



Planning & Zoning Commission
Canyon County Development Services Dept.

Case No. CU2022-0024

HEARING DATE: April 4, 2024

OWNER: BID, LLC

APPLICANT/REP: Evan Buchert, Premier, LLC

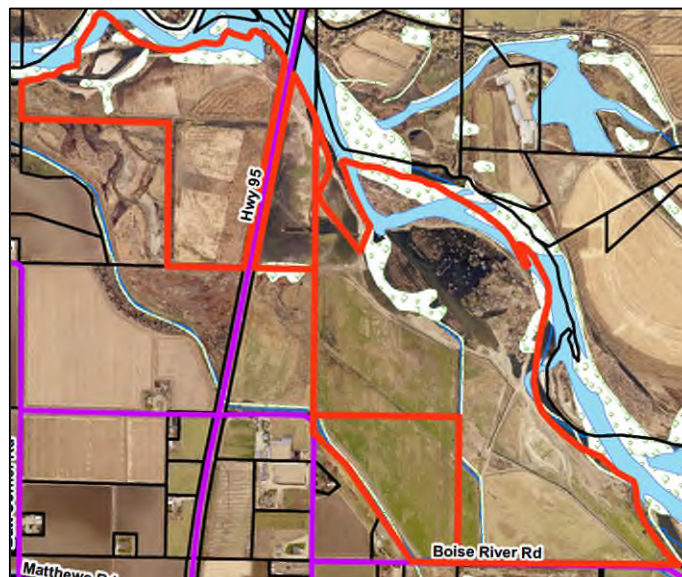
PLANNER: Michelle Barron, Principal Planner

CASE NUMBER: CU2022-0024

LOCATION: 25706 Boise River Road, Parma; R39054, R39054010, R39070010 and R39070010B (Approx. 238 acres)

PROJECT DESCRIPTION

The applicant requests a conditional use permit to allow long-term mineral extraction on Parcels R39054, R39054010, R39070010, and R39070010B0, approximately 159 acres of 259 acres (Exhibit 2). The property is zoned "A" (Agricultural). The property is located on Boise River Road, Parma; also referenced as a portion of the NW¼ of Section 26, T5N, R5W and the NE¼ of Section 27, T5N, R5W, Canyon County, Idaho.



PROJECT INFORMATION (See Exhibit 1 for Parcel Information)

Parcel R39054, 26.91 acres, is an original parcel (CCZO Section 07-02-03). Parcel R39054010, 136.2 acres, consists of three original parcels. The parcels were purchased by BID, LLC on April 22, 2021 (Instrument #2021-029452, Exhibit 2g).

Parcel R39070010, 61.18 acres, consists of three original parcels. Parcel R39070010B, 14.26 acres, is an original parcel (CCZO Section 07-02-03). Parcel R39070010B was purchased by BID, LLC on April 22, 2021 (Instrument #2021-029452, Exhibit 2g). Parcel R39070010 was purchased by BID, LLC on May 5, 2017 (Instrument #2017-017926, Exhibit 2g).

The subject parcels are vacant of any structures.

APPLICABLE CODE:

CCZO §07-02-03 Definitions

COMPATIBILITY: Land uses are compatible if: a) they do not directly or indirectly interfere or conflict with or negatively impact one another and b) they do not exclude or diminish one another's use of public and private services. A compatibility determination requires a site specific analysis of potential interactions between uses and potential impacts of existing and proposed uses on one another. Ensuring compatibility may require mitigation from or conditions upon a proposed use to minimize interference and conflicts with existing uses.

CONDITIONAL USE: A use or occupancy of a structure, or use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein. See Idaho Code section 67-6512.

MINERAL EXTRACTION: The various activities associated with the extraction of mineral resources, including, but not limited to, gravel, from the ground.

OPERATION PLAN: A plan of action to include, but not be limited to, time requirements, commencement of the operation, hours of operation, noise levels, dust levels, air and water quality, raw material delivery, finished product and marketing, site improvements, public and private facilities, public amenities and infrastructure.

ORIGINAL PARCEL: A parcel of platted or unplatted land as it existed on September 6, 1979 (the effective date of the Zoning Ordinance 79-008), including any property boundary adjustments as defined in this chapter and any reduction in area due to creating a parcel for the exclusive use by Canyon County, a municipality within Canyon County, a local highway district, Idaho Transportation Department, utility company or corporation under the jurisdiction of the Idaho Public Utilities Commission, or other local, State, or Federal agency.

SETBACK: The space on a lot required to be left open and unoccupied by buildings or structures, either by the front, side or rear yard requirements of this chapter, or by delineation on a recorded subdivision map or a record of survey.

CCZO §07-07-01 Conditional Use Permit – Purpose

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. The commission may require higher standards of site development than those listed specifically in this chapter in order to assure that the proposed use will be compatible with other property and uses in the vicinity. The commission may revoke or modify its approval of a conditional use permit in accordance with the procedures set forth in the hearing and appeals procedures found in article 5 of this chapter.

CCZO §07-07-05 Conditional Use Permit – 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?

CCZO §07-07-17 Conditional Use Permit – 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.

CCZO §07-07-19 Conditional Use Permit – Additional Studies

Prior to making a decision concerning a conditional use permit request, the presiding party may require studies at the applicant's expense of the social, economic, fiscal, and environmental effects of the proposed conditional use.

CCZO §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	-

CCZO §07-14-19 Use Standards – Mineral Extraction Long Term

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

A. Setbacks:

Front	Side	Rear	Corner
30'	30'	30'	30'

- 1. Front and corner setbacks shall be measured from the greatest of either the property line, right-of-way line, or road easement line of any local or private street.
- 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.*

PROJECT OVERVIEW

Request:

The applicant, Premier, LLC, submitted a condition use permit for mineral extraction (Pintail Long Term Mineral Extraction) on May 9, 2022. Per the applicant’s letter of intent (Exhibit 2a), the parcels would be used for sand and gravel extraction, rock crushing, and equipment storage facility. Mineral extraction will be completed in two phases totaling 159 acres of 259 acres (Exhibit 2c). Material sales will be conducted on the property to local citizens and contractors. Rock crushing is anticipated to be conducted for 4-5 months per year. A scale house and scale will be installed on the parcel which will be used to scale trucks entering and leaving the property.

Duration: Per the approved reclamation plan (Exhibit 2f): The approximate date of construction is Spring of 2025. The approximate date of abandonment is the Spring of 2038. The dates are an estimate.

The applicant provided an approved reclamation plan (Exhibit 2f). The plan states a 30’ setback would be established around the property boundary. After reclamation, the property will exist as a wildlife habitat. Reclamation will commence for the portions of the properties in which the extraction operation is complete.

Hours of operation are from 7 AM to 7 PM, Monday through Saturday.

Outside of crushing months, 2-3 full-time employees operate the site. During crushing months, 5-7 employees will operate the site.

To address potential impacts, the following mitigation is proposed:

- All areas not being mined will remain in agricultural production. Mineral extraction will be completed in two phases: Phase A, approximately 37 acres, parcel west of SH-95, and Phase B, approximately 122 acres, all parcels east of SH-95 (Exhibit 2c). Water from irrigation ditches will be utilized for watering crops/non-mined areas until mining is necessary
- **Dust:** Wet dust suppression will be used on the property during the operation of all rock crushers. Water and/or magnesium chloride will be used on all haul roads to minimize fugitive dust.
- **Noise/Sight:** Berms will be created all around the parcel to buffer the use from neighboring properties and roadways. The berms will be stockpiled around the perimeter of the pit. These berms will be vegetated to prevent water and sediment from leaving the active project area (Exhibit 2f). Crushing will be limited to the hours of operation.
- **Erosion, Sediment Control, and Stormwater Prevention:** All stormwater will be collected within the active pit being the lowest point of elevation on the site. Straw waddles and silt fencing will be available onsite for emergency purposes (Exhibit 2f). A Stormwater Pollution Prevention Plan (SWPPP) will be implemented to mitigate the potential risk of stormwater runoff if required by the Idaho Department of Environmental Quality or other State agencies.

- Fuel/Chemical Spills: Fuels and chemicals will be stored within the bermed area covered with a plastic liner to mitigate the risk of harmful seepage into the earth.

Comprehensive Plan Consistency:

The request is subject to the 2020 Canyon County Comprehensive Plan. The subject parcels are designated as “agriculture” on the Future Land Use Plan (Exhibit 3c). The 2020 Canyon County Comprehensive Plan describes the agriculture designation as follows: “*The agricultural land use designation is the base zone throughout Canyon County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, as well as rangeland and ground of lesser agricultural value.*” (Page 37 of the 2020 Comp. Plan).

