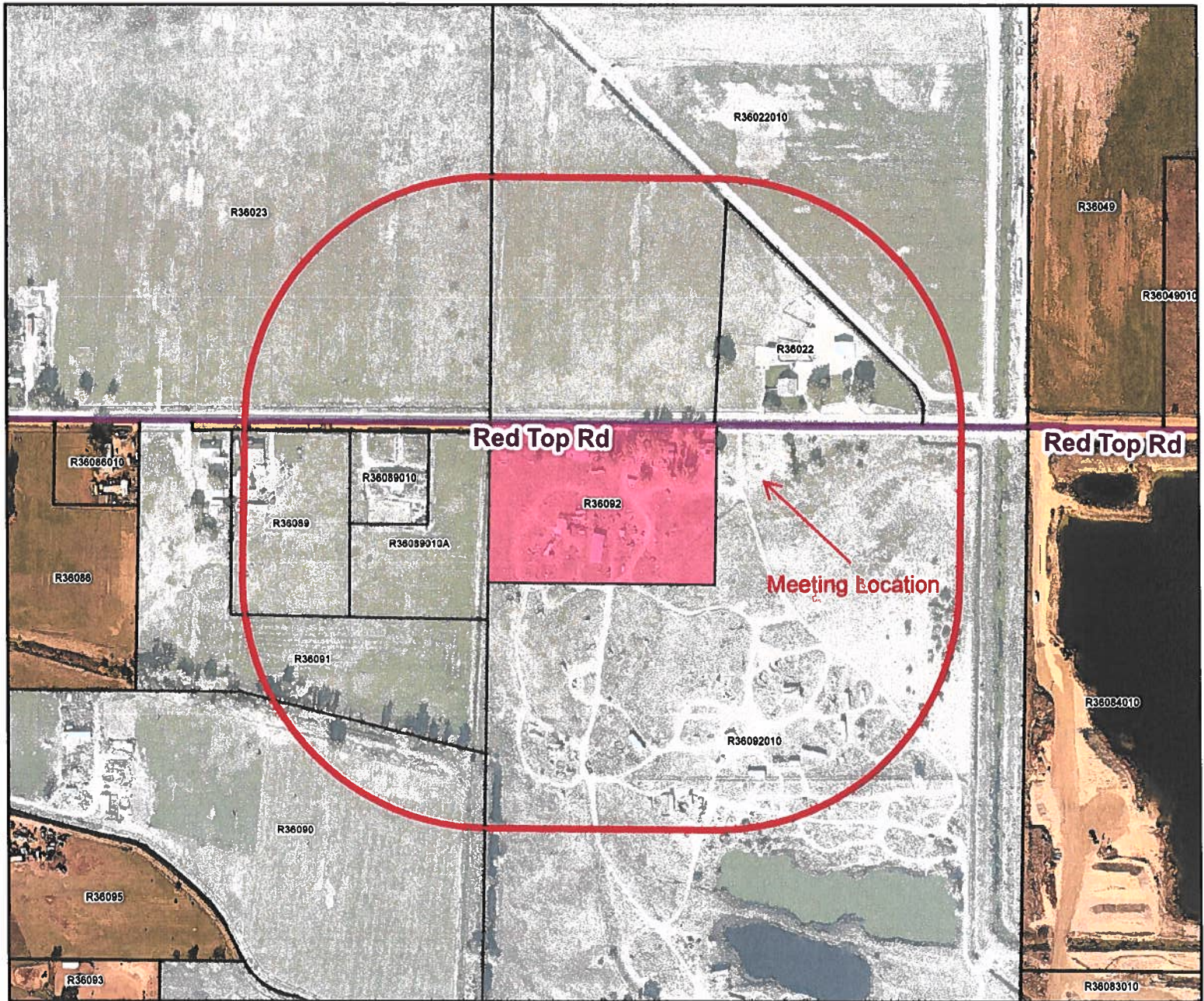
Canyon County
Development Services
111 North 11th Ave, #140
Caldwell, ID 83605



This map is for informational purposes only and does not suggest approval of the project.

Date: 4/4/2023
By: TAlmeida

The neighborhood meeting shall be conducted prior to acceptance of the application. The neighborhood meeting shall not be conducted earlier than six (6) months prior to the acceptance of the application, and shall be held no sooner than ten (10) calendar days from the mailing of the notice of the neighborhood meeting.



Legend

	NOTIFICATION BUFFER		Highway
	SUBJECT_PROPERTY		Interstate
	NOTIFIED PARCELS		Local Road
	TAX PARCELS		

MAP SCALE: 1:4,370

The maps are provided "as-is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for the appropriateness for use rests solely on the user accessing this information. Canyon County, ID makes no warranties, express or implied, as to the use of the maps. There are no implied warranties of merchantability or fitness for a particular purpose. The user acknowledges and accepts all inherent limitations of the maps, including the fact that the maps are dynamic and in a constant state of maintenance, correction and revision. The maps do not represent a survey. Neither Canyon County, ID nor its officers and employees assume any liability for the accuracy of the data delineated on any map. In no event shall the Canyon County, ID or its officers or employees be liable for any damages arising in any way out of the use of this information.

LAND USE WORKSHEET

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

1. **DOMESTIC WATER:** Individual Domestic Well Centralized Public Water System City
 N/A – Explain why this is not applicable: A well is not required for mining but 1 well may be placed for concrete batching
 How many Individual Domestic Wells are proposed? _____

2. **SEWER (Wastewater)** Individual Septic Centralized Sewer system
 N/A – Explain why this is not applicable: No permanent facilities on site. Portable toilets will be provided.

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: _____ Height: _____

8. **STORMWATER:** Retained on site Swales Ponds Borrow Ditches
 Other: Knife River will apply for a Storm water permit and SWPPP will be developed to manage storm water and dewatering discharges

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

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 (Sand and Gravel)

2. DAYS AND HOURS OF OPERATION:

- Monday 5:00 AM to 7:00 PM
 Tuesday 5:00 AM to 7:00 PM
 Wednesday 5:00 AM to 7:00 PM
 Thursday 5:00 AM to 7:00 PM
 Friday 5:00 AM to 7:00 PM
 Saturday 5:00 AM to 7:00 PM
 Sunday _____ to _____

3. WILL YOU HAVE EMPLOYEES? Yes If so, how many? up to 10 No

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

Height: 4 ft Width: 8 ft. Height above ground: 5 ft

What type of sign: _____ Wall X Freestanding _____ Other _____

5. PARKING AND LOADING:

How many parking spaces? NA

Is there is a loading or unloading area? NA

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?

* White noise bark up alarms can be provided as well.

Building Enclosure Barrier/Berm Bark Collars

4. ANIMAL WASTE DISPOSAL

Individual Domestic Septic System Animal Waste Only Septic System

Other: _____

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



STATE BOARD OF LAND COMMISSIONERS
Brad Little, Governor
Lawrence E. Denney, Secretary of State
Lawrence G. Wasden, Attorney General
Brandon D. Wolf, State Controller
Sherri Ybarra, Sup't of Public Instruction

DUSTIN MILLER, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

December 12, 2022

Knife River Corporation, Mountain West
5450 W Gowen Rd.
Boise, ID 83709

To whom it may concern,

This correspondence is notification that the following reclamation plan was approved on 12/12/2022:

<u>PLAN NO.</u>	<u>ACRES</u>	<u>COUNTY</u>	<u>LEGAL DESCRIPTION</u>
S602997	65	Canyon	T04N R04E Section 15, Pts. NE, Pts. SENE & SWNE

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

1. All refuse, chemical and petroleum products and equipment shall be stored and maintained in a designated location, 100 feet away from any surface water and disposed of in such a manner as to prevent their entry into a waterway.
2. State water quality standards will be maintained at all times during the life of the operation. Should a violation of water quality standards occur, mining operations will cease immediately, corrective action will be taken, and the Department of Environmental Quality will be notified.
3. Erosion and non-point source pollution shall be minimized by careful design of the site access and implementing Best Management Practices, which may include, but are not limited to:
 - a. Diverting all surface water flows around the mining operation.
 - b. Removing and stockpiling vegetation and slash, except merchantable timber, for use in erosion control and reclamation;
 - c. Removing and stockpiling all topsoil or suitable plant growth material for use in reclamation.
4. **An initial reclamation bond in the amount of \$34,000 for up to 13 acres of disturbance will be submitted to and maintained with the Idaho Department of Lands prior to conducting any surface mining operations.**

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

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

7. 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 December 27, 2022, 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) IDL Bond Packet

Knife River Corporation – Mountain West
Southern Idaho Division
5450 West Gowen Road
Boise, ID 83709

November 11, 2022

Mr. Derek Kraft
Senior Lands Resource Specialist
Minerals Management
Southwest Supervisory Area
8355 W State St.
Boise, ID 83714

Subject: Application for Reclamation Plan Approval – Red Top Pit

Dear Mr. Kraft:

Knife River Corporation – Mountain West respectfully submits the following mine and reclamation plan. The plan is submitted in accordance with administrative rules IDAPA 20.03.02 governing Surface Mining and Exploration as well as application requirements for quarries, decorative stone, building stone, and aggregate materials including sand, gravel, and crushed rock.

The current source and proposed expansion area, known as the Red Top Pit, (**Exhibit C, Figure 1**), is located within Canyon County. The legal description of the source is SE NE $\frac{1}{4}$, SW NE $\frac{1}{4}$, NE $\frac{1}{4}$, SEC 15 T4N R4W. The proposed Red Top source is comprised of 1 parcel: R3609200000.

Parcel R3609200000 consists of approximately 65 acres. The surface and mineral rights are currently owned by Knife River Corporation – Mountain West (**Exhibit C, Figure 3**).

Mining operations at the site will include concrete production and asphalt production as well as mining sand and aggregate to be crushed, screened, washed, and stockpiled within the boundary of the Red Top pit. Current and future stockpile locations, crushing operations, and haul roads are shown on **Exhibit C, Figure 2**. Prior to any mining operations, the vegetation, topsoil, and overburden will be stockpiled onsite for future reclamation. Phase 1 of the mining operation (12.9 acres) consists of the plant area and soil/aggregate stockpiles. Phases 2 through 5 of the mining operation result in a total of 36.3 acres of disturbance.

For reference purposes, Knife Rivers' response to application information, items 1-11, are on page one of two on the Application for Reclamation Plan Approval Form, found in **Exhibit "A"**. Response to application information items 12a-e and 13a-f are provided in the Reclamation Plan Narrative, **Exhibit "B"**, and the provided Map Set, **Exhibit "C"**. A reclamation cost spreadsheet is provided in **Exhibit "D"**.

Knife River Corporation – Mountain West
Southern Idaho Division
5450 West Gowen Road
Boise, ID 83709

The application is signed and dated. One original is included as a part of our submittal package for reclamation plan approval.

The complete application package consists of:

A. An application provided by Idaho Department of Lands:

1. A signed Idaho Department of Lands Application for Reclamation Plan Approval is attached to each surface mining package.

B. A map set of the proposed mining operation which included the information required under IDAPA 20.03.02.

1. Maps of the operation, including information specified by Subsection 069.03 are included.

C. A reclamation plan, in map and narrative form, which includes the information required under IDAPA 20.03.02. The map and reclamation plan may be combined on one (1) sheet if practical.

1. The maps and narrative reclamation plan specified by IDAPA 20.03.02 are included.

If you should have any questions concerning this application for Reclamation Plan Approval, please feel free to reach out to me.

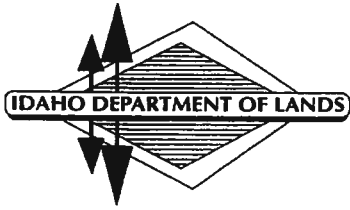
Sincerely,

Joseph Smith
Regional Environmental Manager
Knife River, Intermountain Region
406-876-4637
joe.smith@kniferiver.com

Knife River Corporation – Mountain West
Southern Idaho Division
5450 West Gowen Road
Boise, ID 83709

Exhibit A

*Idaho Department of Lands
Application for Reclamation Plan Approval*



IDAHO DEPARTMENT OF LANDS

APPLICATION FOR RECLAMATION PLAN APPROVAL

Reclamation Plan Number: _____

GENERAL INFORMATION

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

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

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

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

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

APPLICATION INFORMATION

1. NAME: Knife River Corporation Mountain West d/b/a: _____
2. ADDRESS: 5450 W Gowen Road
CITY, STATE, ZIP CODE: Boise, ID 83709
3. TELEPHONE and EMAIL: 406-876-4637 joe.smith@kniferiver.com
(000-000-0000) (e.g. john.doe@email.com)
4. DESIGNATED IN-STATE AGENT AND ADDRESS: (if Company's main place of business is 'out of state')

5. PROOF OF BUSINESS REGISTRATION (if applicable): If applicant is a business, please attach proof of registration with the Idaho Secretary of State.
6. LEGAL DESCRIPTION (Section, Township, and Range) TO THE QUARTER-QUARTER SECTION:
SE NE ¼, SW NE ¼, NE ¼, SEC 15 T4N R4W
7. ACREAGE and COUNTY(ies): 65 Canyon
(Acres) (e.g. Ada through Washington)
8. OWNERSHIP: (check applicable)
 Private U.S. Forest Service Bureau of Land Management Idaho Department of Lands
9. COMMODITY TYPE, PROPOSED START-UP DATE: Sand and Gravel, 6/1/23
10. SITE NAME OR MINE NAME (if any): Red Top Pit
11. TYPE OF MINING: (check applicable) Surface Underground Both



IDAHO DEPARTMENT OF LANDS

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

- a. A vicinity map prepared on a standard USGS 7.5' quadrangle map or equivalent.
- b. A site map which adequately shows the location of existing roads, access roads, and main haul roads which would be constructed or reconstructed for the operation. Also, list the approximate dates for construction, reconstruction, and abandonment.
- c. On a site location map, show the following;
 - i. The approximate location and names, if known, of drainages, streams, creeks, or bodies of water within 1,000 feet of the surface mining operation.
 - ii. The approximate boundaries and acreage of the lands:
 1. That will become affected by the mining operation.
 2. That will be affected during the first year of operations.This map must be of appropriate scale for boundary identification.
 - iii. The planned configuration of all pits, mineral stockpiles, overburden piles, topsoil stockpiles, sediment ponds, and tailings facilities that will be developed by the mining operation.
 - iv. Location of all underground mine openings at the ground surface, if any.
 - v. The planned location of storage for fuel, equipment maintenance products, wastes, and chemicals utilized in the surface mining operation.
- d. A surface and mineral control or ownership map of appropriate scale for boundary identification.
- e. Scaled cross-sections of the mine showing surface profiles prior to mining, at maximum disturbance, and after reclamation.

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

- a. On a drainage control map show and list the best management practices which will be utilized to control erosion on or from the affected lands.
- b. A description of foreseeable, site specific water quality impacts from mining operations and proposed water management activities or BMPs to comply with water quality requirements.
- c. A description of post-closure activities, if any, such as water handling and treatment.
- d. Which roads will be reclaimed and a description of the reclamation.
- e. A revegetation plan which identifies how topsoil or other growth medium will be salvaged, stored and replaced in order to properly revegetate the area. Identify soil types, the slope of the reclaimed areas, and precipitation rates. Based on this information, identify the seed species, the seeding rates, the time and method of planting the soil, and fertilizer and mulch requirements.
- f. Describe and show how tailings facilities and process or sediment ponds will be reclaimed.
- g. Dimensions of underground mine openings at the surface and description of how each mine opening will be secured to eliminate hazards to human health and safety.
- h. For operations over five (5) acres, estimate the actual cost of third party reclamation including direct and indirect costs for mobilization, re-grading, seed, fertilizer, mulch, labor, materials, profit, overhead, insurance, bonding, administration, and any other pertinent costs as described in IDAPA 20.03.02.120.

APPLICANT SIGNATURE: _____

DATE: 8/4/2022

Fee: See Attached Schedule

IDLRPM0001. (07/19)
Page 2 of 2

Knife River Corporation – Mountain West
Southern Idaho Division
5450 West Gowen Road
Boise, ID 83709

Exhibit B

Reclamation Plan Narrative

Knife River – Red Top Pit

Knife River Corporation – Mountain West
Southern Idaho Division
5450 West Gowen Road
Boise, ID 83709

Application for Reclamation Plan Approval

Mining Plan Narrative

Operations in the permit area will begin with stripping and stockpiling topsoil in the mining area (**Exhibit C, Figure 2**) pending Idaho Department of Lands Reclamation Plan approval. Topsoil and overburden will be separated and stockpiled onsite within the southern portion of Phase 1 and along the eastern property boundary for future reclamation. This will help make re-vegetation of the pit easier after completion of operations in the gravel source. A portion of the salvaged soil will be bermed around the mining operations on the boundary of the permitted mining area. The berms will be graded and seeded to provide a best management practice to control storm water runoff as well as serve as the perimeter of the mining area, per MSHA safety standards. This perimeter berm will be used to keep onsite, and offsite storm water separate; it will also perform the functions of safety and controlling site access. One access point is located near the center of the north property line adjacent to Red Top Road. The property is accessed by a public highway along the north side, which is where the main access will be. This highway serves other pits in the area and has no posted weight restrictions. Due to the location of the drainage ditches throughout the property this will be the only access to the pit.