The 2020 Canyon County Comprehensive Plan provides the following goals and policies to consider as part of the request:

Chapter 1 – Private Property

Goal 2: The community goal is to acknowledge the responsibilities of each property owner as a steward of the land, to use their property wisely, maintain it in good condition, and preserve it for future generations.

Policy 1: No person shall be deprived of private property without due process of law.

Policy 8: Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.

Policy 9: Property owners shall be responsible for maintaining their property in the best possible condition as circumstances allow.

Policy 10: Land use laws and decisions should avoid imposing unnecessary conditions or procedures on development approvals.

Policy 11: Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.

Policy 12: Property owners acknowledge and expect that Canyon County will preserve private property rights and values by enforcing regulations that will ensure against incompatible and detrimental neighboring land uses.

Policy 13: Canyon County will take appropriate measures to enforce all nuisance ordinances to protect quality of life and private property rights.

Chapter 2 – Population

Goal 1: Consider population growth trends when making land use decisions.

Goal 2: To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.

Chapter 4 – Economic Development

Goal 1.: To diversify and improve the economy of Canyon County in ways that are compatible with community values.

Goal 2: To support the agriculture industries by encouraging the maintenance of continued agricultural land uses and related agricultural activities

Policy 8: Set aside sites for economic growth and expansion that is compatible with the surrounding area.

Chapter 5 – Land Use

Goal 1: To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure, and services.

Goal 2: To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.

Goal 3: Use appropriate techniques to mitigate incompatible land uses.

Goal 5: Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.

Policy 1: Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.

Policy 6: Review all development proposals in areas that are critical to groundwater recharge and sources to determine impacts, if any, to surface and groundwater quantity and quality.

Policy 8: Develop, administer, and update the county-wide zoning ordinance to protect property values and avoid mixing of incompatible uses.

Chapter 6 – Natural Resource:

A - Agricultural Land

Goal 1: To support the agricultural industry and preservation of agricultural land.

Policy 1: Protect agricultural activities from land use conflicts or undue interference created by non-agricultural development.

Policy 2: Development should not be allowed to disrupt or destroy irrigation canals, ditches, laterals, and associated rights-of-way. This does not apply to privately owned, self-contained systems.

B - Fish and Wildlife Habitat

Goal 1: Protect fish and wildlife resources and habitats in Canyon County.

Policy 1: Encourage the protection of natural resources such as, but not limited to, the Snake River, Boise River, Lake Lowell, Deer Flat National Wildlife Refuge, and Fort Boise Wildlife Management Area.

Policy 3: Encourage preservation of important fish and wildlife habitat areas as well as restoration of fish and wildlife habitats where feasible and appropriate.

C – Water

Goal 1: Water is an essential and limited natural resource. Groundwater and surface water should be preserved and protected.

Policy 1: Encourage the protection of groundwater and surface water quality.

Policy 3: Require industrial wastes or hazardous materials to be stored or located in a manner that will ensure they will not enter surface water or groundwater systems.

E - Mineral Resources

1. Sand and gravel mining operations should be located to avoid potential adverse impacts to the river channel.
2. Encourage measures to provide for future use of an excavated site such as, but not limited to industrial, commercial, and residential development.

3. Encourage mineral-extraction site design and operation so as to minimize noise, dust, and increased truck traffic to the extent reasonably practical.
4. Consideration should be given, but not limited to the following impacts: economic value of the ground, access to the ground, compatibility with surroundings, noise, traffic, visual aesthetics, and flooding.
5. Encourage sand and gravel extraction and associated uses to mitigate adverse impacts on surrounding land uses and natural resources.
6. Mineral extraction sites should be designed to facilitate their reclamation for future use.

Chapter 7 – Hazardous Areas

Goal 1: To ensure the safety of residents and the protection of property.

Goal 2: Carefully consider limiting development in hazardous areas.

Policy 1: Carefully consider requests to place structures in floodplain areas.

Policy 2: Discourage development in or near hazardous areas, such as airports, power line corridors, electrical substations, flood plains, unstable soil areas and steep slopes, high-velocity wind, and storm-prone areas, except for industries, which may require these conditions.

Policy 3: Endeavor to limit structures and developments in areas where known physical constraints or hazards exist. Such constraints or hazards include, but are not limited to, the following: i. Flood hazards, ii. Unstable soil and/or geologic conditions, iii. Contaminated groundwater.

Chapter 9 – Transportation

Policy 19: Require and accept traffic studies in accordance with highway district procedures that evaluate the impact of traffic volumes, both internal and external, on adjacent streets and preserve the integrity of residential neighborhoods where applicable.

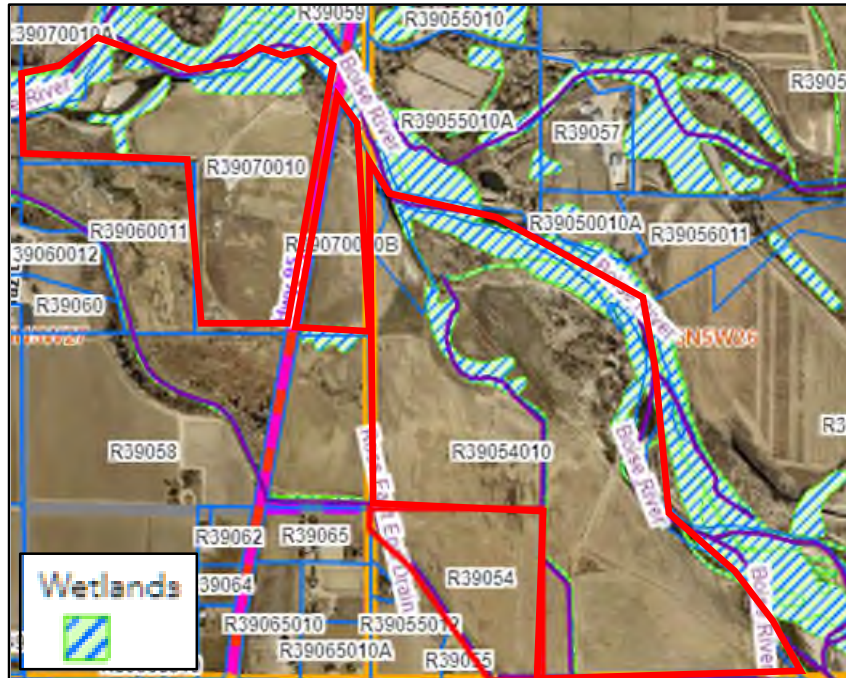
Chapter 13 – Agriculture

Goal 3: Protect agricultural lands and land uses from incompatible development.

Existing Conditions:

The request abuts the Boise River to the north. The other boundaries either abut a public roadway such as Boise River Road /SH-95 or a parcel either in agricultural use or residential use (Exhibit 3a & 3b).

The parcels are located within a mapped floodplain and floodway (Exhibit 31). The applicant's site plan shows mineral extraction outside of the mapped floodway. Portions of the parcel near the Boise River also include wetlands (see aerial below).



The Boise River provides habitat for fish and wildlife. Many protected bird species, such as the Bald Eagle, used this habitat for nesting (Exhibit 4d & 4e).

All parcels in the vicinity are zoned “A” (Agricultural, Exhibit 3d). The average lot size in the vicinity is 39.61 acres (Exhibit 3b, 3f & 3h).

Surrounding Land Use Cases:

Between 2018 to 2024, the following land use decisions were made (Exhibit 3e):

- CU2018-0014 – Premier, LLC: Mineral extraction – long term (Exhibit 6a): Approximately 1,200 feet north of the subject request; and
- CU2019-0011 – Barber: Amendment to CU2003-454 – Divide 30 acres into four residential lots (Exhibit 6e). The parcels created by the decision abuts the east boundary of R39054.

Other identified uses approved in the area:

- City of Boise’s Phosphorous Removal Facility (PH2014-33, Exhibit 6c): 3,800 feet southeast of the subject request. In 2019, a mineral extraction use was denied adjacent to the phosphorous removal plant due to a lack of water rights approval and study/modeling to ensure the request would not impact the phosphorous removal facility (CU2018-0010, Exhibit 6b).
- Parma Valley Winery (CU2004-583, Exhibit 6d): Winery located 2,000 feet south of the subject request.

There are no approved subdivisions within a one-mile radius of the subject parcels (Exhibit 3f).

Character of the Area:

The subject parcel and surrounding parcels are predominantly used for agricultural uses. Photos show the subject parcels in agricultural production (Exhibit 7). The subject parcels are also near parcels with residential dwellings created via land division or by conditional use permit (Examples: LS2004-882, R39055010; CU2019-0011/CU2003-454, R39065; and AD2021-0144/AD2021-0173, R39060).

Canyon Soils Conservation District finds the following regarding the subject parcels (Exhibit 5c):

- 16% Prime Farmland

- 38.5% Prime Farmland if irrigated and drained
- 16% Prime Farmland if irrigated and reclaim excess salts and sodium.
- 29.5% Not Prime Farmland

- 1.4% Capability Class 2
- 27% Capability Class 3
- 38% Capability Class 4
- 12% Capability Class 6
- 20% Unclassified due to water and river rock.

Best-suited soils appear to be prominent south of Boise River Road (Exhibit 3i).

Per Exhibit 3g, within a one-mile radius is a large gravel pit north of the Boise River (CU2018-0014, Exhibit 6a). A large number of approved gravel pits are located over 18,000 feet east of the subject parcel along Notus Road and Boise River Road in the Notus Area of City Impact.

Within a two-mile radius, there are four feedlots (Exhibit 3g).

Approximately 2,000 feet south of the proposed request is Parma Valley Winery approved in September 2000 (CU2004-583, Exhibit 6d). The winery is situated on a ridge overlooking the subject parcels and Boise River (Exhibit 4f).

Facilities:

No well or septic system is proposed (Exhibit 2a). Porta-potties will be used on-site. Gravity irrigation is provided via surface water rights. The source of the surface water is from a ditch that runs east and west of the property (Exhibit 2a).

No comments were received from Southwest District Health, Riverside Irrigation District, Idaho Department of Water Resources (water rights), Idaho Power, or Intermountain Gas.

Access and Traffic:

Access is proposed on SH-95 (Exhibit 2c). The applicant proposes all access from SH-95 and estimates approximately 45 trucks coming and leaving the sites daily. The majority of the traffic will be during off-peak hours (Exhibit 2a). The applicant's letter states a traffic impacts will be addressed before the commencement of use (Exhibit 2a).

No comments were received from the Notus-Parma Highway District. Idaho Transportation Department (ITD) does not find there to be traffic impacts based on the truck numbers provided but requires the applicant to gain access approval (Exhibit 5b).

Essential Services:

Essential services in the area include Parma Fire District, Parma School District, Canyon County Sheriff Department, and Canyon County Paramedic/EMT.

The Parma Fire Department is located approximately 6.1 miles from the subject parcels, with approximately a 12-minute response time.

No comments were received from the Parma Fire District, Parma School District, Canyon County Sheriff Department, and Canyon County Paramedic/EMT.

POTENTIAL IMPACTS

Wildlife & Habitat Impacts: Golden Eagle Audubon Society (GEAS) and Southwestern Idaho Birders Association (SIBA) expressed concerns regarding the potential significant adverse impacts of the project on protected bird species and habitats such as Bald Eagle nesting (50 CFR 22.6; Exhibit 4d & 4e). The comment letter requests the applicant review the request with the U.S. Fish and Wildlife Service and Idaho Department of Fish and Game to learn of potential impacts to species and habitats

and ways to avoid and/or minimize potential impacts and incorporate guidelines and mitigation measures into their project plan.

- The applicant did not provide any information regarding wildlife and habitat mitigation measures or review with applicable agencies.

Floodplain/Wetlands: Development is proposed in a mapped floodplain and floodway (Exhibit 3l, 5a and 5d). The proposed mineral extraction is shown to be located outside of the mapped floodway (Exhibit 2c). However, the applicant's site plan shows the proposed access, equipment, fuel storage, scales, and scale house in the floodway (Exhibit 2c and 2f). A hydrologic and hydraulic analysis with no rise certification or an approved Conditional Letter of Map Revision (CLOMR) is required to ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

Additionally, wetlands are shown on the subject parcels. No approval or comments were received from the Idaho Department of Water Resources (floodplain) or the U.S. Army Corp of Engineers (USACE). The reclamation plan states that the USACE commented that there may be jurisdictional features within the planned area of impact and requested the operator to reach out to them for permitting guidance (Exhibit 2f).

- The applicant did not provide any information regarding floodplain or wetland mitigation measures or approval from applicable agencies.

Traffic/Access: The truck trip information should include truck trips, employee trips, local customer/contractor trips, haul routes, and cumulative impacts created by the proposal and existing pit north of this request (CU2018-0014).

Compatibility: Opposition letters received (Exhibit 4) express the following concerns:

- Impacts on farming and hunting (Exhibit 4a, 4b, 4l, 4m, 4o, 4u, 4x, 4y, 4cc)
- Floodplain/wetland impact concerns (Exhibit 4e, 4y, 4ee, 4cc)
- Impacts to Parma Valley Winery (Exhibit 4f, 4j, 4k, 4l, 4o, 4p, 4r, 4s, 4t, 4u, 4w, 4aa)
- Impacts on existing dwellings located near the proposal (Exhibit 4g, 4i, 4l, 4n, 4q, 4u, 4x)
- Gravel truck traffic and associated impacts such as road safety and windshield damage (Exhibit 4b, 4g, 4h, 4i, 4j, 4l, 4q, 4s, 4u, 4w, 4bb, 4cc)
- Dust impacts (Exhibit 4f, 4i, 4n, 4s)
- Wildlife habitat impacts (Exhibit 4d, 4e, 4f, 4g, 4h, 4i, 4n, 4o, 4p, 4q, 4u, 4x, 4cc)
- Too many gravel pits in the area (Exhibit 4a, 4f)
- Groundwater contamination (Exhibit 4i, 4q, 4s, 4u, 4cc)
- Condition Compliance (Exhibit 4h, 4x, 4dd)
- Noise impacts (Exhibit 4i, 4l)
- Impacts to the existing scenery/character (Exhibit 4f, 4k, 4l, 4o, 4t, 4bb)
- All the above: Petition in opposition (Exhibit 4z)
- One e-mail of support was received from Kacie Benson (Exhibit 4v) finding Premier LLC a good operator who does an excellent job of controlling dust and noise. Ms. Benson finds that the request will bring more business to the area, boost the economy, and will not impact Parma Valley Winery.

COMMENTS

Public: Property owners within 1,000 feet were noticed on February 21, 2024. A newspaper notice was published on February 24, 2024. A notice was posted on parcel R39054010 along Boise River Road on February 29, 2024.

See Exhibit 4 for all public comments received.

30 letters of opposition were received with one letter including a petition against the request (Exhibit 4z). One e-mail of support was received from Kacie Benson (Exhibit 4v). One comment provided concerns about the hearing and exhibit procedures and process (Exhibit 4ee).

Agencies: An initial notice was sent to affected agencies on June 9, 2022, with a hearing notice sent February 21, 2024. The following agencies were noticed: Parma School District, Parma Fire District, Notus-Parma Highway District, Intermountain Gas, Idaho Power, Riverside Irrigation District, Flood District #10, Flood District #11, ACHD, COMPASS, Idaho Transportation Department, Canyon County Sheriff, Canyon County Paramedics/EMT, Army Corp of Engineers, Mosquito Abatement, Natural Resource Conservation District, Canyon Soil Conservation District, DSD Floodplain Manager, Bureau of Land Management, Bureau of Reclamation, Department of Environmental Quality, Department of Lands, Environmental Protection Agency, FEMA, Idaho Department of Water Resources (floodplain), Idaho Department of Water (water rights), and Idaho Fish and Game.

See Exhibit 5 for all agency comments received.

RECOMMENDATION

DSD staff recommends denial of the request. Due to a lack of information regarding compatibility, access, traffic, floodplains, and wetlands, impacts are unknown. Therefore, the required hearing findings cannot be made for hearing criteria 1, 4, 6, and 7. Draft FCOs are included for the Commission's consideration (Exhibit 8).

If not denied, staff recommends the Planning and Zoning Commission table the hearing to a date uncertain to request the applicant submit the following additional information:

- Detailed operations and site plan better addressing the use standard requirements (CCZO Section 07-14-19) including the location of berms, all irrigation ditches and setbacks from ditches, access, internal circulation and parking, and plans to mitigate potential impacts such as noise, dust, groundwater contamination, and compatibility with the surrounding area.
- Flood study regarding potential pit capture and how pit dewatering will be routed back to the Boise River (Exhibit 5e). An evacuation plan during a flood event should be included (Exhibit 5a).