Gravel extraction is planned to begin in the Northwest corner of the site (Phase 1 - **Exhibit C, Figure 2**). The Red Top Pit will consist of five (5) mining phases, ranging in size; approximately seven (7) to thirteen (13) acres. First year disturbance will be Phase 1 of the operation totaling 13 acres. The site will be mined to a minimum elevation of 2265 feet, to a maximum depth of forty (40) feet below the pre-mining ground surface. Operational slopes on the mine high walls will be between 1:1 and 2:1 and will be dictated by safety.

The aggregate deposit will be mined using both dry and wet extraction techniques. The mining sequence will begin in the northeast corner (Phase 1) and proceed around the property in a clockwise fashion. A crossing will need to be improved across the drainage channel bisecting the southern third of the property to gain access to the aggregate on the south end. Alternatively, the ditch could be relocated to the south property line allowing for uninterrupted mining of the entire parcel. The material will be crushed, screened, washed, and stockpiled at the mining site, as noted on **Exhibit C, Figure 2**. Concrete and asphalt production may also take place on site as shown on **Exhibit C, Figure 2**. The mining operation is planned to begin upon approval and is expected to be in operation for a maximum of twenty (20) years.

After removal and stockpiling of the overburden, the aggregate will be extracted using an excavator, dozer and haul trucks to remove approximately twenty feet of material. It is anticipated groundwater will be encountered during this phase and will be managed through grading and maintenance pumping. Harvesting the deeper material, approximately another 15 to 20 feet deep, will require dewatering within each active mining phase. A pumping circuit will be utilized to

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Southern Idaho Division
5450 West Gowen Road
Boise, ID 83709

move the surface water from the active mining phase to a previously mined phase for storage or discharged, as allowed by permit, to the drainage ditch along the east side of the property. The exposed aggregate will be mined using the same method as the upper lift of the deposit. Aggregates will be processed with crushing and screening equipment and a wash plant. A portable concrete plant and a portable asphalt plant may be moved on site for job specific work. All applicable crushing and material processing equipment, concrete plants, and asphalt plants will be permitted with the Idaho Department of Environmental Quality (IDEQ), Air Quality Division. All reasonable precautions shall be taken to prevent particulate matter from becoming airborne, in accordance with IDAPA 58.01.01.650-651. Best management practices for dust abatement shall be used to control dust and maintain cleanliness of the mine including but not limited to watering of roads and stockpiles.

Erosion Control

The pit will be constructed and shaped so that all storm water will be retained on site in existing manmade settling ponds within the pit. As needed during excavation, the site will be dewatered by pumping groundwater and stormwater from the pond. Since the site will discharge to an irrigation canal, and the Boise River is proximal to the site; the Red Top Pit will file a Notice of Intent (NOI) to discharge storm water associated with Industrial Activity under the IDEQ) National Pollutant Discharge Elimination System Multi-Sector General Permit.

The Stormwater is controlled on the site through site grading, permanent or temporary ditches, and berms. Before aggregate mining is started, the overburden soil is removed and stockpiled around the perimeter of the mining area. The stockpile berms are seeded to stabilize them, and they create the first runoff control for the facility. The pit is excavated inside the earth berms and stormwater is allowed to pond inside the pit. The pit floor is excavated in stages so stormwater is channeled to the lower parts of the pit throughout the mining operations. The soils in the pit are sand and gravel soils with a very high permeability, it is anticipated that dewatering will continue to take place during excavation. A network of legal drainage ditches run along the perimeter and traverse across the property. These ditches provide for the collection of storm water and its conveyance downstream. The functionality of these ditches will need to be maintained throughout the life of the mine, although ditch realignment could be considered in the future. Water will be discharged from the settling pond to a drainage ditch.

Access roads are constructed from sand and gravel excavated from the pit. The roads are constructed with borrow ditches to collect stormwater runoff. The borrow ditches have check dams to cause stormwater to pond and infiltrate before discharging to the borrow ditches along the access road. Because of the highly permeable nature of the subgrade soils water is very rarely ponded in the borrow ditches. The roadway surface will have water applied for dust control. Industrial activities exposed to stormwater consist of handling construction aggregates and overburden soil at the site. There will be very little material stored at the site. Equipment and vehicle parking will take place at the site. Fuel and lubricating oils will be brought to the site on

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service vehicles equipped with spill control equipment as needed. Vehicle fueling, and minor maintenance (such as greasing equipment mechanical joints) will be performed on site. Equipment will be transported to Knife River Corporation's yard for major maintenance and repairs. Equipment will not be cleaned at the site. Pollutants or pollutant constituents associated with these activities will be contained through active and passive measures. Fuel may be stored at the crusher location in portable containers to support crushing operations (**Exhibit C, Figure 2**). All fuel tanks will be double walled or installed within secondary containment. A stabilized construction entrance will be constructed within the permit boundary, per State of Idaho specifications, and is maintained to prevent vehicle sediment track out to public right of way. This construction entrance shall serve as the only access point to the site.

In the process of filling concrete trucks with ready-mix, some water, potentially mixed with concrete, is discharged to the pit floor. This area of the site is graded to retain the process water on site where it will infiltrate into the pit floor.

The site may use process water to control dust at the site. The dust control water is applied to high traffic areas during summer months with water trucks. The water applied with trucks is applied in light enough volumes to prevent runoff from the site. The pit floor is highly permeable and most precipitation and applied water infiltrates into the ground.

There is also dust control water that is applied at the crusher and screens to prevent excessive dust at the process equipment. The process water is collected in an excavated depression near the crushing equipment in an excavation in the pit floor. The water is allowed to infiltrate into the ground and is not allowed to discharge to the runoff.

Reclamation

All reclamation will be completed in accordance with the Idaho Surface Mining Act and Administrative Rules. As mining progresses, the pit facility area may be filled with overburden, reject material, and clean fill and brought back to grade. One large pond is estimated to be left on site as part of the reclamation.

All fill material will conform the Idaho Solid Waste Management Rules (IDAPA 58.01.06.005.19) which defines inert waste as: *“noncombustible, nonhazardous, and non-putrescible solid wastes that are likely to retain their physical and chemical structure and have a de minimis potential to generate leachate under expected conditions of disposal, which includes resistance to biological attack. “Inert waste” includes, but is not limited to, rock, concrete, cured asphaltic concrete, masonry block, brick, gravel, dirt, inert coal combustion by-products, inert precipitated calcium carbonate and inert component mixture of wood or mill yard debris.”*

All haul roads within the permit boundary will be reclaimed and seeded to match the existing topography. All areas around the pond will have overburden and topsoil placed and will be seeded

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at the time of reclamation. The current owner of the site has operated a salvage yard on the property. The post-mining land use plan for the property contains a large water feature due to the depth of mining. The perimeter berms created during the stripping process will be leveled into the water surface to reduce visual obstruction. The parcel will likely be sold for residential development, similar to other depleted mines in the area. The topsoil stockpiled during stripping of the site will be spread to a uniform depth of six (6”) inches over the site. The site will be seeded using Great Basin Native Seed Mix (or equivalent) as follows:

1. Slender Wheatgrass.....2 lbs./acre
2. Thickspike Wheatgrass.....10 lbs./acre
3. Western Wheatgrass.....6 lbs./acre
4. Sandberg Bluegrass4 lbs./acre
5. Sheep Fescue4 lbs./acre
6. Yarrow2 lbs./acre

The seed will be spread via broadcast at 28 lbs. per acre. Fertilizer will be spread as required to stimulate and support growth. Seeding should take place in spring or fall to accelerate growth of the seed. The site will be monitored and treated for noxious weeds in accordance with Idaho Surface Mining Act and Administrative Rules.

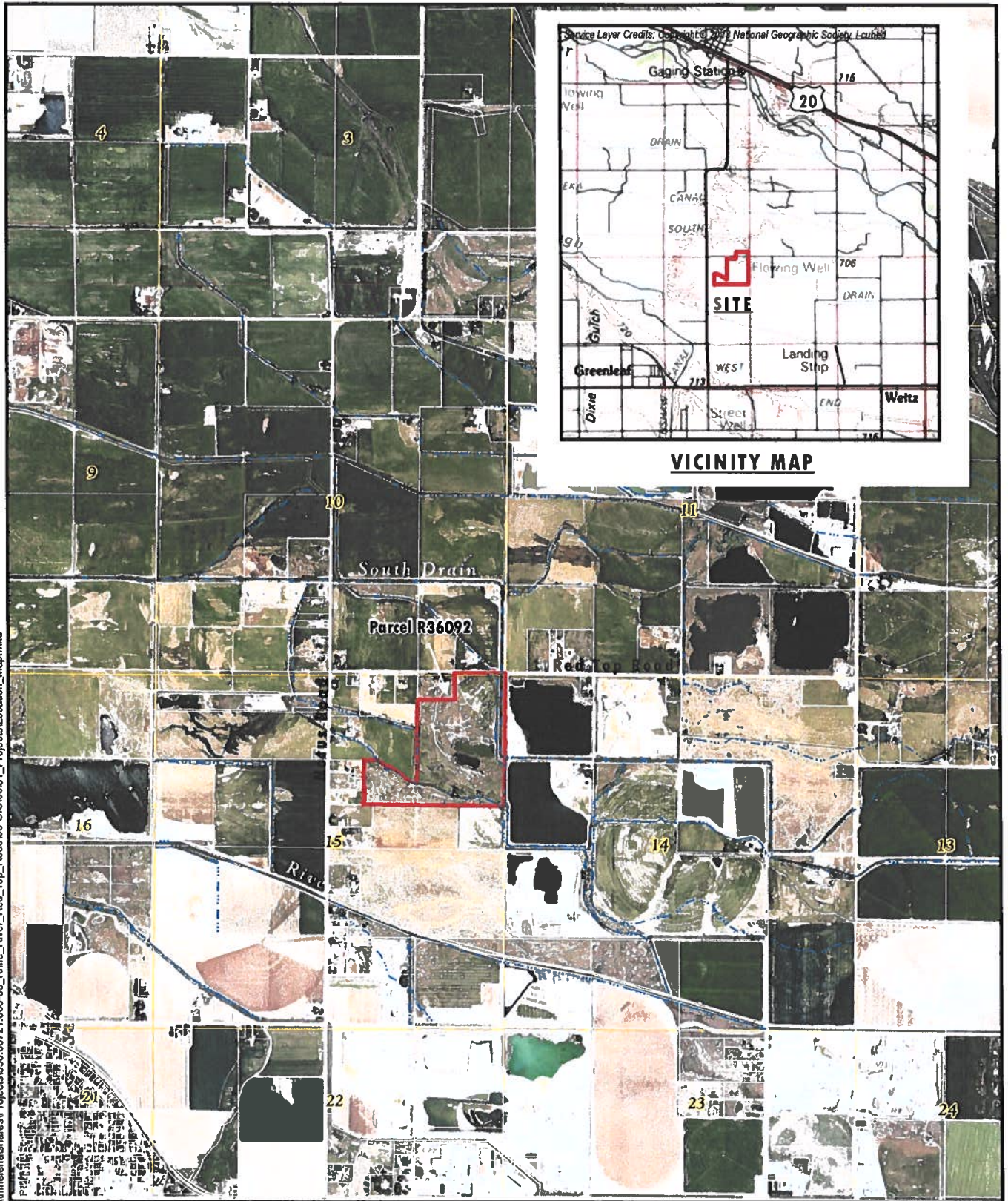
The total cost of reclamation has been estimated at \$2,567per acre and includes all line items described in 13(f) of the Idaho Department of Lands Application for Reclamation Plan Approval. A detailed Cost estimate is provided in **Exhibit D**.

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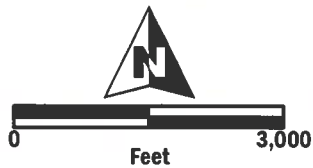
Exhibit C

Map Set

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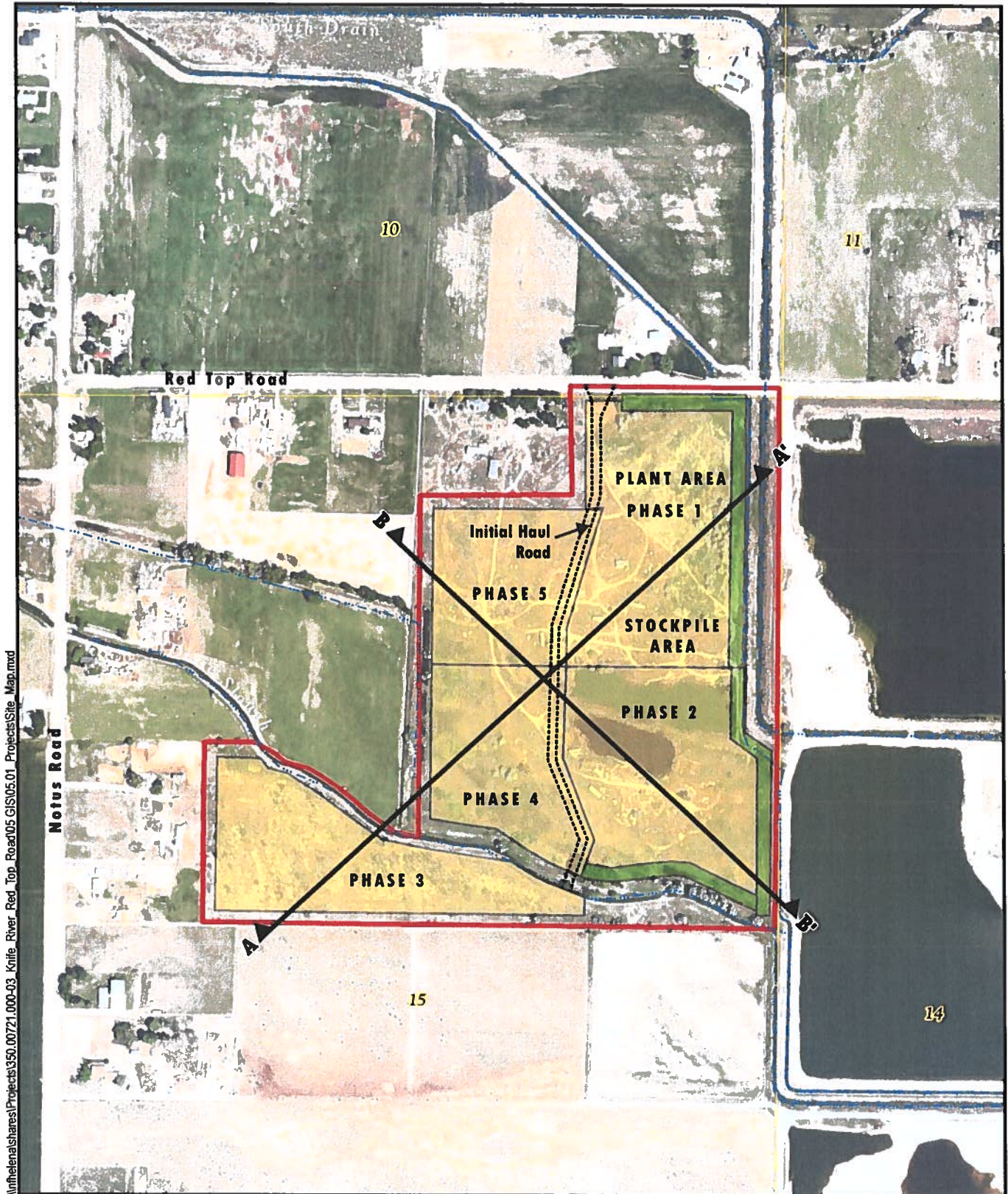


Township 4 North/Range 4 West



- Permit Boundary
- Canal/Ditch (NHD)
- Canyon County Parcel Boundaries
- Section Lines