Additionally, access, equipment storage, fuel storage, scale house, and scales are proposed in the mapped floodway (Exhibit 2c & 4ee). A hydrologic and hydraulic analysis with no rise certification should be provided to ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained (Exhibit 5a). If the request alters the watercourse where it cannot be maintained, the applicant should submit and receive approval for CLOMR (Conditional Letter of Map Revision) before conditional use permit approval.

- Wetland removal and mitigation approval by the Idaho Department of Water Resources (IDWR) and U.S. Army Corp of Engineers (USACE) should be submitted (Exhibit 2f). If wetlands will not be impacted, a plan demonstrating how the use will not impact wetland resources with review comments and approval from IDWR and the USACE.

- Traffic impact study addressing truck trips, employee trips, local customer/contractor trips, haul routes, and cumulative impacts created by the proposal and existing pit north of this request (CU2018-0014).
- Review by the U.S. Fish and Wildlife Service and Idaho Department of Fish and Game to learn of potential impacts to species and habitats and ways to avoid and/or minimize potential impacts, and the applicant incorporating guidelines and mitigation measures into their project plan.

DECISION OPTIONS

The Planning and Zoning Commission has the following options:

- Approve Case No. CU2022-0024 with conditions of approval as recommended or modified;
 - o Direct staff to return at the next available hearing with revised FCOs and recommended conditions for approval.
- Deny Case No. CU2022-0024 as provided by staff (Exhibit 8) or modified; or
- Table the hearing to a date certain to require additional information.

EXHIBITS

1. Parcel Information Reports for R39054, R39054010, R39070010, and R39070010B0
2. Application Submittal
 - a. Letter of Intent with additional information via e-mail
 - b. Land Use Worksheet
 - c. Site Plan w/ phasing
 - d. 1st Neighborhood Meeting – 3/29/2022
 - e. 2nd Neighborhood Meeting –
 - f. Reclamation plan
 - g. Deeds
3. Maps
 - a. Aerial
 - b. Vicinity
 - c. 2020 Comp. Plan – Future Land Use
 - d. Zoning
 - e. Cases w/summary
 - f. Plat w/Lot Report
 - g. Dairy, Feedlot, and Gravel Pit
 - h. Lot Classification
 - i. Soils & Farmland w/report
 - j. Contour
 - k. Nitrate/Wells
 - l. Floodplain
4. Public Comments
 - a. Kent Seward
 - b. Karen Stead
 - c. Pam Jurries Eguia
 - d. Daniel Salemi, President of the Golden Eagle Audubon Society
 - e. Louisa Evers, Southwestern Idaho Birders Association
 - f. Stephanie Hodge, Parma Ridge Winery & Bistro
 - g. Cindy Petrucci
 - h. Sandra Tracy
 - i. Jerry & Lynn Yates

- j. Samantha Maxey, Snake River Wine Tours
- k. Ron & Elizabeth Taylor
- l. Gerri Smith
- m. Greg Helsel
- n. David Johnston
- o. Randee Hoagland
- p. Debbie Delaney
- q. Clarissa Parker
- r. Patti & Ben Coe
- s. Chris & Jeannie Johnston
- t. Lynda Rogers
- u. Jordan Roberts
- v. Kacie Benson - Support
- w. Shirley Dickstein
- x. Dan & Pam Roberts
- y. Mary Baker
- z. Parma Community Petition
- aa. Geneva Nelson
- bb. Chris and Nikki Dale
- cc. Jody Hillard
- dd. Morrow & Fischer Representing Obendorf
- ee. Keri Smith
- 5. Agency Comments
 - a. Idaho Dept. of Water Resources – NFIP
 - b. Idaho Transportation Dept.
 - c. Canyon Soils Conservation District
 - d. DSD Floodplain Manager
 - e. Flood District #11
 - f. Flood District #10
- 6. Cases
 - a. CU2018-0014
 - b. CU2018-0010
 - c. PH2014-33
 - d. CU2004-583
 - e. CU2019-0011
- 7. Site Visit Photos
- 8. Draft FCOs

R39054

PARCEL INFORMATION REPORT

3/21/2024 10:35:40 AM

PARCEL NUMBER: R39054

OWNER NAME: BID LLC

CO-OWNER:

MAILING ADDRESS: 777 W MAIN STE 900 BOISE ID 83702

SITE ADDRESS: 0 BOISE RIVER RD

TAX CODE: 0510000

TWP: 5N RNG: 5W SEC: 26 QUARTER: SW

ACRES: 26.91

HOME OWNERS EXEMPTION: No

AG-EXEMPT: Yes

DRAIN DISTRICT: NOT In Drain Dist

ZONING DESCRIPTION: AG / AGRICULTURAL

HIGHWAY DISTRICT: NOTUS-PARMA HWY

FIRE DISTRICT: PARMA FIRE

SCHOOL DISTRICT: PARMA SCHOOL DIST

IMPACT AREA: NOT In Impact Area

FUTURE LAND USE 2011-2022 : AG

FLU Overlay Zone Desc 2030: INTENSIVE AGRICULTURE OVERLAY

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: INTENSIVE AGRICULTURE OVERLAY \ AG

IRRIGATION DISTRICT: RIVERSIDE IRRIGATION DISTRICT

FEMA FLOOD ZONE: AE \ X \ X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0181F

WETLAND: NOT In WETLAND

NITRATE PRIORITY: NO Nitrate Prio

FUNCTIONAL Classification: Major Collector

INSTRUMENT NO. : 2021029452

SCENIC BYWAY: NOT In Scenic Byway

LEGAL DESCRIPTION: 26-5N-5W SW SWSW LS TX 4 & TX 5

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 SHERIFFS 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.

R39054010 PARCEL INFORMATION REPORT

3/21/2024 10:38:37 AM

PARCEL NUMBER: **R39054010**

OWNER NAME: **BID LLC**

CO-OWNER:

MAILING ADDRESS: **777 W MAIN STE 900 BOISE ID 83702**

SITE ADDRESS: **25706 BOISE RIVER RD**

TAX CODE: **1420000**

TWP: **5N** RNG: **5W** SEC: **26** QUARTER: **NW**

ACRES: **136.20**

HOME OWNERS EXEMPTION: **No**

AG-EXEMPT: **Yes**

DRAIN DISTRICT: **NOT In Drain Dist**

ZONING DESCRIPTION: **AG / AGRICULTURAL**

HIGHWAY DISTRICT: **NOTUS-PARMA HWY**

FIRE DISTRICT: **PARMA FIRE**

SCHOOL DISTRICT: **PARMA SCHOOL DIST**

IMPACT AREA: **NOT In Impact Area**

FUTURE LAND USE 2011-2022 : **AG**

FLU Overlay Zone Desc 2030: **INTENSIVE AGRICULTURE OVERLAY**

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: **INTENSIVE AGRICULTURE OVERLAY \ AG**

IRRIGATION DISTRICT: **NOT In IRRIG_DIST**

FEMA FLOOD ZONE: **AE \ AE \ X \ X FLOODWAY: FLOODWAY FIRM PANEL: 16027C0181F**

WETLAND: **NOT In WETLAND**

NITRATE PRIORITY: **NO Nitrate Prio**

FUNCTIONAL Classification: **Major Collector**

INSTRUMENT NO. : **2021029452**

SCENIC BYWAY: **NOT In Scenic Byway**

LEGAL DESCRIPTION: **26-5N-5W NW SE 1/4 S OF RIVER,, LTS 5 & 6 - S OF RIVER,, LT 7 W OF RIVER,, SESW-S OF RIVER**

PLATTED SUBDIVISION:

SMALL CITY ZONING:

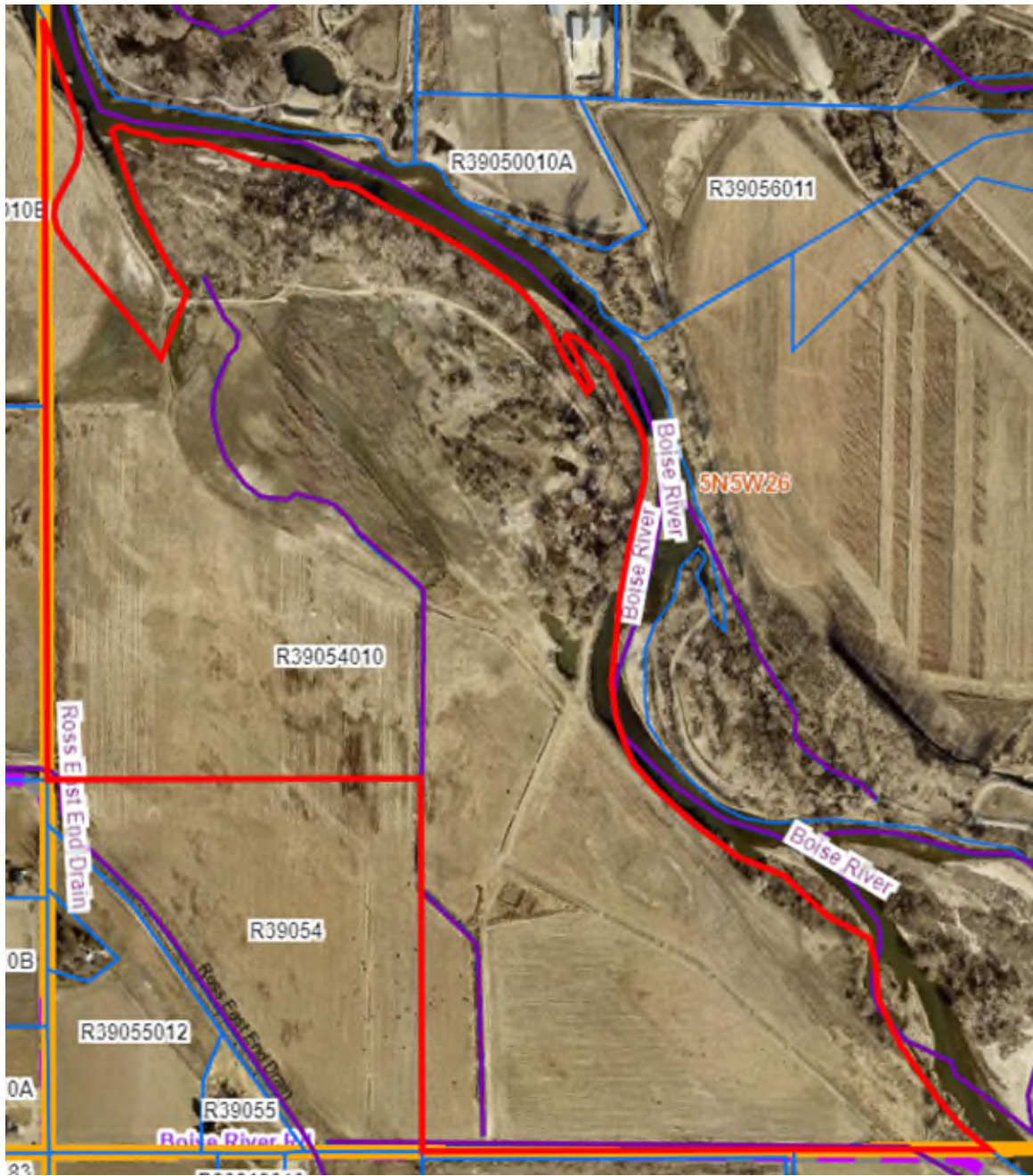
SMALL CITY ZONING TYPE:



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 SHERIFFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

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R39070010 PARCEL INFORMATION REPORT

3/21/2024 10:41:36 AM

PARCEL NUMBER: **R39070010**

OWNER NAME: **BID LLC**

CO-OWNER:

MAILING ADDRESS: **777 W MAIN STE 900 BOISE ID 83702**

SITE ADDRESS: **0 HWY 95**

TAX CODE: **1420000**

TWP: **5N** RNG: **5W** SEC: **27** QUARTER: **NE**

ACRES: **61.18**

HOME OWNERS EXEMPTION: **No**

AG-EXEMPT: **Yes**

DRAIN DISTRICT: **NOT In Drain Dist**

ZONING DESCRIPTION: **AG / AGRICULTURAL**

HIGHWAY DISTRICT: **NOTUS-PARMA HWY**

FIRE DISTRICT: **PARMA FIRE**

SCHOOL DISTRICT: **PARMA SCHOOL DIST**

IMPACT AREA: **NOT In Impact Area**

FUTURE LAND USE 2011-2022 : **AG**

FLU Overlay Zone Desc 2030:

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: **AG**

IRRIGATION DISTRICT: **NOT In IRRIG_DIST**

FEMA FLOOD ZONE: **AE \ AE \ X** FLOODWAY: **FLOODWAY FIRM PANEL: 16027C0181F**

WETLAND: **NOT In WETLAND**

NITRATE PRIORITY: **ADA CANYON**

FUNCTIONAL Classification: **Other Principal Arterials**

INSTRUMENT NO. : **2017017926**

SCENIC BYWAY: **NOT In Scenic Byway**

LEGAL DESCRIPTION: **27-5N-5W NE LT 2-S OF RIVER & LT 1 LS HWY & LS E OF HWY**

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



DISCLAIMER:

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
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4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERIFFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

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R39070010B PARCEL INFORMATION REPORT

3/21/2024 10:42:05 AM

PARCEL NUMBER: **R39070010B**

OWNER NAME: **BID LLC**

CO-OWNER:

MAILING ADDRESS: **777 W MAIN STE 900 BOISE ID 83702**

SITE ADDRESS: **0 HWY 95**

TAX CODE: **1420000**

TWP: **5N** RNG: **5W** SEC: **27** QUARTER: **NE**

ACRES: **14.26**

HOME OWNERS EXEMPTION: **No**

AG-EXEMPT: **Yes**

DRAIN DISTRICT: **NOT In Drain Dist**

ZONING DESCRIPTION: **AG / AGRICULTURAL**

HIGHWAY DISTRICT: **NOTUS-PARMA HWY**

FIRE DISTRICT: **PARMA FIRE**

SCHOOL DISTRICT: **PARMA SCHOOL DIST**

IMPACT AREA: **NOT In Impact Area**

FUTURE LAND USE 2011-2022 : **AG**

FLU Overlay Zone Desc 2030:

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: **AG**

IRRIGATION DISTRICT: **NOT In IRRIG_DIST**

FEMA FLOOD ZONE: **AE \ AE \ X \ X** FLOODWAY: **FLOODWAY FIRM PANEL: 16027C0181F**

WETLAND: **Freshwater Emergent Wetland**

NITRATE PRIORITY: **NO Nitrate Prio**

FUNCTIONAL Classification: **Other Principal Arterials**

INSTRUMENT NO. : **2021029452**

SCENIC BYWAY: **NOT In Scenic Byway**

LEGAL DESCRIPTION: **27-5N-5W NE LTS 1 & 2 E OF HWY**

PLATTED SUBDIVISION:

SMALL CITY ZONING:

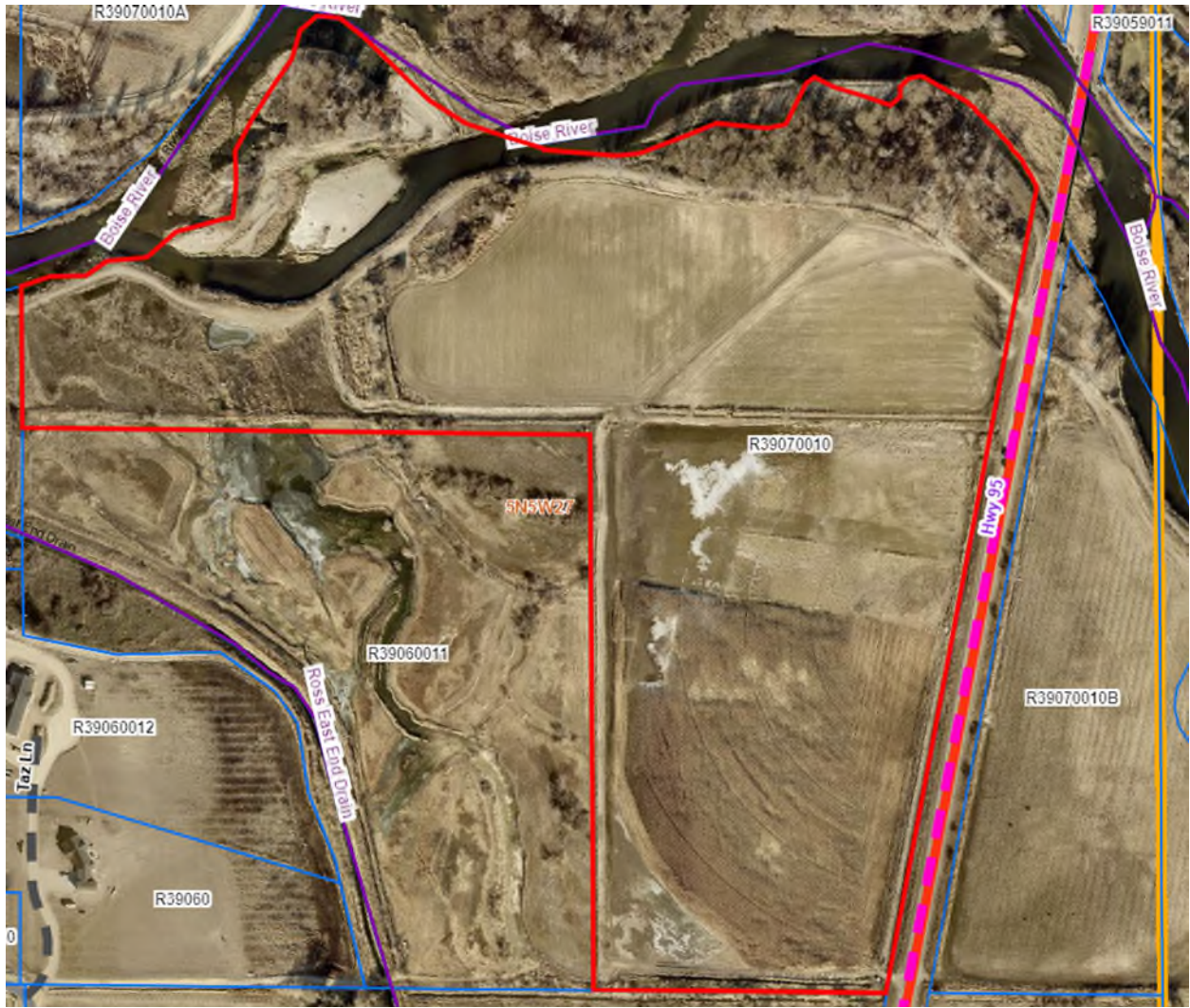
SMALL CITY ZONING TYPE:



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**Detailed Letter
Long Term Mineral Extraction Operation**

Purpose:

Premier, LLC with BID, LLC is requesting that Canyon County approve a Conditional Use Permit for Long Term Mineral Extraction on Canyon County Parcel 390701101 and 39054010.

Specific Uses:

Sand and Gravel extraction and rock crushing. The property will also serve as an equipment storage facility. Material sales will be conducted on the property to local citizens and contractors. Rock crushing is intended to be intermittent and not permanent. Rock crushing is anticipated to be conducted for 4-5 months per year. A scale and scale house will be installed on the parcel which will be used to scale trucks entering and leaving the property. This proposed use is consistent with the Canyon County's comprehensive plan. This proposed use is permitted in this zone by conditional use permit.

Hours of Operation:

Proposed hours of operation are from 7AM to 7PM, Monday through Saturday.

Number of Employees:

During non-crushing months 2-3 full time employees operate the site. During crushing months, 5-7 employees will operate the site.

Proposed Improvements:

Berms will be created all around parcel creating a buffer between mineral extraction operations and neighboring properties/roadways. Natural wildlife habitat will be created after mineral extraction operations are complete. Select berms will be removed from during reclamation of the property, so as to not leave permanent and non-natural barriers around the property.

Essential Services:

Additional essential services are not necessary to be provided for this project. No additional public funding will be necessary to meet the needs of this project.

Water Sources:

Ground water and/or irrigation water will be used for dust control.

Irrigation Source:

Irrigation ditches currently exist on the parcel. Ditches will be utilized for watering of crops on non-mined areas until mining is necessary. All farming will remain in operation until area of extraction moves into farmed areas.

Sewer Sources:

No sewer sources exist on the property nor or any proposed. Porta-potties will be brought in on site and maintained by local vendors while mineral extraction operations exist on the parcel.

Legal Access:

Legal access to the property exists as the property abuts to Highway 95. Permanent ingress/egress access to operation will be applied for to ITD. If ITD requires, a Traffic Impact Study will be conducted. It is our belief that no undue interference will occur with exiting and future traffic patterns.

Number of Pickups:

Estimated volume of material sales is 150,000 CY annually. At 25CY per truck this is 6,000 trucks picking up material per year.

Mitigation of negative impacts:

- **Dust**
 - Wet dust suppression will be used on the property during operation of all rock crushers.
 - Water and/or magnesium chloride will be used on all haul roads to minimize fugitive dust.
- **Noise**
 - Berms will be constructed around crushing operations to minimize impacts of noise.
 - Rock crushing will be limited to the hours of 7AM to 7PM to minimize the impacts of noise.
- **Sight**
 - Berms will be constructed around all mineral extraction operations. Extraction activities will not be visible by neighboring properties or roadways.
- **Erosion, Sediment Control, & Stormwater Prevention**
 - If necessary, SWPPPS plans will be implemented and complied with to mitigate the potential risk of storm water runoff.
- **Fuel & Chemical Spills**
 - Fuel and chemicals will be stored and utilized in a bermed off area covered with a plastic liner which will mitigate risk of harmful seepage into the earth.
- **Long Term Impacts**
 - A reclamation plan approved by the Idaho Department of Lands has been created and will be fully complied with after mineral extraction is complete. Reclamation

will occur concurrently with mining. After reclamation, the property will exist and flourish as wildlife habitat.

- **Impact to other properties**

- The proposed use is not injurious to other properties.
- The essential character of the area will not be negatively changed as these parcels are adjacent to other gravel producing parcels.

Michelle Barron

From: Derek Kraft <dkraft@premierllc.net>
Sent: Friday, January 5, 2024 8:53 AM
To: Michelle Barron
Cc: Jeffrey W. Bower; Evan Buchert; Lane Buchert; Mike Buck; Connor MacMahon
Subject: [External] RE: CU2022-0024 BID LLC
Attachments: Mining Plan.pdf

Good morning, Michelle,

Please see our responses in red to your questions below.

Thanks for your patience with this and please let me know if you have any further questions.

Thanks,



Derek Kraft
Resource Development
Phone 208-249-7468
Web www.premierllc.net
Email
dkraft@premierllc.net
1500 S Washington Ave
Suite B
Emmett, ID 83617

From: Michelle Barron
Sent: Thursday, December 14, 2023 11:39 AM
To: 'ebuchert@premierllc.net' <ebuchert@premierllc.net>
Subject: CU2022-0024 BID LLC

Good Morning Evan,

I have some questions that need to be addressed prior to scheduling a hearing.

1. Where is the ingress/egress located on the parcel? (Have you spoken with the Highway District?)

Legal access to the property exists as the property abuts to State Highway 95. The attached Mining Plan PDF (included with the application packet) shows the access points in blue. As required by ITD, we will obtain any required permits that may be needed. It is our belief that no undue interference will occur with exiting and future traffic patterns.

2. Where is the proposed location for the crusher?

Crushing will occur on site and the crusher location will move to be located near the area where current active excavation is ongoing. This reduces on-site hauling and increases efficiencies. This area will be protected by overburden berms as much as possible so as to reduce visual and sound impacts.

3. Where is the proposed location for the scales and scale house?

See attached Mining Plan PDF, scales shown in magenta.

4. What is the direction of traffic flow?

The flow of traffic will be counterclockwise in Phase A and clockwise in Phase B as traffic enters into the site towards the scale location and then back to the main highway.

5. How many trucks per day will be coming and going?

Approximately 45 trucks per day will be coming and going to/from the site based on data from our existing operation directly north of the proposed site. This number may vary from a seasonal standpoint and also based on current/future market demand. The majority of trucks hauling material arrive and depart during off-peak hours.

6. I noticed that in the application itself, your proposed hours of operation are 7am to 7pm and crushing will last 4 -5 months out of the year. In the Neighborhood meeting documentation, it shows that the hours of operation are 7 am to 5pm and 1-3 months of crushing. Either, you need to update your letter of intent to reflect the proposed time and timeframe of crushing to match the neighborhood meeting, or you will need to hold another neighborhood meeting that shows your requested change.

We are proposing 7 am to 7 pm hours of operation related to crushing. As a result, we will host a new neighborhood meeting to provide this updated information.

I would like a Site Plan that reflects the first 4 questions.