Site Map
 Red Top Pit Expansion
 Knife River
 Canyon County, Idaho
 FIGURE 1



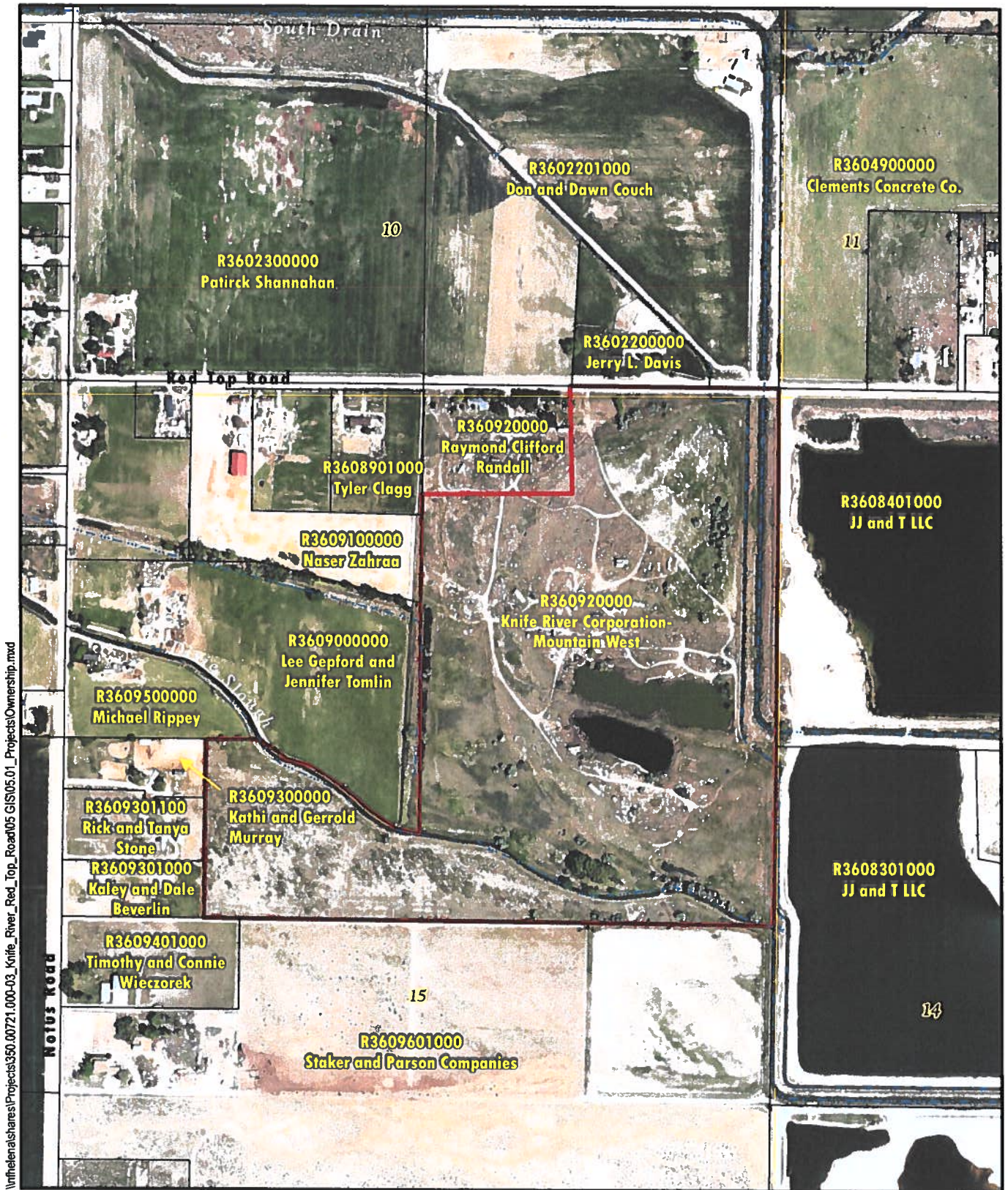
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Township 4 North/Range 4 West

- Permit Boundary
- Section Lines
- Canal/Ditch (NHD)
- Mine Plts
- Overburden Area
- A A' Cross-Section Location

Site Location Map
 Red Top Pit Expansion
 Knife River
 Canyon County, Idaho
 FIGURE 2

NewFields



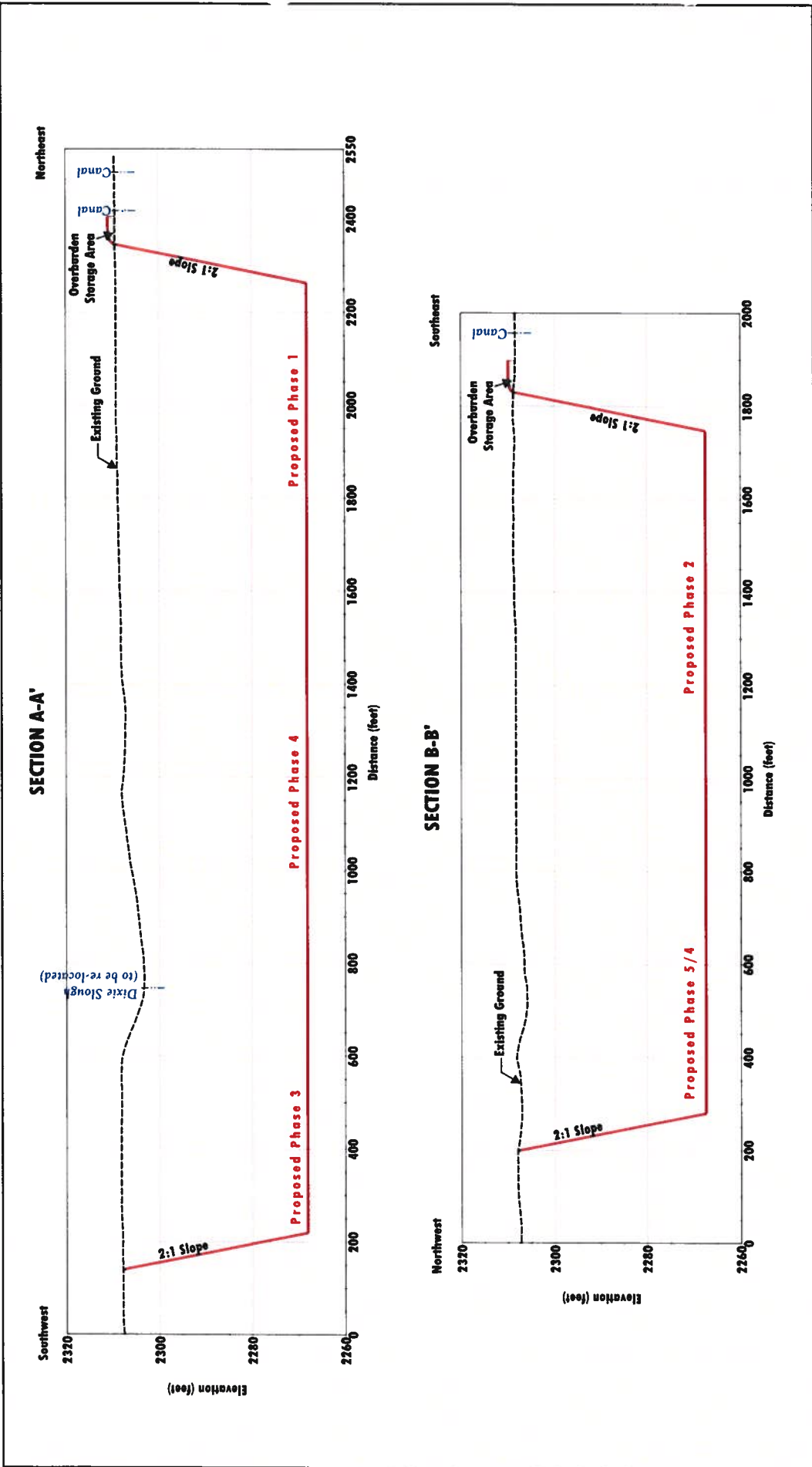
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Township 4 North/Range 4 West



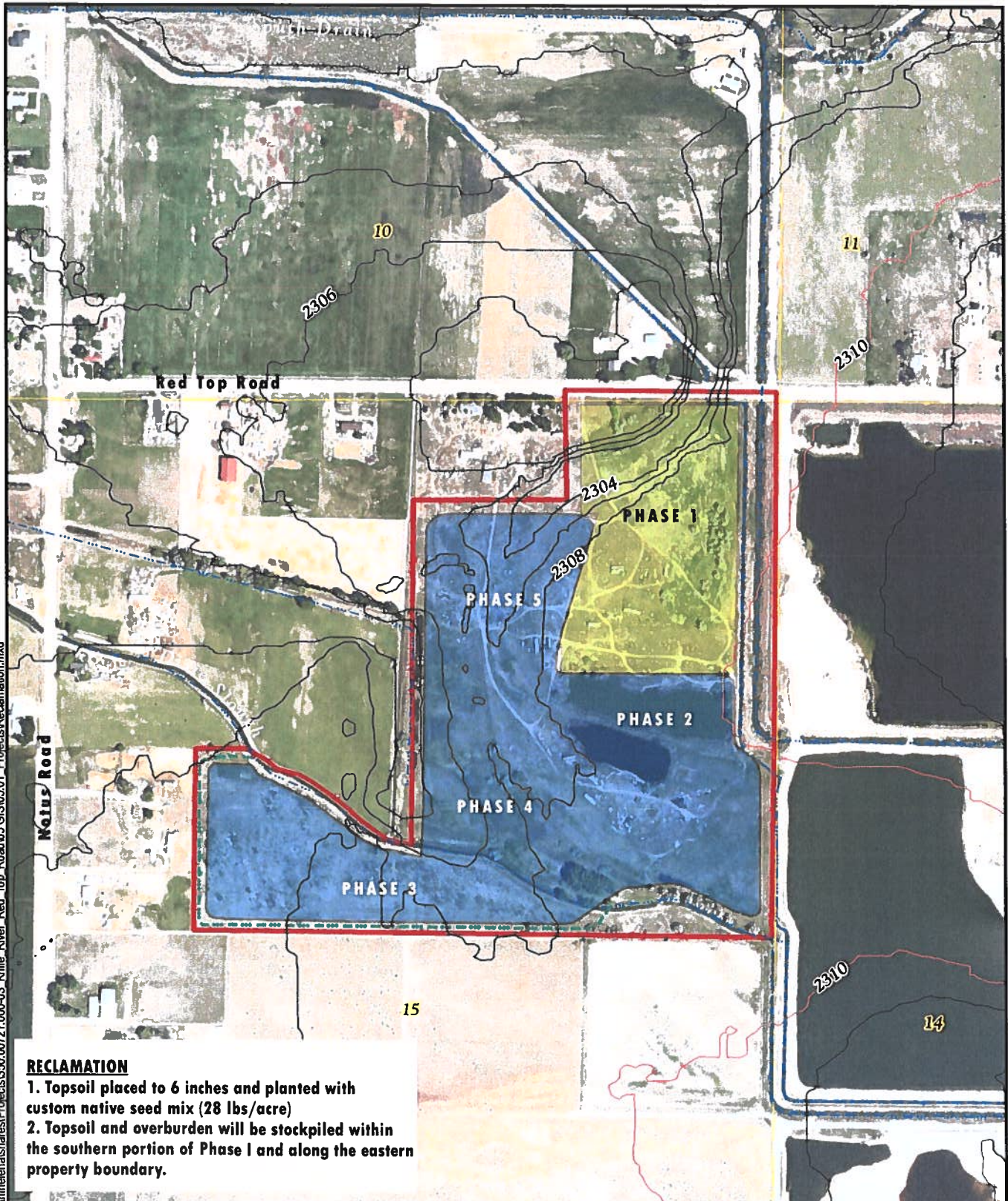
- Permit Boundary
- Section Lines
- Canyon County Parcel Boundaries and Ownership

Ownership and Mineral Control
 Red Top Pit Expansion
 Knife River
 Canyon County, Idaho
FIGURE 3



Cross-Sections
 Red Top Pft Expansion
 Knife River
 Canyon County, Idaho
 FIGURE 4

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RECLAMATION

1. Topsoil placed to 6 inches and planted with custom native seed mix (28 lbs/acre)
2. Topsoil and overburden will be stockpiled within the southern portion of Phase I and along the eastern property boundary.

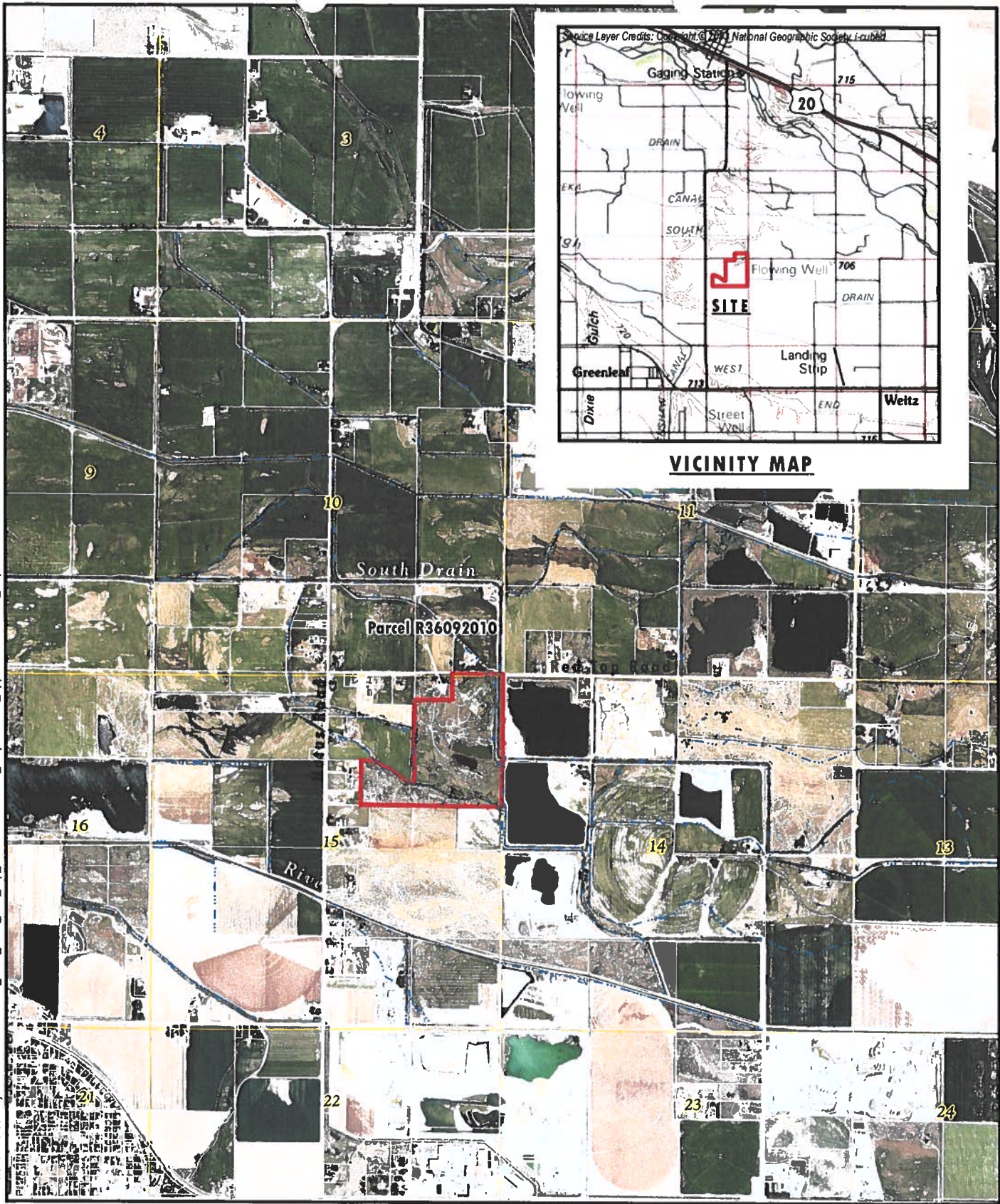
Township 4 North/Range 4 West

- Permit Boundary
- Reclaimed Area
- Section Lines
- Mine Pit Pond
- Canal/Ditch (NHD)
- Re-located Dixie Slough Canal

Reclamation Plan
Red Top Pit Expansion
Knife River
Canyon County, Idaho
FIGURE 5



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Township 4 North/Range 4 West

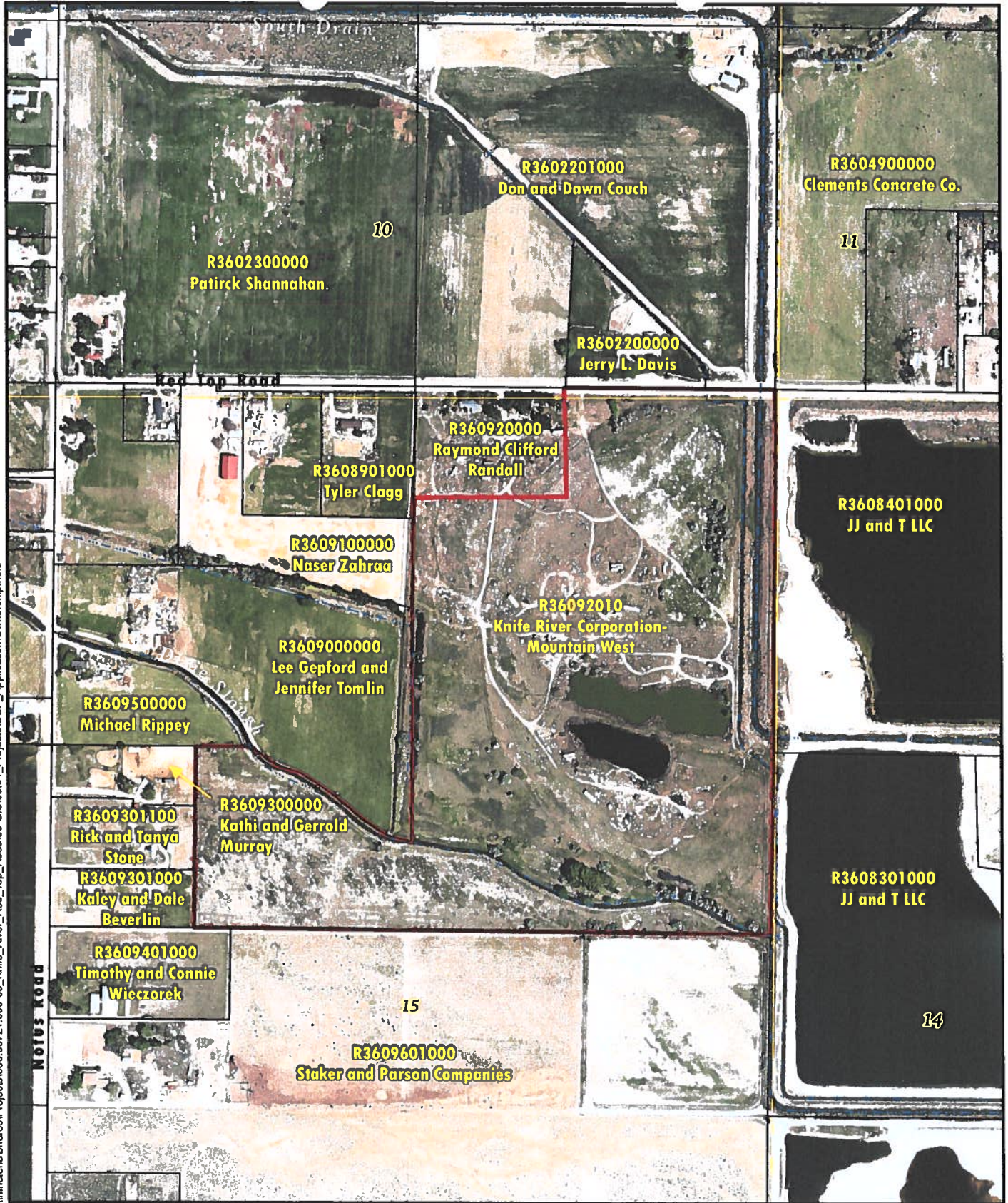


- Permit Boundary
- Canal/Ditch (NHD)
- Canyon County Parcel Boundaries
- Section Lines

NewFields

Site Map
 Red Top Pit Expansion
 Knife River
 Canyon County, Idaho
 FIGURE 1

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- Permit Boundary
- Section Lines
- Canyon County Parcel Boundaries and Ownership

Ownership and Mineral Control
 Red Top Pit Expansion
 Knife River
 Canyon County, Idaho
 FIGURE 2



CITY OF GREENLEAF

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Greenleaf, Idaho 83626
www.greenleaf-idaho.us

Debbie Root
Canyon County Development Services Department
111 North 11th Avenue, Suite 140
Caldwell, ID 83605

via USPS and E-mail (Debbie.root@canyoncounty.id.gov)

17 March 2024

RE: CU2023-0013 COMMENTS (Knife River, parcel #R3609201 0)

Greetings!

Thank you for providing the City of Greenleaf with opportunity to comment on this application for a conditional use permit (CUP) for mineral extraction (long term).

INTRODUCTION

The City of Greenleaf is in favor of the general concept of the reclamation plan for future residential use of the property, but neutral on the application as presented due to several critical areas to be addressed and mitigated, as discussed below.

APPLICATION ANALYSIS

The city is appreciative that the applicant has submitted an application that is mostly complete. Canyon County Code §07-07-05 hearing criteria #1, 2, 4, 5, and appear to be at least partially addressed in the letter of intent and application. Criteria #2 (consistency with the County's Comprehensive Plan), #7 (traffic patterns), and #8 (essential services impact) appear to be missing from the letter of intent and application form.

The City has specific concerns regarding missing criteria, noise mitigation, traffic impacts, and the reclamation plan.

DISCUSSION OF CONCERNS IN THE APPLICATION SUBMITTED

- Canyon County Code §07-07-05 hearing criteria #2 - Although the city is not aware of conflict with the County's Comprehensive plan, this hearing criteria requirement should be addressed by the applicant in some form – even if it is just a statement for the record that no issues are anticipated.

EXHIBIT 7

RE: CU2023-0013 Comments, p.1 of 5



CITY OF GREENLEAF

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www.greenleaf-idaho.us

- Canyon County Code §07-07-05 hearing criteria #7 – It is unfortunate that the applicant did not substantially address this topic in the written narrative. The City of Caldwell’s concerns regarding increased truck traffic on SH-19 and potential impacts at the intersection of SH-19 and Centennial Way are valid. It is hoped that ITD and the City of Caldwell will fast-track construction of the roundabout at this location to get ahead of increasing traffic demands.

In addition, truck traffic on SH-19 between Greenleaf and Caldwell, most of it from gravel pits to the north, has developed an unfortunate reputation for generating entitled truck traffic that cannot be bothered to press a button to utilize their load covers and protect other vehicles from flying debris from their loads, and a reputation for dangerous driving practices, including speeding, non-observance of stop-signs, and pulling into SH-19 traffic with non-existent or minimal use of the center turn lane – This practice forces traffic to scramble into defensive driving tactics to avoid collision.

While Knife River, Idaho Material Handling, L&R, and the J.R. Simplot Company have been observed by this reviewer as perhaps the best corporate truck traffic along this corridor, a persistent problem with un-professional truck driving exists along this section of SH-19, which can be expected to get worse with increased truck traffic loads. Increased traffic patrol might help alleviate this situation.

- Canyon County Code §07-07-05 hearing criteria #8 - Although the city is unaware of anticipated adverse effect from the proposed use on essential services, this hearing criteria requirement should be addressed by the applicant in some form – even if it is just a statement for the record that no issues are anticipated.

Other Concerns:

Noise: The applicant describes a topsoil berm around the mining operation to mitigate sight and noise concerns, without additional landscaping beyond stabilization with grass or rock due to intent to re-use the topsoil berm for reclamation. The applicant does not appear to describe the height of the berm, which is an essential facet for effective noise mitigation. Based on typical noise mitigation height against arterial traffic noise (arguably pit operation with a crusher is louder than arterial traffic), berm height of at least 15 ft may be reasonable.



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Traffic Impacts: Please see discussion of Canyon County Code §07-07-05 hearing criteria #7 above.

Reclamation Plan: While the city is in favor of reclaiming the site with fill and topsoil to grade, the city has the following concerns:

- **Compaction** – Stable ground is imperative to have buildable land suitable for roads and residences without long-term issues. No compaction standard was readily apparent in the application.
- **Topsoil** – The applicant proposes reclamation with fill and a topsoil layer of 6 inches. 6 inches depth may be considered a minimal topsoil layer in support of grass, but would be considerably sub-standard for support of residential gardening, let alone agricultural use.

The article, “Influence of Topsoil Depth on Plant and Soil Attributes of 24-year Old Reclaimed Mined Lands” (available from the United States Department of Agriculture – Agricultural Research Service at <https://www.ars.usda.gov/ARSTUserFiles/30180000/Schuman/24.%20Topsoil%20Depth%20Paper--ALRM-June%202005.pdf>) indicates that, “topsoil replacement depths of 40 and 60 cm provide the best nutrient status and water storage potential for sustainable reclamation.” 40 cm would round at the nearest inch to 16 inches, and 60 cm would round to the nearest inch to 24 inches.

- **Drainage** – Intentional minimal grade for stormwater drainage on the reclaimed land is important for preservation of the property and prevention of unintended consequences from runoff onto adjacent property. The Dixie Slough which travels through the property would appear to be a reasonable drainage destination as a part of the reclamation effort.

SUMMARY AND CONCLUSION

This is an experienced applicant that has researched the proposed use and anticipated the most likely impacts.

It is notable that the City of Greenleaf may be a potential source for potable water (including fire-flow water capacity) and sanitary sewer services in support of the intended resale after reclamation for residential use. It is also notable that the



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County's current Greenleaf Area of City Impact (Plans and Ordinances) Ordinance applies the City of Greenleaf's Subdivision Ordinance / Standards to County jurisdiction within the Area of Impact (Canyon County Code §09-03-09).

The city's recommendations below are intended to be constructive and the County in exercising reasoned CUP conditions for the best possible property use outcome into perpetuity after long-term mineral extraction has ended.

RECOMMENDATIONS:

The city recommends the following to Canyon County either as actions on the public record or as conditions of approval:

- Canyon County Code §07-07-05 hearing criteria #2 (consistency with the County's Comprehensive Plan) – This hearing criteria requirement should be addressed by the applicant in some form – even if it is just a statement for the record given during public hearing.
- Canyon County Code §07-07-05 hearing criteria #8 (essential services impact) – This hearing criteria requirement should be addressed by the applicant in some form – even if it is just a statement for the record given during public hearing.
- Other Concerns:
 - Noise:

The City recommends that the County consider as a condition of approval that there be a minimum berm height of 15 ft for mitigation of noise.

- Traffic:

The City recommends that the County consider as a condition of approval that truck load covers be used on all trucks so outfitted with loads leaving the pit.

The City recommends that the County consider as a condition of approval that all truck drivers receive an annual reminder of safe driving best practices. This is not intended to be onerous or certified training, and



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may be considered satisfied by any standardized annual driver safety training already required by the applicant of its drivers.

- Reclamation Plan:
 - **Compaction:** The City recommends that the County consider as a condition of approval that all fill for reclamation be compacted to standard and with record-keeping as set by the City Engineer for the City of Greenleaf, as the proposed future residential subdivision would be subject to City Subdivision Ordinance Standards and assurance is needed that fill is compacted to sustain future roads and residential development.
 - **Topsoil:** The City recommends that the County consider as a condition of approval that the topsoil layer for grade above fill be increased from the proposed 6 inches to 16 inches to provide a topsoil layer sufficient for sustainable reclamation.
 - **Drainage:** The City recommends that the County consider as a condition of approval that parcel at reclamation to grade with compacted fill and topsoil be minimally leveled for drainage to the Dixie Slough or another drainage adequate to protect the property and adjacent properties from stormwater events.

Respectfully Submitted,

Lee C. Belt
City Clerk / Assistant Zoning Official
City of Greenleaf

enc. JEPA Letter & Application Packet



J-U-B ENGINEERS, INC.

J-U-B COMPANIES



THE LANGDON GROUP



GATEWAY MAPPING INC.

January 3, 2024

Canyon County Development Services Department
Attn: Debbie Root, Planner
111 North 11th Ave., Ste. 310
Caldwell, ID 83605
Phone: (208)455-6034
Email: debbie.root@canyoncounty.id.gov

RE: Case Name: Knife River Corp., Case Number: CU2021-0013, Parcel #: R36092010

Ms. Root:

On behalf of the Golden Gate Highway District No. 3 (GGHD), J-U-B Engineers, Inc. has reviewed the supporting information associated with the subject Conditional Use Permit application for a gravel source (Red Top Pit) submitted to GGHD in an email dated January 2, 2024. The subject parcel is located approximately 1,885 feet east of the Notus Rd/Red Top Rd intersection in the NE1/4 of Section 15, T4N, R4W, BM, Canyon County, ID and is approximately 65-acres in size.

Mining operations at the site will include concrete and asphalt production as well as mining sand and aggregate to be crushed, screened, washed, and stockpiled within the boundary of the Red Top Pit. Prior to any mining operations, the vegetation, topsoil, and overburden will be stockpiled onsite for future reclamation. The application is intended to provide a replacement of mineral reserves for Knife River's Notus Pit located 0.75 miles to the north on Dixie River Road and will not result in increased truck traffic or require more local resources. Proposed access will be on Red Top Rd, which is under the jurisdiction of GGHD and classified as a Minor Arterial according to the GGHDs 2019 Functional Classification Map.

Based upon the information provided, the following findings and conditions of approval apply:

1. No new accesses are allowed on Minor Arterials as stated in Section 3061.020 of the 2022 Association of Canyon County Highway Districts Highway Standards & Development Procedures (ACCHD Standards).
2. Existing accesses to be used for mining operations need to be reconstructed in accordance with Standard Drawing ACCHD-106, Commercial & Multiple Residential Approach of the ACCHD Standards.
3. A site visit by GGHD is required to address possible site distance issues, if any.

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

GGHD requests Canyon County Development Services incorporate these comments and any subsequent comments into proposed Conditions of Approval for consideration/approval by Canyon County.

Respectfully,

 Digitally signed by
Christopher Pettigrew
Date: 2024.01.03
15:27:30-07'00'

Christopher S. Pettigrew, P.E.
Project Manager/Engineer, Transportation Services Group
Technical Resources Team Lead (Central)

CC: Bob Watkins, GGHD Director of Highways

EXHIBIT
8

Debbie Root

From: Smith, Carolyn D CIV USARMY CENWW (USA) <Carolyn.D.Smith@usace.army.mil>
Sent: Tuesday, January 16, 2024 12:43 PM
To: Debbie Root
Subject: [External] RE: CU2023-0013 Knife River Corp-Mountain West; NWW-2024-00039

Good Afternoon Debbie,

This is in response to Canyon County Development Services January 2, 2024, email requesting comments on the proposed Knife River Corp. gravel mining operation near Red Top and Notus Road. Thank you for providing the Corps of Engineers the opportunity to provide comment. According to information provided, the proposed project is to conduct sand and gravel mining operations on a 64.5-acre parcel adjacent to an unnamed drain, an unnamed supply, and the Riverside Canal, and bisecting the South Drain, near Caldwell, Canyon County, Idaho. This project has been assigned Department of the Army (DA) file number: NWW-2024-00039, please refer and/or have the applicant refer to this reference number in all future correspondence with us concerning this project.

Review of the reclamation plan and aerial imagery indicates the presence of several irrigation features both surrounding and bisecting the indicated project location. These aquatic resources, including wetlands, may be considered waters of the United States (WOUS) and may be subject to regulation under section 404 of the Clean Water Act. If the proposed work would result in a discharge of dredged or fill material into these aquatic resources, an application for permit may be required. Generally speaking, during gravel mining activities, more than de minimus fall back occurs, along with grading and other mechanical manipulation to the existing substrate; these activities may constitute a discharge of dredged or fill material when occurring within and/or into WOUS., and would likely require a 404 permit to complete. As such, I would encourage the project proponent to engage the Corps for 404 application and permitting guidance if aquatic resources, including wetlands, would be impacted by the proposed work.

The DA exerts regulatory jurisdiction over waters of the United States, including wetlands, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Section 404 of the Clean Water Act requires a DA permit to be obtained prior to discharging dredged or fill material into WOUS, including wetlands.

The Corps is grateful for this opportunity to provide comment and is prepared to assist the applicant in preparing a DA permit application should they move forward with any work impacting the aquatic resources, including wetlands, that may be jurisdictional under Section 404 of the Clean Water Act.

Kind Regards,



Carolyn Smith *(She/Her)*

Environmental Resources Specialist, Regulatory
Division

DESK: (208) 433-4497
MOBILE: (208) 530-5115
EMAIL: Carolyn.D.Smith@usace.army.mil
WEB: <https://www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/>
ADDRESS: 720 E. Park Blvd, Suite 245 | Boise, Idaho | 83712

EXHIBIT
9

I will be out of the office starting Monday, February 5th, 2024. I will return to work on Tuesday, February 13th, 2024. If you need immediate assistance during my absence, please contact Nicole Deinarowicz at (208) 433-4478; or Tracy Peak at (208) 433-4465; or the Regulatory Main Line at (208) 433-4464; or send an email to CENWW-RD@usace.army.mil.



Date 1/8/2024

Caldwell City – Canyon County Development Services Department
Re: Case Number CU2023-0013, Knife River Corp-Mountain West

Dear Amber Lewter, Hearing Specialist

The Canyon County Fire Protection District has reviewed and can approve the application subject to compliance with all the following code requirements and conditions of approval. Any deviation from this plan is subject to Fire Department approval. Please note that unless stated otherwise, this memo represents the requirements of the 2018 International Fire Code (IFC) as adopted by the Idaho State Fire Marshal's Office.

Conditions:

1. Dead-end fire apparatus access roads exceeding 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. (IFC 503.2.5)
2. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. (IFC 503.2.1)
3. The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. (IFC 503.2.4)
4. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 80,000 pounds. Please provide documentation the road surface meets this standard. (IFC D102.1)
5. Fire apparatus access roads shall not exceed 10 percent in grade. (IFC D103.2)
6. Access gates shall comply with requirements of the IFC. If gates are electronically operated, they shall be equipped with an automatic opening mechanism activated by the Opticom system. Manual gates shall be secured with a Knox brand padlock or box. WWW.Knoxbox.com (IFC 503.6, D103.5).