Let me know if you have any questions,

Michelle Barron

Principal Planner

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-6033

DSD Office Phone: 208-454-7458

Email: Michelle.Barron@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

Office Hours:

Monday, Tuesday, Thursday and Friday 8am – 5pm

Wednesday 1pm – 5pm

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

LAND USE WORKSHEET**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11th Avenue, #140, Caldwell, ID 83605www.canyonco.org/dsd.aspx

Phone: 208-454-7458

Fax: 208-454-6633

**LAND USE WORKSHEET**

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

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:**GENERAL INFORMATION**

- 1. DOMESTIC WATER:** Individual Domestic Well Centralized Public Water System City
- N/A – Explain why this is not applicable: No wells are on this process and no water is needed or proposed.
- How many Individual Domestic Wells are proposed? N/A

- 2. SEWER (Wastewater)** Individual Septic Centralized Sewer system
- N/A – Explain why this is not applicable: No septic exists on this parcel nor is any proposed.

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:

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

7. FENCING

- Fencing will be provided (Please show location on site plan)

Type: Berms will be developed on property 5' high. Height: _____

8. STORMWATER: Retained on site Swales Ponds Borrow Ditches

- Other: SWPPPS plans will be implemented if necessary and fully complied with.

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

Ditch runs E & W on S side of property. Boise River is adjacent to parcel on N side of property.

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED: NA

- Residential _____ Commercial _____ Industrial _____
 Common _____ Non-Buildable _____

2. FIRE SUPPRESSION: NA

- Water supply source: _____

3. INCLUDED IN YOUR PROPOSED PLAN?

- Sidewalks Curbs Gutters Street Lights None

NON-RESIDENTIAL USES

1. SPECIFIC USE: Long Term Mineral Extraction

2. DAYS AND HOURS OF OPERATION:

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

3. WILL YOU HAVE EMPLOYEES? Yes If so, how many? 2- 5 employees 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? 5

Is there is a loading or unloading area? Yes, at gravel pit for unloading and loading gravel trucks.

ANIMAL CARE RELATED USES

1. MAXIMUM NUMBER OF ANIMALS: NA

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION? NA
 Building Kennel Individual Housing Other _____

3. HOW DO YOU PROPOSE TO MITIGATE NOISE? NA
 Building Enclosure Barrier/Berm Bark Collars






4. ANIMAL WASTE DISPOSAL NA
 Individual Domestic Septic System Animal Waste Only Septic System
 Other: _____

ThePintail Long Term Mineral Extraction

Canyon County CUP Application
Existing & Proposed Features

Exhibit 2c

Legend

-  Apx Floodway
-  Existing/Proposed Ingress/Egress
-  Parcel Boundaries
-  Proposed Mining Area
-  Proposed Scales

 Phase A (37 ac +/-)

 Phase B (122 ac +/-)

95



NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



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

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

Site Address: 25706 Boise River Road		Parcel Number: 390701101 & 39054010	
City: Parma		State: ID	ZIP Code:
Notices Mailed Date: March 18, 2022		Number of Acres: 238 1/4	Current Zoning: Ag
Description of the Request: Long term Mineral Extraction			

APPLICANT / REPRESENTATIVE INFORMATION			
Contact Name: Evan Buchert			
Company Name: Premier LLC DBA Premier Aggregates			
Current address: 1500 S Washington Ave, Suite B			
City: Emmett		State: ID	ZIP Code: 83617
Phone: 208 949 9043		Cell: " "	Fax:
Email: ebuchert@premierllc.net			

MEETING INFORMATION		
DATE OF MEETING: March 29, 2022	MEETING LOCATION: Washburn road S of Hwy 95 bridge	
MEETING START TIME: 5:30 PM	MEETING END TIME: 6:15 PM	
ATTENDEES:		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. Les Brenner & Wife	- Lesbrenner@gmail.com	
2. Jeff Church & Father	- church.jeff@gmail.com	
3. Dan Roberts & Wife & Son	- Dan@Idahofireoutlet.com	
4. Bill Mulder	- wjmulder@treepranches.com	
5. Evan Buchert	- ebuchert@premierllc.net	
6.		
7.		
8.		
9.		

Revised 11/25/20

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):

Evan Buchert

APPLICANT/REPRESENTATIVE (Signature): 

DATE: 03/29/22

**Neighborhood Meeting
Conditional Use Permit Pre-Application
Meeting Handout**

Who

- Operator – Premier Aggregates, current operator of gravel pit on adjacent parcel to the North.
- Landowner – BID, LLC

What

- Premier Aggregates will submit for a Conditional Use Permit for mineral extraction.

Where

- Parcel 39070010 and 39054010. Highway 95, Parma, Idaho.

When

- Application will be submitted to Canyon County within 6 months.
- Mining will occur when ponds to North are mined out. Estimated 5 – 8 years from now.

Why

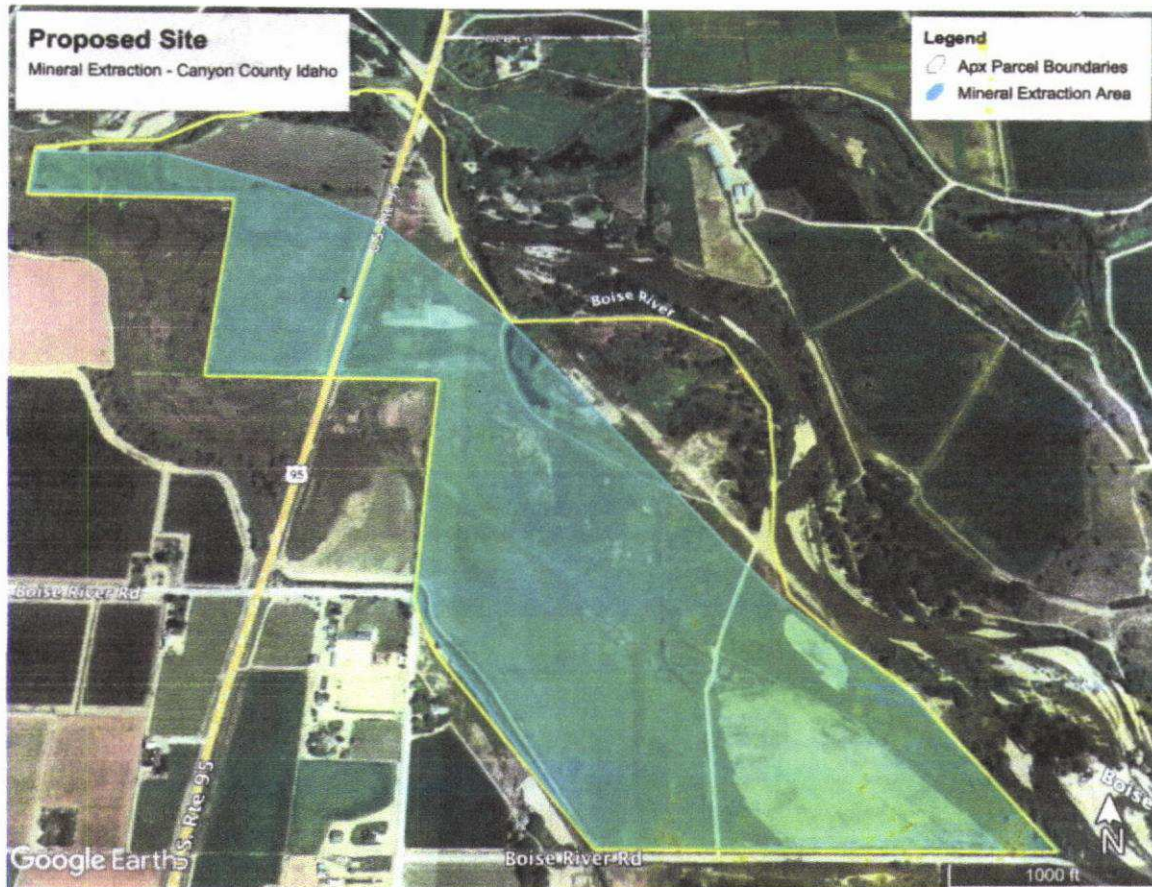
- Ponds are being created to enhance the scenic qualities and wildlife habitat of the property.
- Same goal of current gravel operation to the North.
- When finished, property will be fully reclaimed. Will have unmanicured and natural look.

How

- Ingress/egress to occur through Highway 95, not Boise River Road.
- Crushing to be done intermittently, as opposed to continuously.
 - Estimated annual crushing time to be 1 – 3 months/year.
- Estimated hours of operation are Monday – Friday, 7AM – 5PM.

Potential Concerns?

- Dust
- Traffic
- Scenic
- Noise
- Environmental
- Lights
- Other?