EXHIBIT
10



General Requirement:

Fire Department required fire hydrants (approved water source), access, and street identification shall be installed prior to use. Provisions may be made for temporary access and identification measures.

Specific building construction requirements of the International Building Code, International Fire Code and Canyon County Code will apply.

Regards,

Alan Perry
Division Chief
Fire Marshal
Caldwell Rural Fire Protection District
Aperry@cityofcaldwell.org

Debbie Root

From: Alan Perry <aperry@cityofcaldwell.org>
Sent: Tuesday, January 9, 2024 3:39 PM
To: 'Smith, Joe'; BuildingInfo; Debbie Root
Subject: [External] Modifications to Fire Department Conditions CU2023-0013 Knife River
Attachments: CFD CU2023-0013, Knife River Corp-Mountain West.pdf

Importance: High

I have made adjustments to the conditions.



Caldwell Fire Department
Alan Perry
Deputy Chief of Fire Prevention
403 Blaine St. • Caldwell, Idaho 83605



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

IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028 • Boise, ID 83707-2028
(208) 334-8300 • itd.idaho.gov

January 11, 2024

Debbie Root, MBA
Principal Planner, Canyon County Development Services
111 N 11th Ave
Caldwell, ID 83605

VIA EMAIL

Development Application	CU2023-0013
Project Name	Knife River Corp – Mountain West
Project Location	Approx 1.5 miles North of SH-19 MP 14.55
Project Description	Conditional Use permit for new gravel source on 64.51 acre parcel.
Applicant	Joseph Smith, Knife River Corp

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

1. This project does not abut the State Highway system.
2. Traffic generation numbers and traffic distribution were not provided with this application, therefore, ITD needs more information to determine how this proposed use will impact the State Highway system. The current mineral reserves for Knife River’s Notus Pit on Dixie River Road is located approximately 1 mile south of US20/26 and the proposed gravel source on Red Top Road is approximately 1.5 miles north of SH-19. Due to different state facility access points, traffic distribution may change and therefore may cause an impact to SH-19.
3. The posted speed zone of SH-19 at Notus Road is 60MPH. Having dump trucks slowing down to make a right-hand turn onto Notus Road causes a safety concern.
4. In addition, if SH-19 was the point of access for the site, left hand turning movements will be needed to travel eastbound. Left hand turning movements causes more conflicts. Just west of Notus Road, the speed limit increases from 35MPH to 60MPH. Traffic increasing their speed in that area causes additional safety concerns that need to be analyzed.
5. ITD reserves the right to make further comments upon review and requests applicant to submit the following:
 - a. Traffic Generation Numbers
 - b. Traffic Distribution
 - c. Turn-Lane Warrants



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- d. Analysis of turning radii of Notus Road at SH-19 to ensure adequate mobility for dump trucks/trailers to safely maneuver corners without driving outside of the paved road surface and avoiding off track.

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

Debbie Root

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Wednesday, March 20, 2024 12:15 PM
To: Smith, Joe
Cc: Debbie Root
Subject: [External] RE: Knife River CUP application - ITD Comments

Joe,

Thanks for giving us some time to take another look at this. At this time, we will not be reconsidering our decision and will still find it necessary to have a review of SH-19 intersection at Notus Rd. We will not require a full TIS, but only the following three reports:

- a. Traffic Generation Numbers
- b. Traffic Distribution
- c. Turn-Lane Warrants

Please let me know if you have any further questions.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
O: 208.334.8337 | C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

From: Smith, Joe <Joe.Smith@kniferiver.com>
Sent: Friday, March 15, 2024 9:15 AM
To: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Cc: Debbie Root <Debbie.Root@canyoncounty.id.gov>
Subject: Knife River CUP application - ITD Comments

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Niki,

Thanks for taking the time to speak with me this morning. As we discussed on the phone, the location in our application is a replacement of aggregate reserves for our current Notus Pit located just to the north of the property. Since this is a replacement of our current pit, no expected increase in truck traffic is expected from our current operation.

The bulk of our haul from Notus is aggregate to feed our Nampa Redi Mix Facility. The haul route for this will be via the same routes we take today and are not anticipated to hit HWY 19. We currently utilize 20/26 for our route to our Nampa Redi-mix Plant.

Please let me know if ITD needs any additional information regarding this project.

Thank you,

Joe Smith

Regional Environmental Manager
Mountain Region



Office: 406-532-5220

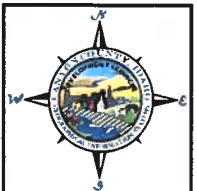
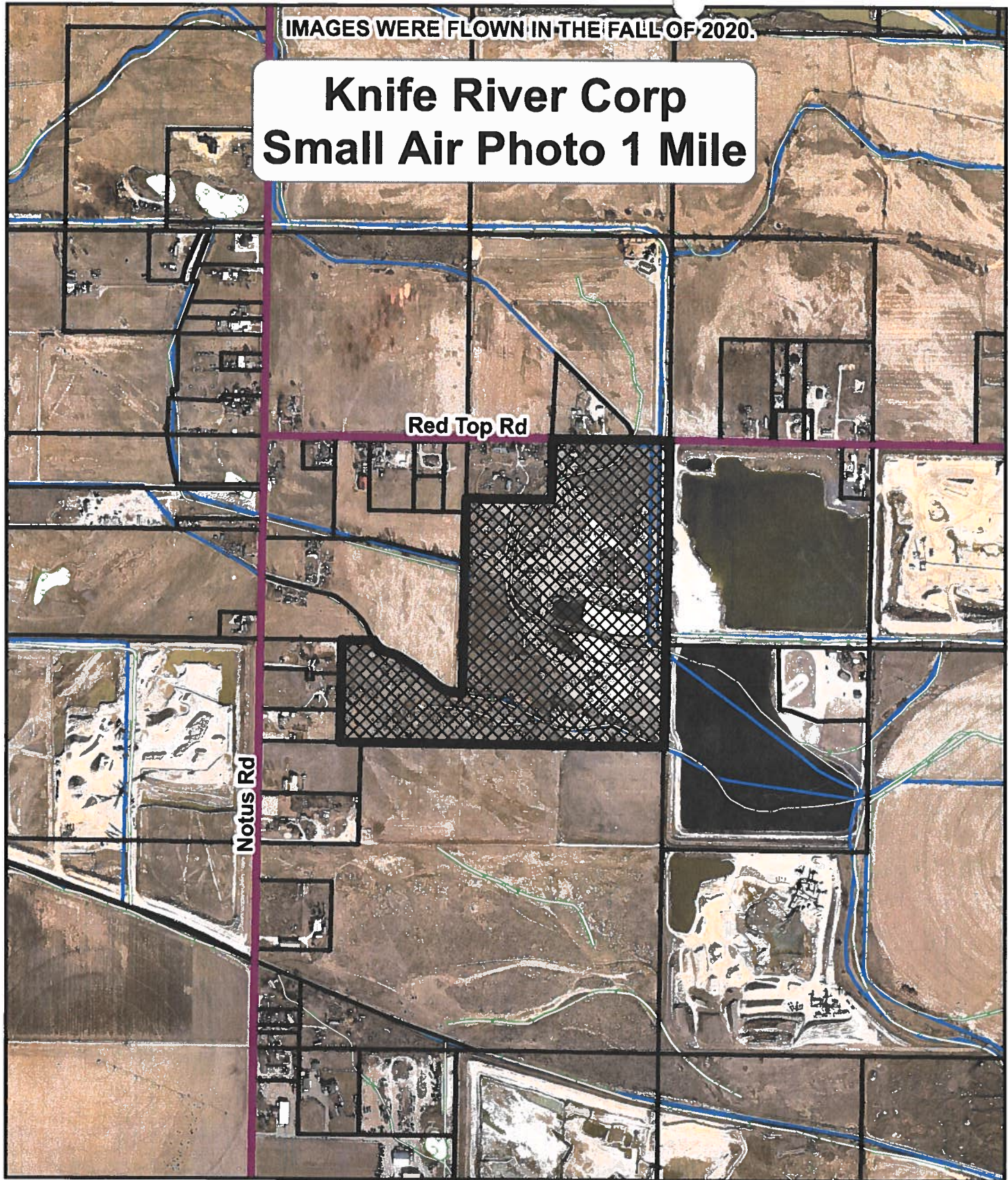
Cell: 406-876-4637

Fax: 406-532-5200

joe.smith@kniferiver.com

IMAGES WERE FLOWN IN THE FALL OF 2020.

Knife River Corp Small Air Photo 1 Mile



City_Limits
Wetlands

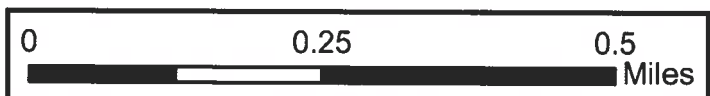
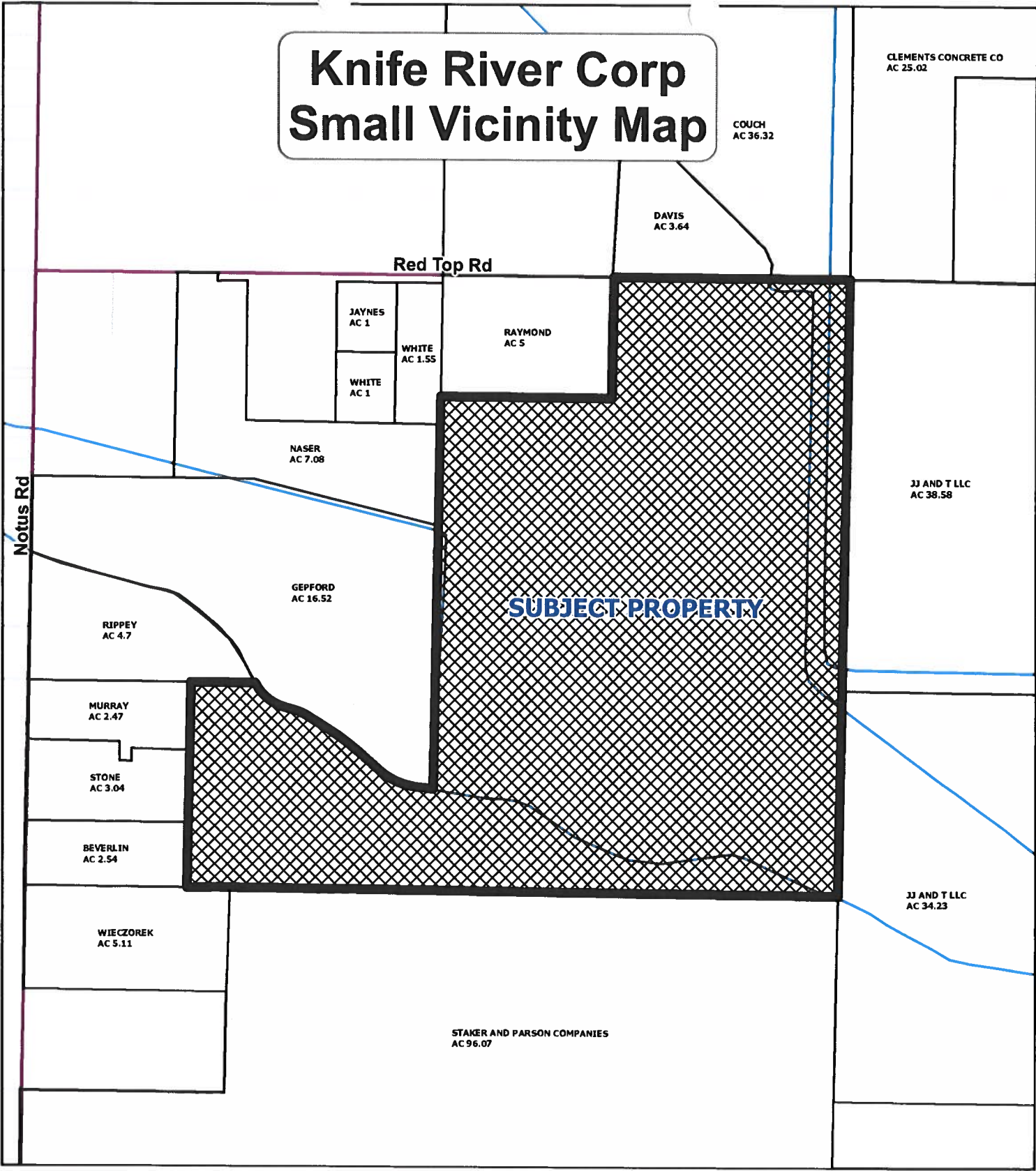


EXHIBIT
12

Knife River Corp Small Vicinity Map



SUBJECT PROPERTY

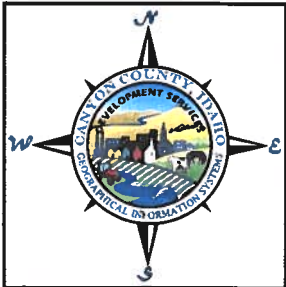
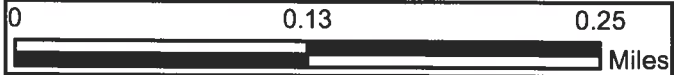
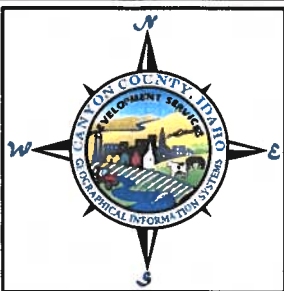
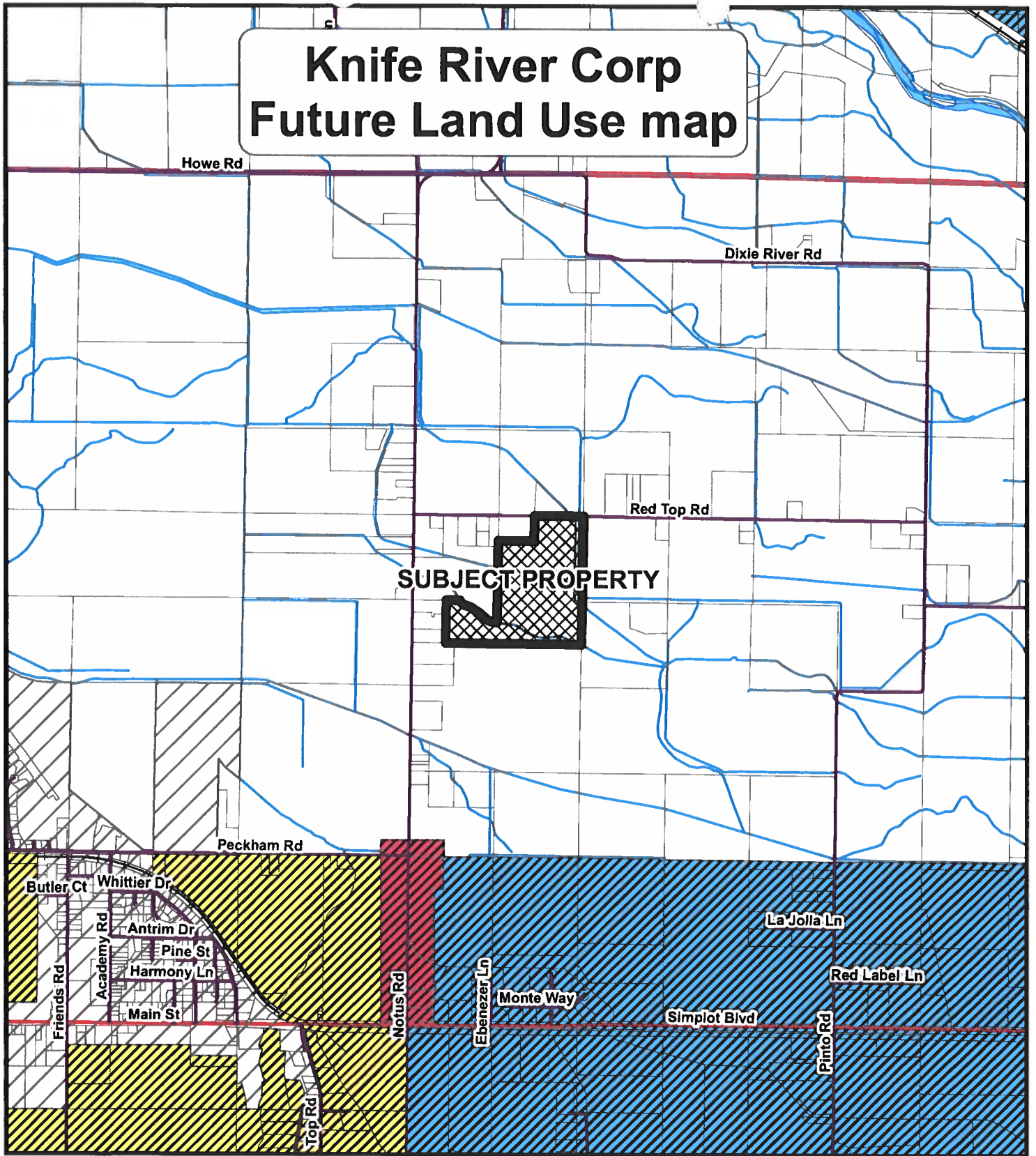


EXHIBIT
13



Knife River Corp Future Land Use map



Legend
Future Land Use 2030




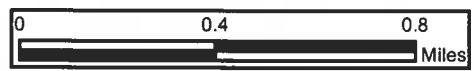
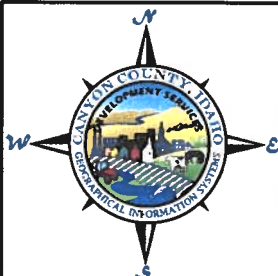
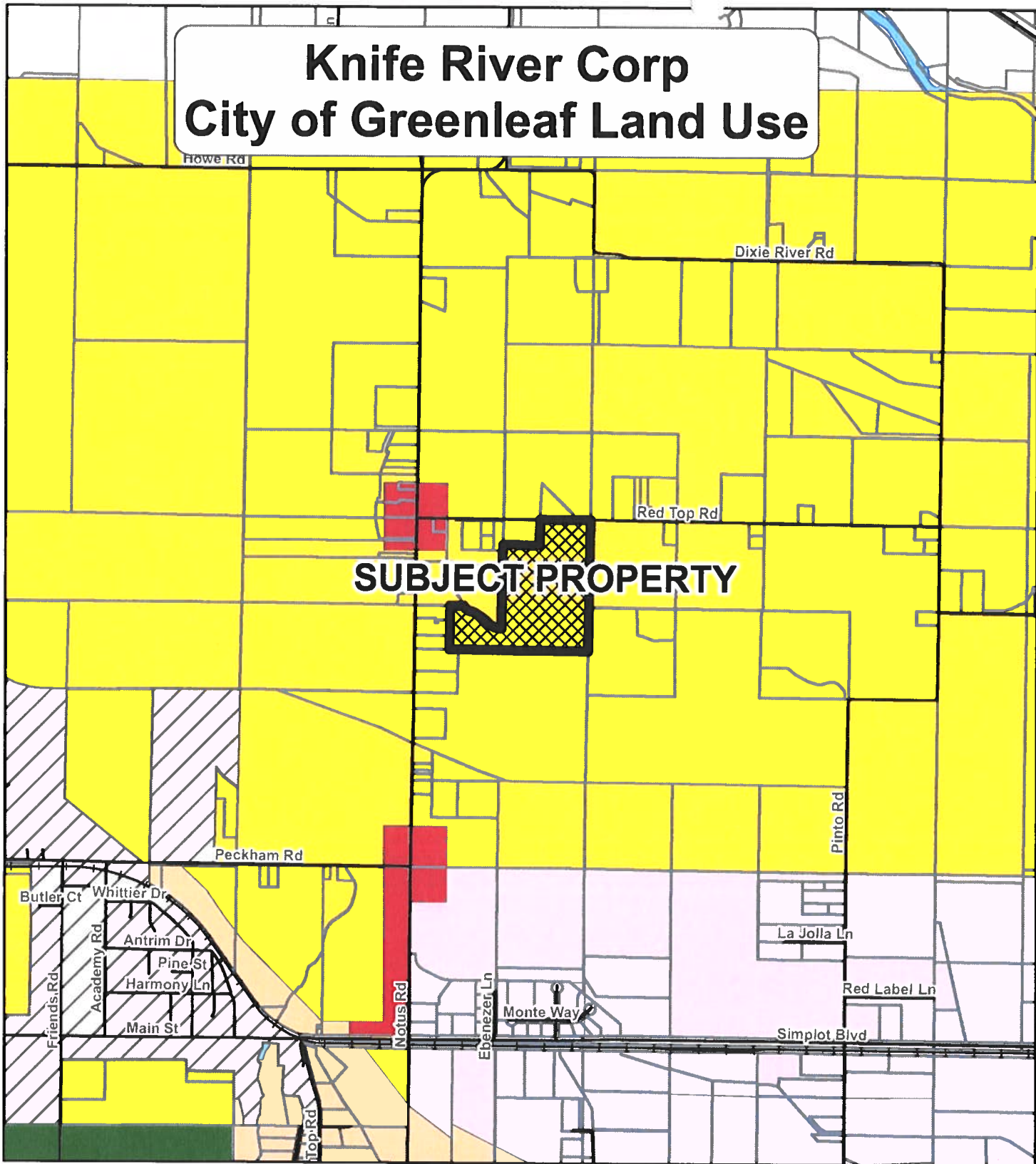
-  COMMERCIAL
-  INDUSTRIAL
-  RESIDENTIAL

EXHIBIT
14

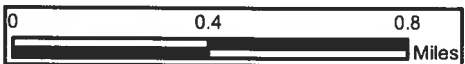


Knife River Corp City of Greenleaf Land Use

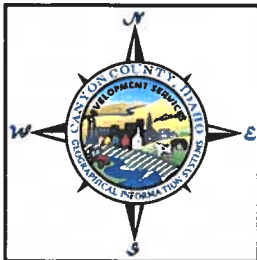
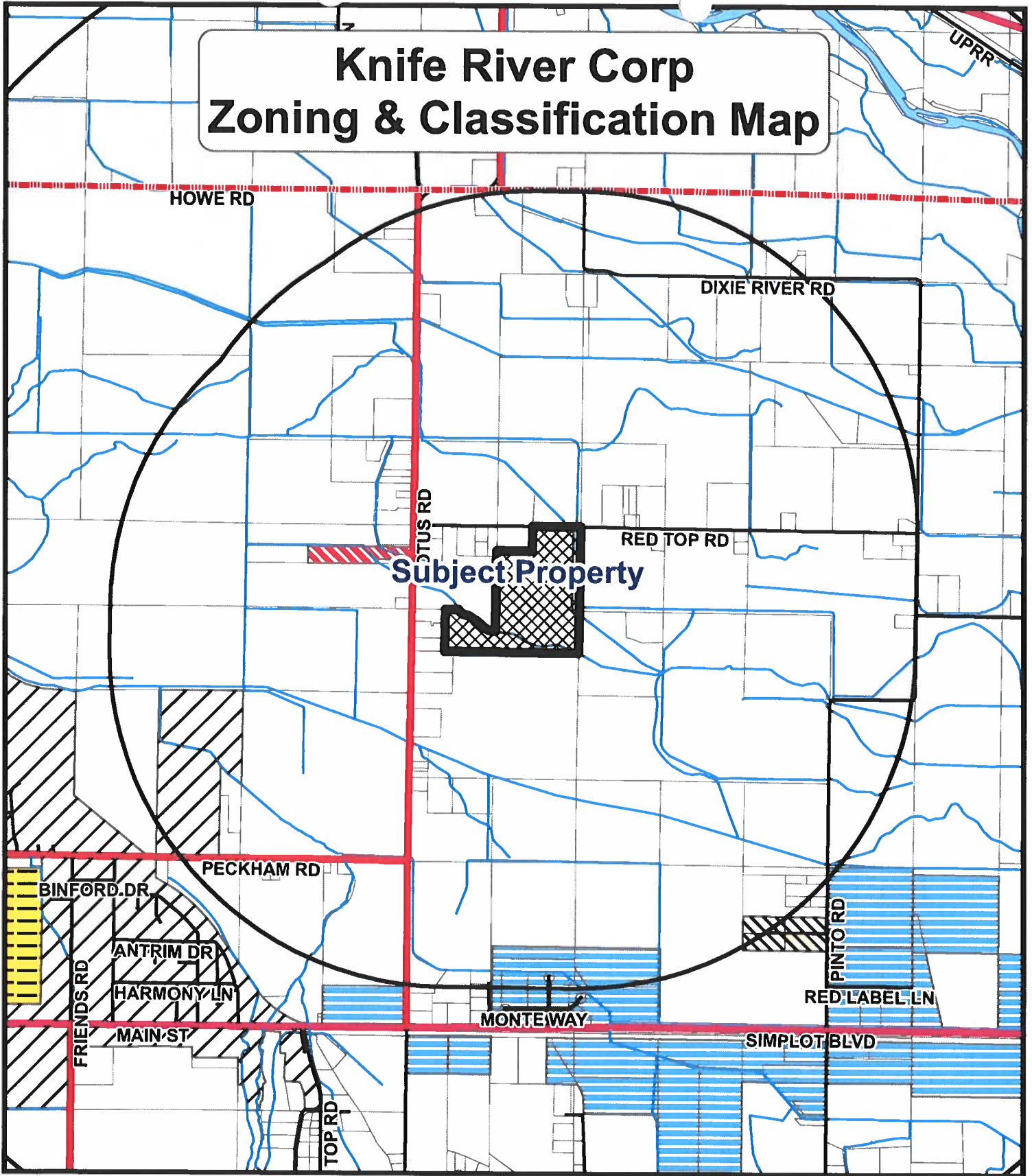


- GreenleafCompPlan**
- Agriculture
 - Commercial
 - High Density
 - Industrial
 - Industrial Existing
 - Low Density Residential
 - Low to Mid Density

EXHIBIT
15

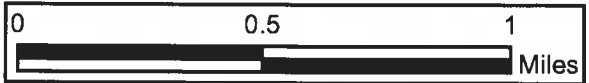


Knife River Corp Zoning & Classification Map

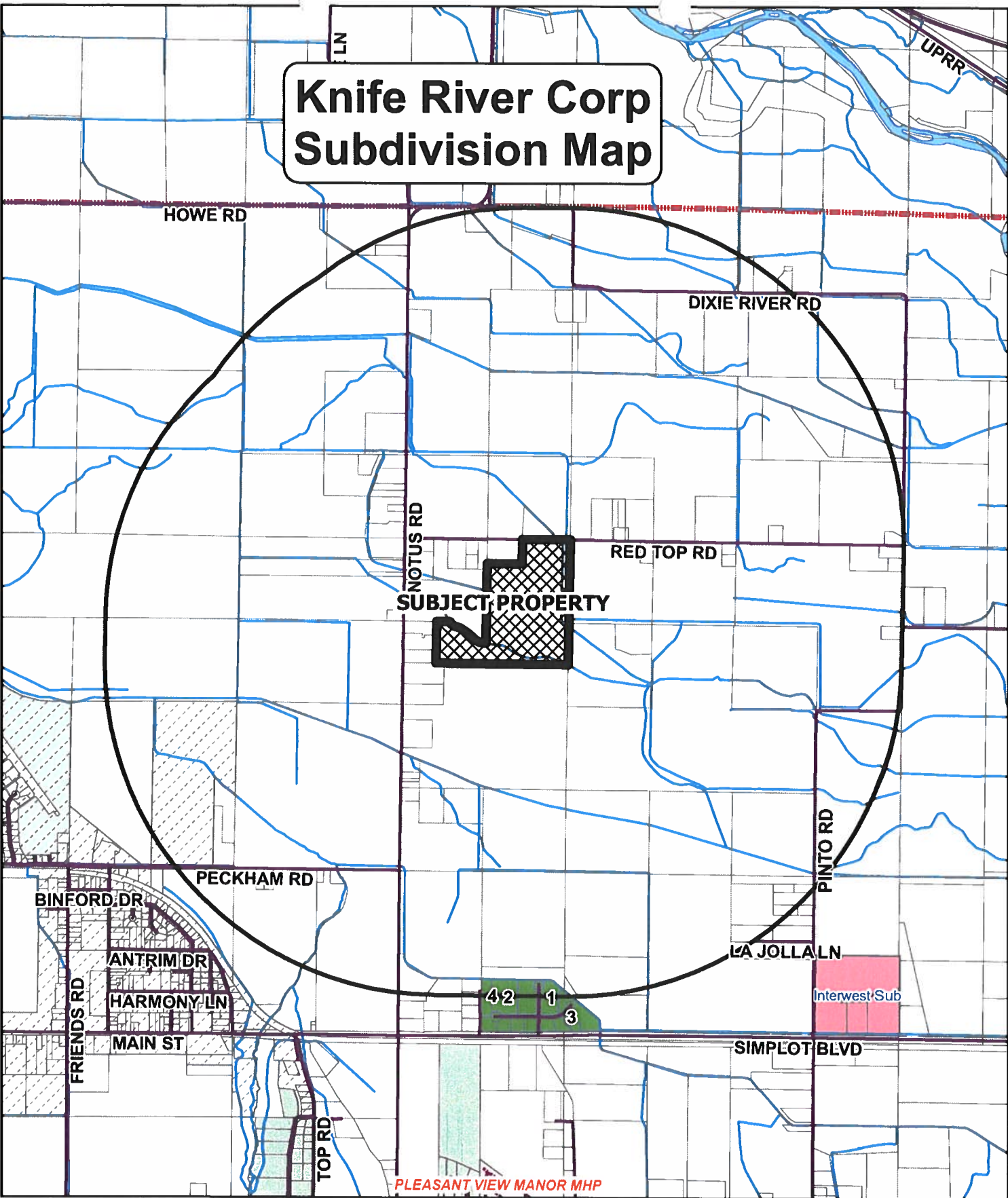


Current Zoning	C1	AG
RR	CR-C1	ITD Functional Classification
CR-RR	C2	Interstate
R1	CR-C2	Major Collector
CR-R1	M1	Minor Arterial
R2	CR-M1	Minor Collector
C	M2	Other Principal Arterials

EXHIBIT
16



Knife River Corp Subdivision Map





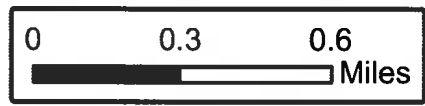
 SUBDIVISIONS
 PrelimSubs

EXHIBIT
16



SUBDIVISION & LOT REPORT

NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE
4	37.78	22	1.72
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE
0	0	0	0
NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE
38	19.61	5.01	0.24
0	0	0	0
		MAXIMUM	160.21

PLATTED SUBDIVISIONS

SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF...	Year
SECOND RE-PLAT OF MUNN RANCH SUBDIVISION	1	4N4W22	3.43	1	3.43	COUNTY (Canyon)	2019
FIRST RE-PLAT OF MUNN RANCH SUB LOT 5-12 BLOCK 1	2	4N4W22	11.47	5	2.29	COUNTY (Canyon)	2019
MUNN RANCH SUBDIVISION	3	4N4W22	15.31	11	1.39	COUNTY (Canyon)	2008
FIRST RE-PLAT OF MUNN RANCH SUB LOT 5-12 BLOCK 1	4	4N4W22	7.56	5	1.51	COUNTY (Canyon)	2019

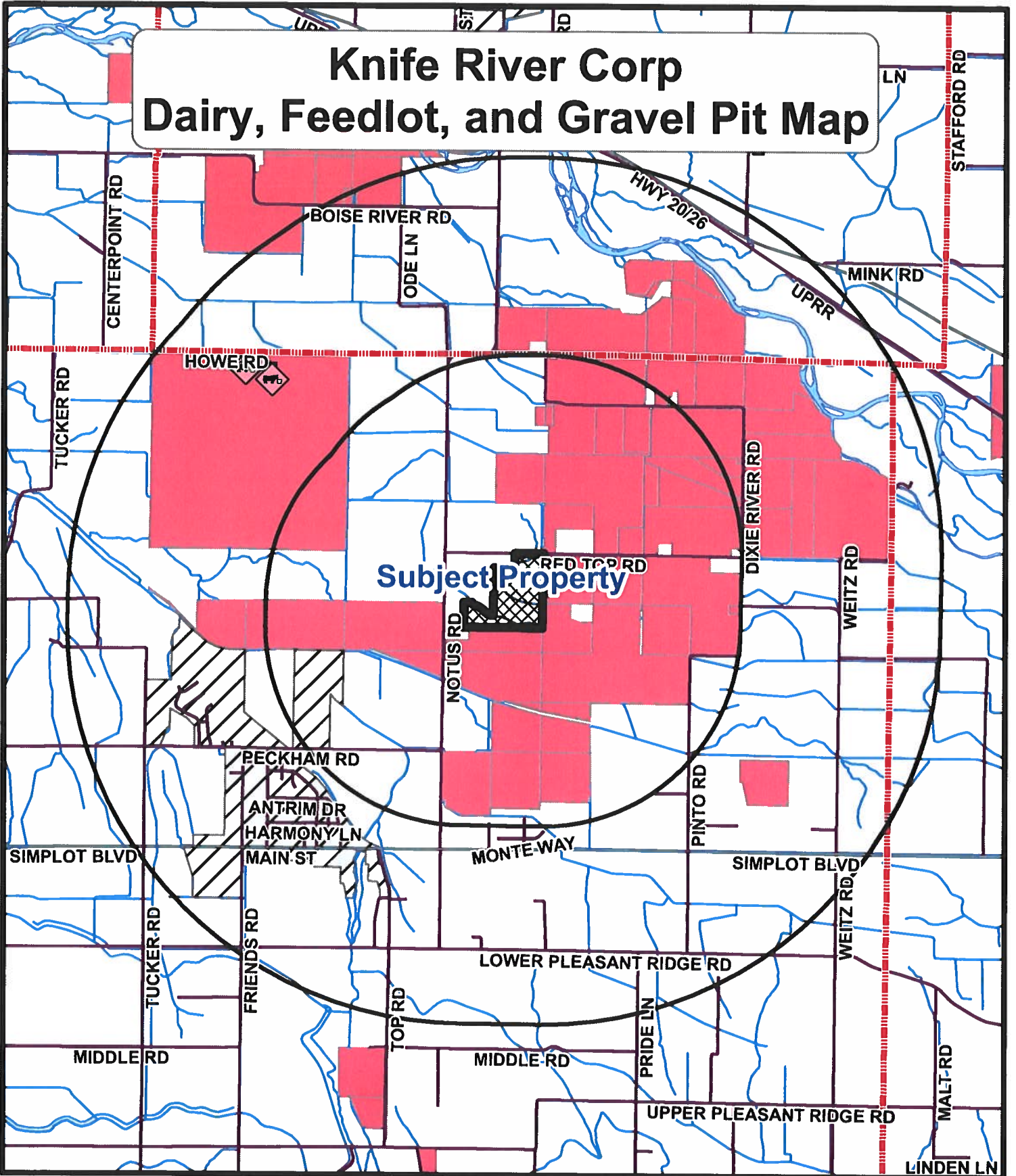
SUBDIVISIONS IN PLATTING

SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE

MOBILE HOME & RV PARKS

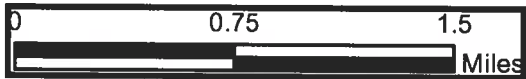
SUBDIVISION NAME	SITE ADDRESS	ACRES	NO. OF SPACES	UNITS PER ACRE	CITY OF...

Knife River Corp Dairy, Feedlot, and Gravel Pit Map



	FEEDLOTS
	DAIRIES
	GRAVELPITS

EXHIBIT
17



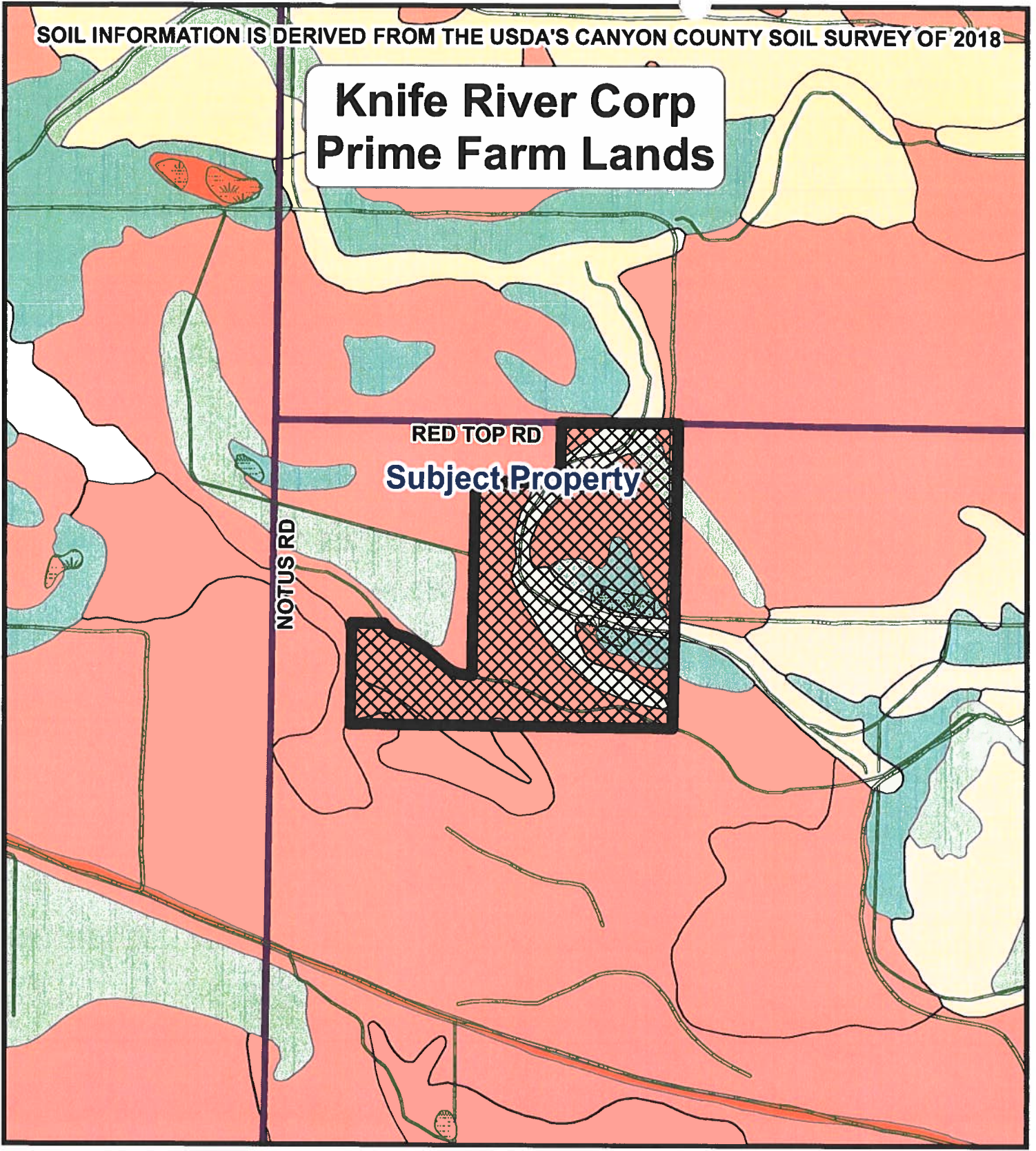
SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

Knife River Corp Prime Farm Lands

RED TOP RD

Subject Property

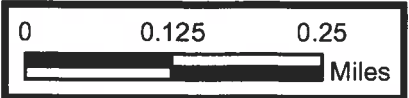
NOTUS RD



- TAXLOTS
- City_Limits
- WETLANDS
- 2C_Hydro

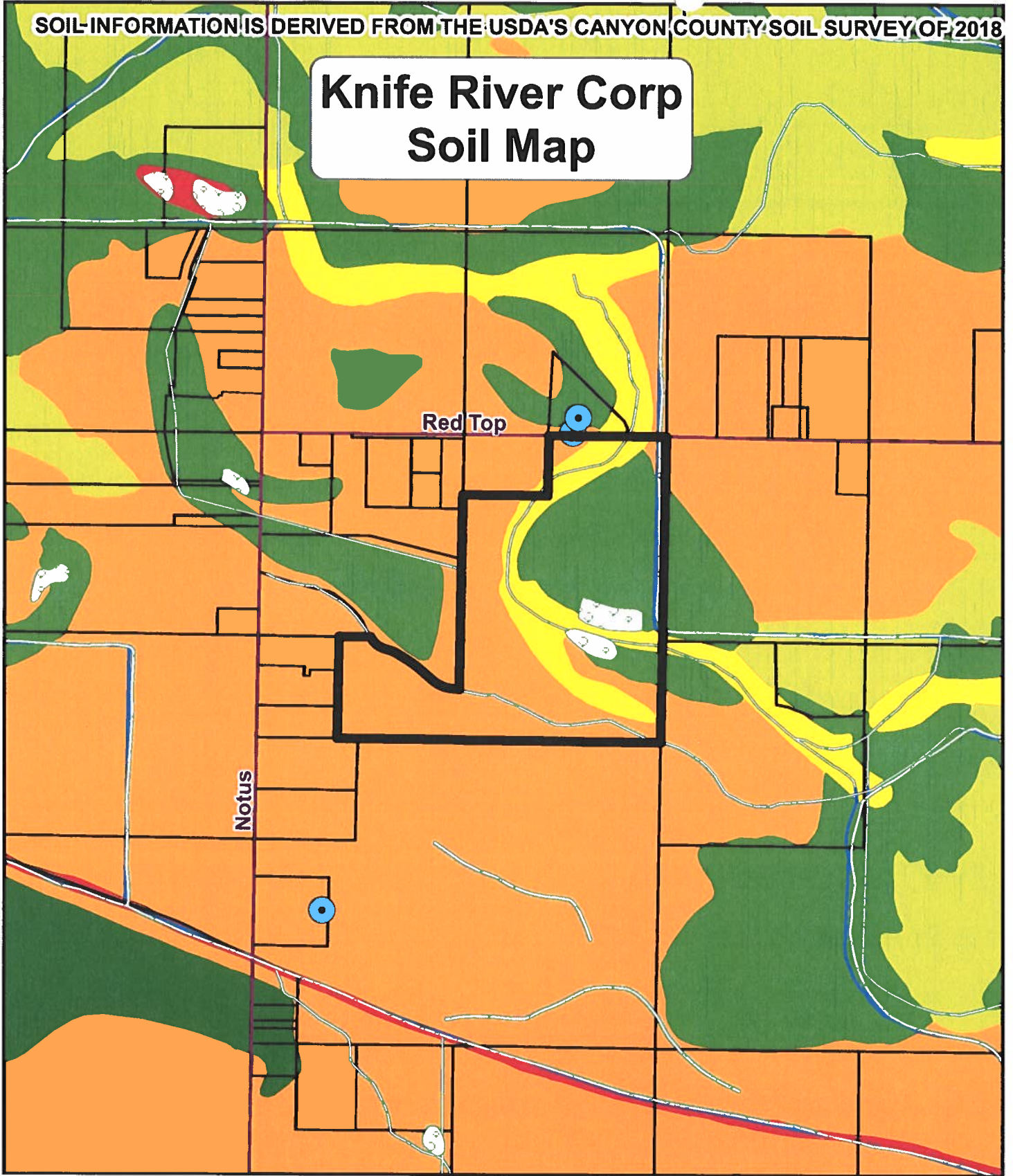
- FARMLAND**
- Farmland of statewide importance
 - Farmland of statewide importance, if irrigated
 - Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
 - Not prime farmland
 - Water/Gravel Pit/ Rock outcrop/ Riverwash/ Terrace Escarpments
 - Prime farmland if irrigated
 - Prime farmland if irrigated and drained
 - Prime farmland if irrigated and reclaimed of excess salts and sodium

EXHIBIT
18



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

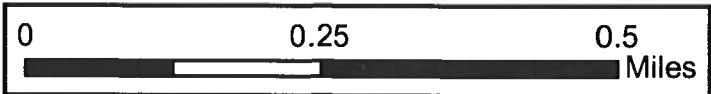
Knife River Corp Soil Map



- Nitrate Priority Wells**
- 0.005000 - 2.000000
 - 2.000001 - 5.000000
 - 5.000001 - 10.000000
 - 10.000001 - 49.800000

- IDWR_2C_Geothermal_**
- Wetlands**

EXHIBIT
19



SOIL REPORT

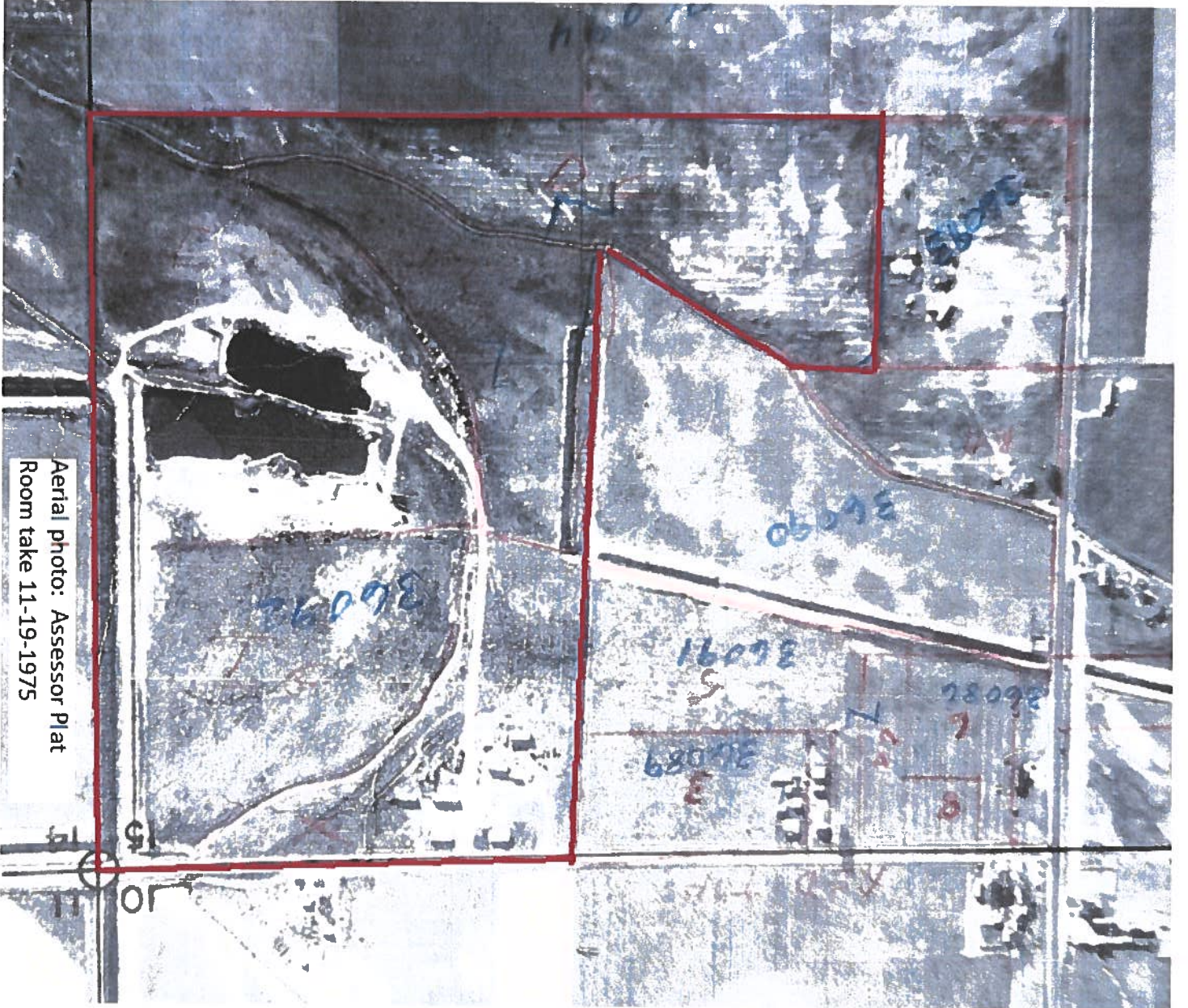
SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
3	MODERATELY SUITED SOIL	192840.12	4.43	6.86%
6	LEAST SUITED SOIL	91345.32	2.10	3.25%
6	LEAST SUITED SOIL	1274783.40	29.27	45.36%
6	LEAST SUITED SOIL	28531.80	0.66	1.02%
3	MODERATELY SUITED SOIL	93000.60	2.14	3.31%
5	LEAST SUITED SOIL	541537.92	12.43	19.27%
3	MODERATELY SUITED SOIL	73747.08	1.69	2.62%
3	MODERATELY SUITED SOIL	514312.92	11.81	18.30%
		2810099.16	64.51	100%

FARMLAND REPORT

SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
No	Prime farmland if irrigated	192840.12	4.43	6.86%
BsA	Not prime farmland	91345.32	2.10	3.25%
L1A	Not prime farmland	1274783.40	29.27	45.36%
L1A	Not prime farmland	28531.80	0.66	1.02%
No	Prime farmland if irrigated	93000.60	2.14	3.31%
Ch	Prime farmland if irrigated and drained	541537.92	12.43	19.27%
BdA	Prime farmland if irrigated and reclaimed of excess salts and sodium	73747.08	1.69	2.62%
LsA	Not prime farmland	514312.92	11.81	18.30%
		2810099.16	64.51	100%

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

GRADE	SOILTYPE
1	BEST SUITED SOIL
2	BEST SUITED SOIL
3	MODERATELY SUITED SOIL
4	MODERATELY SUITED SOIL
5	LEAST SUITED SOIL
6	LEAST SUITED SOIL
7	LEAST SUITED SOIL
8	LEAST SUITED SOIL
9	LEAST SUITED SOIL



Aerial photo: Assessor Plat
Room take 11-19-1975

From Red Top
Road at access
gate looking
southeast
across the
northeast
corner of
R36092010



From Red Top
Road at access
gate looking
south across
the northeast
corner of
R36092010



From Red Top Road at access gate looking east on Red Top Road at the north boundary of R36092010



From Red Top Road at access gate looking northeast on Red Top Road showing the residential property immediately north of the subject parcel.



From Red Top Road at access gate looking northwesterly on Red Top Road.



From Red Top Road at access gate looking westerly on Red Top Road.



RED TOP POND ACCESS

PROHIBITED ACTIVITIES

- TO LEAVE A VEHICLE ALARM TOWER UNATTENDED FOR MORE THAN 6 HOURS
- TO OPERATE VEHICLES ON ESTABLISHED ROADS
- TO OUIZ THESE ALARM CONTACT CLOSURE ACTIVITIES
- TO USE HAT POINTS OR PREDATORS OR EMPLOYERS
- TO DISCHARGE A WEAPON IN CLOSE PROXIMITY TO DESIGNATED FACILITIES
- TO PERMIT DOGS TO RUN AT LARGE
- TO DISCHARGE ANY TRASH OR REFUSE
- TO CONDUCT ANY COMMERCIAL ACTIVITIES EXCEPT AS SPECIFICALLY AUTHORIZED BY THE BLM DEPARTMENT OF FISH AND GAME



CONTACT INFORMATION

BLM REGIONAL OFFICE
14200 North Oak Blvd.
Nampa, Idaho 83857
(208) 468-9485
<http://fishandgame.idaho.gov>



NO GARBAGE SERVICE



PACK-IT-IN
PACK-IT-OUT

DAY USE ONLY



NO
CAMPING



NO
CAMPFIRES



ATTENTION

MUCH OF THE
SURROUNDING
PROPERTY IS PRIVATE.
PLEASE TREAT IT
WITH RESPECT.



OUR PARTNERS

- Idaho Fish and Wildlife Foundation
- Boise Valley Flyfishers



Debbie Root

From: Joe Dodson <jdodson@cityofcaldwell.org>
Sent: Tuesday, January 2, 2024 3:34 PM
To: Debbie Root
Cc: Robin Collins
Subject: [External] CU2023-0013 - City of Caldwell Response

Good Afternoon,

On behalf of the City of Caldwell Planning and Zoning Department, we would like to offer our opposition to the subject Conditional Use Permit for Knife River Corp-Mountain West (CU2023-0013) gravel pit. Although the subject site is just outside of the Caldwell Area of City Impact, the main thoroughfare for the site to the interstate will be down Simplot Road and Centennial Way, through Caldwell. Furthermore, due to the expected long term noise, dust, and traffic impacts associated with the proposed use, Caldwell does not support this request. Should the County approve this application, the City of Caldwell notes that it does not support the proposed minimal landscaping as described in the Applicant's narrative. Caldwell finds this will not be sufficient to screen the proposed use, especially if said berm is slowly removed to backfill the site.

Thank you,

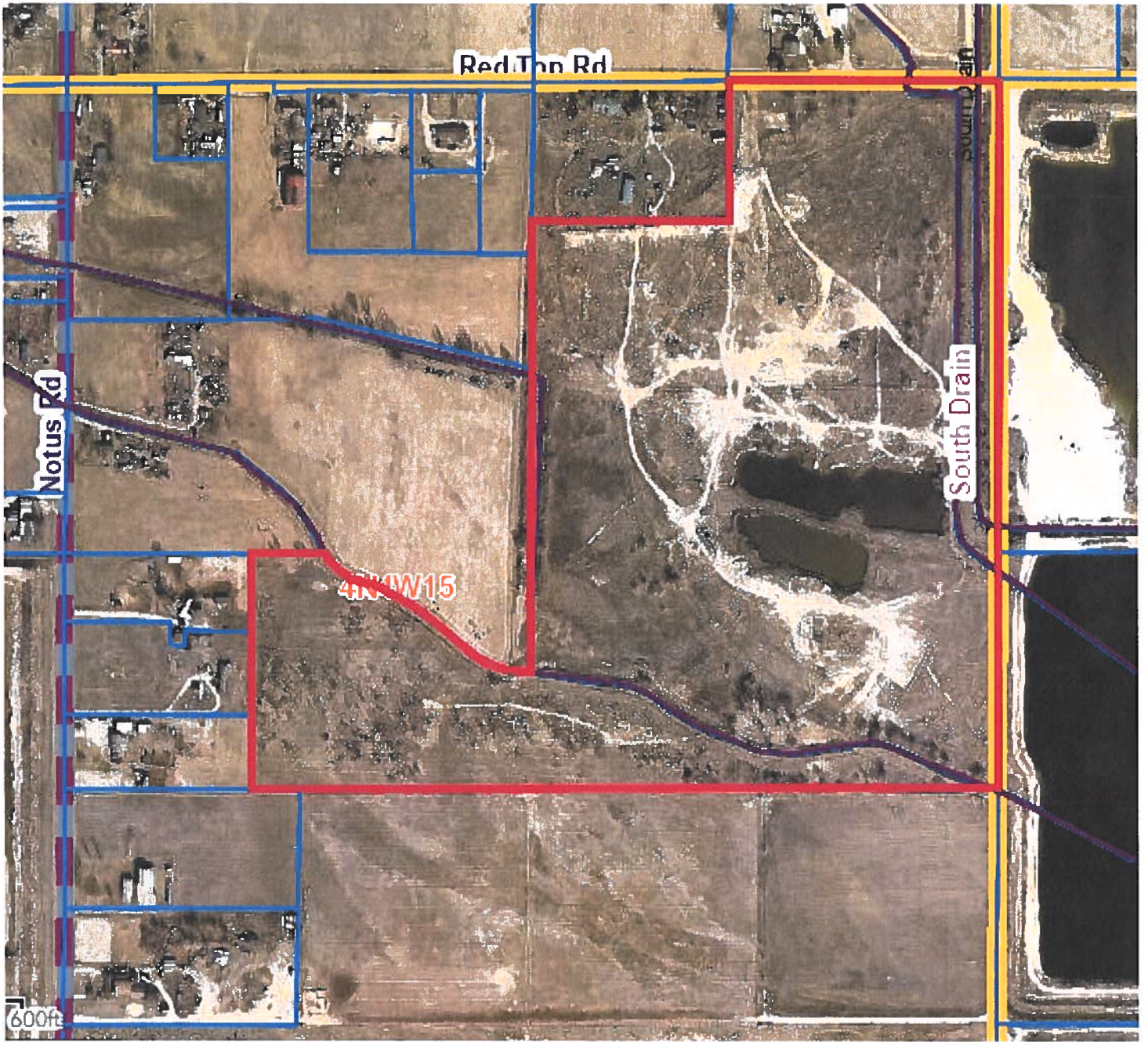


621 Cleveland Blvd • Caldwell, Idaho 83605
www.cityofcaldwell.org • (208) 455-4523

EXHIBIT
22



Parcel R36092010
Google Maps 2024 Imagery



Parcel R36092010
CC GIS Aerial view
Fall 2022

Debbie Root

From: Smith, Joe <Joe.Smith@kniferiver.com>
Sent: Thursday, March 14, 2024 12:12 PM
To: Debbie Root
Subject: [External] RE: reclamation plan

Debbie,

I think our current mine plan is to mine out the northern part of the parcel first and then back fill that area with clean fill. This is where we will place our portable crusher and stockpiles. This area needs to be 10-15+ acres in size to accommodate the equipment and gravel material and allow for truck loading. I am not sure of the development requirements in Canyon County regarding residential development which is why I left the language a little vague in the rec plan. Depending on minimum lot size requirements, there could be one or several homes sites available on site when we are complete. Although we don't develop land after completion of our pits, we are starting to realize the value of leaving a marketable piece of property that can be used for other purposes other than a large pond. In other areas, we have started backfilling ponds to create more usable space for development after mining has been completed. Takes a little more time and money to fill the ponds but we feel like its better for Knife River and the surrounding communities.

Most of the area will be disturbed. The only area that may not be is the southern portion between the property line and the canal. That will depend on permitting requirements with DEQ and/or the Corp of Engineers.

Hope this helps and let me know if you have any other questions. We are currently working on a reply for the ITD letter.

Thanks,

Joe Smith
Regional Environmental Manager
Mountain Region
406-876-4637

From: Debbie Root <Debbie.Root@canyoncounty.id.gov>
Sent: Thursday, March 14, 2024 10:59 AM
To: Smith, Joe <Joe.Smith@kniferiver.net>
Subject: reclamation plan

EXTERNAL You don't often get email from debbie.root@canyoncounty.id.gov. [Learn why this is important](#)

**** WARNING: EXTERNAL SENDER. NEVER click links or open attachments without positive sender verification of purpose. DO NOT provide your user ID or password on sites or forms linked from this email. ****

Joe,

The reclamation plan indicates that a portion of the mined operations may be filled with overburden, reject material, and clean fill and brought back to grade. ONE large pond is est. to be left on the site as part of the reclamation. You also indicate that the site will likely be sold for residential development similar to other depleted mines in the area.

I am curious – is there any intent to leave undisturbed properties anywhere on the site that could be developed in the future? I don't know of any of the mineral extraction operations in this area that are redeveloping as there are few if

EXHIBIT 25

any that are leaving sufficient property to locate one house let alone a whole development. If you know differently please advise.

Sincerely,

Deb Root, MBA
Canyon County Development Services
debbie.root@canyoncounty.id.gov
208-455-6034

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 **

Debbie Root

From: Smith, Joe <Joe.Smith@kniferiver.com>
Sent: Wednesday, March 20, 2024 6:08 PM
To: Debbie Root
Subject: [External] RE: Red Top Pit--

Debbie,

The intention is to keep our operations in the NE corner of the property. We will use overland belts to transport the material from the South. This will keep most of the heavy equipment away from the residential properties on the SW corner. As stated in our letter to the City of Greenleaf, we are proposing 15' berms (stabilized in perma-bark (rock)). The 15' berms will be placed along the boundaries that abut residential properties or road frontage. Smaller berms will be placed along property boundaries that abut other mineral extraction sites depending on the amount of material available.

We would request a setback of 200' from the road or 300' to residential properties to the North. Given the height of the berms, we hope that will be sufficient. We may be able to place material stockpiles between the crusher and road as well. Since we will be minimizing operations on the South side of the property, we would like to minimize that setback with the 15' berms. Since the heavy equipment will be kept to the north and overland conveyors will be used, noise should be kept to a minimum. The site will be wet mined so dust should be minimal. Given the small area between the canal and property line setbacks, mineral extraction in the area will be short lived.

I believe our setbacks on the canals at Notus and at our Lola Pit are 30'. We work closely with the local canal district and have a relationship with the local president. We would request the same setbacks for this application.

Would it help if we had conversations with our neighbors regarding this proposal and communicate or provide letters from our neighbors with their thoughts?

Let me know what you think of this path forward.

Thanks,

Joe Smith
Regional Environmental Manager
Mountain Region
406-876-4637

From: Debbie Root <Debbie.Root@canyoncounty.id.gov>
Sent: Tuesday, March 19, 2024 3:25 PM
To: Smith, Joe <Joe.Smith@kniferiver.net>
Subject: Red Top Pit--

**** WARNING: EXTERNAL SENDER. NEVER click links or open attachments without positive sender verification of purpose. DO NOT provide your user ID or password on sites or forms linked from this email. ****

Joe,

A couple of questions:

EXHIBIT 25

Will the crusher location and any batch plant operations remain located only in the northeast corner of the property? There is one existing residence directly north of Red Top near this location (Jerry Davis property) that stands to be impacted by both the plant/crusher operations and truck traffic entering and existing the site. Are you opposed to a minimum setback/separation distance from the crusher & batch plant operations? Idaho Materials has a condition of 1000 feet from any existing residences on the properties west of Notus Road. 1000 feet may be excessive for this property as it would put your operations nearly to the ponds. I think it would be appropriate to identify where those facilities are to be located, what the berm (overburden stockpiles) height and intent for them—the Notus Rd pit has 10 foot high berms identified with rock/perma bark covering.

Setbacks from the drains....one of the CUPs to the south has a minimum 55 foot setback from the West end drain. What are your proposed setbacks from the waterways on the property?

Finally, I believe that one of the concerns that will be heavy on the commission's mind will be setbacks from the residential properties adjacent to the west property boundary in that southwest corner. You mentioned in an earlier email as we were discussing redevelopment possibilities that this area may be one for consideration to leave undisturbed development area. If you recall on the Knife River expansion of the Notus Pit property you guys finally determined to remove an approx. 20 acre property out of the CUP expansion (R36018010A) ...it appears there may have been some potential berming started on that property at one point...hopefully it didn't continue since it is not part of the CUP. Regardless, back to the property at hand, are you opposed to considering a more substantial setback from the west boundary line adjacent to R36093, R36096011, R36093010? As you know I have to craft findings for not only the standard CUP criteria but also for the Use Standards in §07-14-19

2. When making a decision for a conditional use permit for the use, the decision making body shall consider the following:

- (A) The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses;
- (B) Duration of the proposed use;
- (C) Setbacks from surrounding uses;
- (D) Reclamation plan as approved by Idaho Department of Lands;
- (E) The locations of all proposed pits and any accessory uses; and
- (F) Recommendations from applicable government agencies.



Deb Root, MBA
Canyon County Development Services
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208-455-6034

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 **

Knife River Corporation – Mountain West
Southern Idaho Division
5450 West Gowen Road
Boise, ID 83709

March 19, 2024

Lee C. Belt
City Clerk / Assistant Zoning Official
City of Greenleaf
20523 North Whittier Drive
Greenleaf, ID 83626

RE: CU2023-0013 COMMENTS (Knife River, parcel #R3609201)

Mr. Belt,

Thank you for your comments Regarding Knife River's application for a conditional use permit (CUP) for mineral extraction (long term). Knife River is committed to working with our local neighbors and stakeholders and offers the following responses to the City of Greenleaf's comments and concerns addressed in the letter dated 17 March 2024.

Canyon County Code §07-07-05 hearing criteria #2

Knife River believes that the mineral extraction use is in conformance with the County Comprehensive plan and no issues are anticipated.

Canyon County Code §07-07-05 hearing criteria #7 – Increased truck traffic.

Similar comments regarding increased truck traffic on SH-19 have been brought forth by the Idaho Department of Transportation (ITD) and Knife River has been working with ITD regarding these comments. The location in our application is a replacement of aggregate reserves for our current Notus Pit located just to the north of the Red Top property. Since this is a replacement of our current pit, no expected increase in truck traffic is expected from our current operation.

The bulk of our haul from Notus is aggregate to feed our Nampa Redi Mix Facility. The haul route for this will be via the same routes we take today and are not anticipated to hit HWY 19. We currently utilize 20/26 for our route to our Nampa Redi-mix Plant.

Canyon County Code §07-07-05 hearing criteria #8

As this site is a replacement for our current local gravel source, no adverse effect from the proposed use on essential services is anticipated. Knife River has received comments from and met with the Caldwell Rural Fire Protection District. All comments have been adequately addressed by Knife River.

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Other Concerns:

Noise:

Berms will be created on site when the site is cleared of topsoil and overburden. Knife River will maximize berm height along the shared boundaries with properties with different land uses (residential and road frontage). Knife River proposes a height of 15 feet for the larger berms. Smaller berms may be placed along shared boundaries with other gravel sources depending on the amount of material available. On the larger berms in those areas where noise and site mitigation is most important, Knife River proposes a rock perma-bark on these berms. The rock perma-bark will stabilize the berms and are easier to maintain and keep weed free. Knife River has utilized this approach on our source to the North as well as at our Nampa Concrete plant and the perma-bark is more aesthetic for the surrounding community.

Reclamation Plan:

Knife River intends to mine material in the Northeast corner of the property and then backfill this area with appropriate compaction to allow for placement of crushing equipment, material stockpiles, and truck traffic. Our intent is to reclaim the site to allow for residential use. Knife River, however, is not a developer. The application was left vague regarding residential development standards as this application is for mineral extraction. Knife River is not familiar with the residential development standards in Canyon County but is committed to working with the County and IDL to reclaim the property to a post mining land use that benefits the community.

Knife River has completed boring on site to confirm the depth and quality of the minerals on site. Although these borings are limited in scope, we can gain an approximation of the amount of topsoil and overburden on site. Based on those borings, we have estimated approximately 334,000 cubic yards of overburden and topsoil. This material will be used to construct the berms around the operation. Since we will be leaving a pond that is larger than the current pond on site, the amount of overburden and topsoil will be thicker than the current depths on site. I do not have the break down in cubic yards between the overburden and topsoil so I can not speak to the exact topsoil depth spread over the site but the minimum depth will be 6 inches but it will likely be more, and defiantly be more (depth) than currently on site.

Drainage:

Final grading will occur during reclamation. The site will be graded with minimal grade for stormwater drainage on the reclaimed land for preservation of the property and prevention of unintended consequences from runoff onto adjacent property. Any grade left on the property will direct water runoff into the pond or the Dixie Slough.



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Knife River appreciates the comments received from the City of Greenleaf and looks forward to working with the city concerning this application and in the future. I hope Knife River has adequately addressed the City's comments. If I can be of any further assistance or provide further clarification, please feel free to contact me.

Respectfully,

Joseph Smith

Joe Smith
Regional Environmental Manager
Knife River Corporation
Intermountain Region
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(406)-876-4637 (Cell)