- Dust
- Noise
- Berms when finished / maintained
- Mining plan - phased out - beginning/middle/end.
- Timeline

lesbremen@gmail.com - Les Bremen + 1
 Church. jefb@gmail.com - Jeff Church + 1
 Dan@idahotileoutlet.com - Dan Roberts + 2
 wjmulder@treepraches.com - Bill Mulder -

TILE OUTLET OF Caldwell

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 Tile and Cabinets

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 Caldwell, Idaho 83605

Across from D & B Supply

Dan Roberts General Manager

208-453-8453 Cell 208-899-0372

dan@idahotileoutlet.com



1500 S Washington Ave
Suite B
Emmett, ID
83617

BOISE ID 836
18 MAR 2022 PM 3 L



Premier Aggregates
1500 S Washington Ave,
Suite B
Emmett, ID
83617

83617-240074



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

Dear Neighbor,

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

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

The neighborhood Meeting details are as follows:

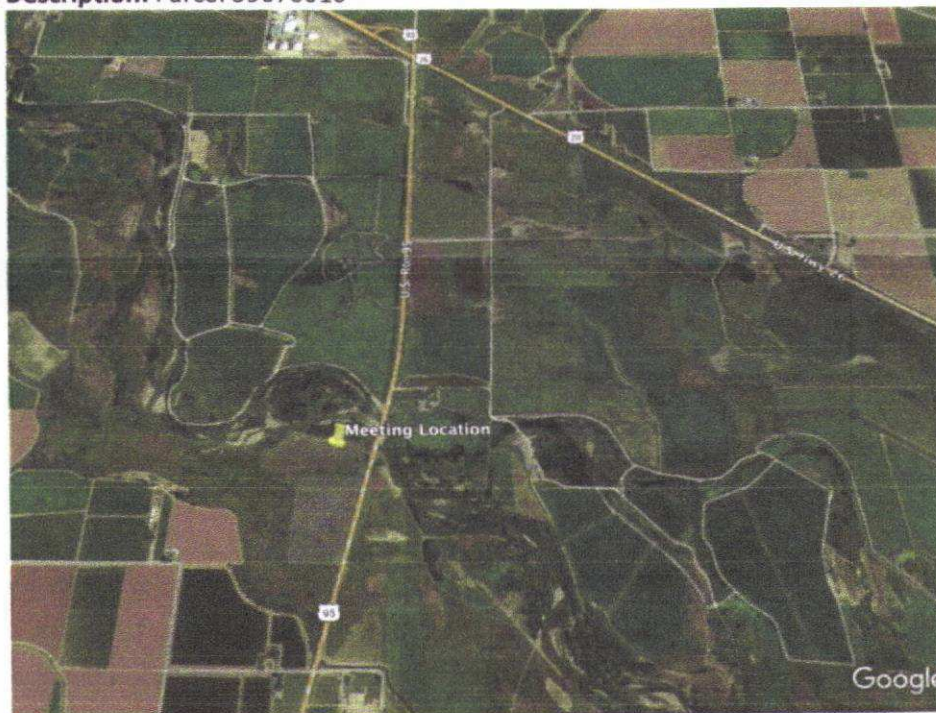
Date: March 29, 2022

Time: 5:30 PM

Location: Proposed Site (See below map)

Directions: West on dirt road immediately South of bridge crossing Boise River. Off Highway 95.

Property Description: Parcel 39070010



The project is summarized below:

Site Location: Parcel 39070010 and 39054010 (See below map)

Proposed Access: Highway 95

Total Acreage: 159 (apx)

Purpose: Mineral Extraction Conditional Use Permit Application



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

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

If you have any questions prior to the meeting, please contact Evan Buchert at (208) 949-9043, ebuchert@premierllc.net, 1500 S Washington Ave, Suite B, Emmett, ID 83617.

Sincerely,

Evan Buchert
Premier Aggregates
March 18, 2022

NEIGHBORHOOD MEETING MAIL LIST

Neighbor	Address
Drake Ranch, LLC	1133 Shearwater Lane, Eagle, ID 83616 x
Vanderwey, August BID, LLC	Vanderwey, August, 26092 Highway 95, Parma, ID 83660 BID, LLC, 777 W Main, Ste 900, Boise, ID 83702
Tree Top Ranches LP	Tree Top Ranches LP, PO Box 8126, Boise, ID 83707
Freemyer, Mark	Freemyer, Mark 3200 Clinton Road, Emmett, ID 83617
Norberg, Marilyn	Norberg, Marilyn, 7114 Maltby Rd, Woodinville, WA 98072
Mark Allen	Mark Allen 24773 Batt Corner Road, Parma, ID 83660
Mccarty, Pat	Mccarty, Pat PO Box 1281, Parma, ID 83660
Yates, Jerry	Yates, Jerry 25125 Boise River Road, Parma, ID 83660
Sharp, Jared John	Sharp, Jared John 25009 Boise River Road, Parma, ID 83660
Church, Jeffrey	Church, Jeffrey 24982 Rudd Road, Parma, ID 83660
Unger, Samantha Kaye	Unger, Samantha Kaye 25918 Boise River Road, Parma, ID 83660
Church, Richard	Church, Richard 25785 Boise River Road, Parma, ID 83660
Shaver, Rodger	Shaver, Rodger 3172 W Deerfield Ct, Eagle, ID 83616
G O Invenstments, LLC	G O Invenstments, LLC. 1201 S Kimball Ave, Caldwell, ID 83605
Weilmunster, Mary	Weilmunster, Mary 27207 Boise River Road, Parma, ID 83660
Merill, Stanley	Merill, Stanley 25330 Boise River Road, Parma, ID 83660
PC Industries, LLC	PC Industries, LLC 1604 Industrial Way, Caldwell, ID 83605
Roberts, Daniel	Roberts, Daniel 3311 Marble Front Road, Caldwell, ID 83605



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: 25706 Boise River Road, Parma, Idaho	Parcel Number: Parcel Nos. R390701101 and R39054010	
City: Parma	State: ID	ZIP Code: 83660
Notices Mailed Date: 02/23/2024	Number of Acres: 238	Current Zoning: Agricultural
Description of the Request: Gravel extraction with processing onsite.		

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Derek Kraft		
Company Name: Premier Aggregates		
Current address: 1500 S Washington Ave.		
City: Emmett	State: ID	ZIP Code: 83716
Phone: 208-901-8189, ext 714	Cell:	Fax:
Email: RDTeam@premierllc.net		

MEETING INFORMATION

DATE OF MEETING:	MEETING LOCATION:	
MEETING START TIME:	MEETING END TIME:	
ATTENDEES:		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. Rick Church	<i>Rick Church</i>	25785 Boise River Rd.
2. Jeff Church	<i>Jeff Church</i>	24982 Road Road
3. Rande Hoagland	<i>Rande Hoagland</i>	25247 Boise River Rd
4.		
5.		
6.		
7.		
8.		
9.		

Revised 6/9/22



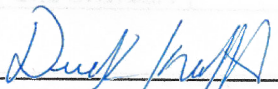
10.
11.
12.
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17.
18.
19.
20.

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):

Derek Kraft

APPLICANT/REPRESENTATIVE (Signature): 

DATE: 03 / 06 / 2024

CU2022-0024 - Neighborhood Meeting



1500 S. Washington Ave.

Emmett, ID 83617

(208) 901-8189

The Neighborhood Meeting details are as follows:

Purpose: The purpose of this neighborhood meeting is to review the proposed project and discuss neighborhood concerns, if any.

Date: March 6, 2024

Time: 5:30pm – 6:30pm

Meeting Location: 25706 Boise River Road Parma, ID 83660

Property Description: The property is located at 25706 Boise River Road, Parma, Idaho and is in Canyon County, Tax Parcel Nos. R390701101 and R39054010.

The project is summarized below:

Project Description: The applicant proposes a conditional use permit for a long term mineral extraction of sand/gravel and processing on the property. Operational hours would be 7 am to 7 pm, Monday through Saturday. During months where the crusher is operating onsite, crushing hours will be from 7 am to 7 pm, Monday through Saturday.

Site Location: 25706 Boise River Road, in Canyon County, Idaho and identified as Canyon County Tax Parcel Nos. R390701101 and R39054010.

Proposed access: Ingress/egress will occur through Highway 95, not Boise River Road.

Total acreage: 238 acres in total, of which, approximately 159 acres will be excavated as part of the extraction process.

Proposed lots: No subdivision is proposed as part of this CUP application.

Notice of Second Neighborhood Meeting – March 6, 2024

February 23, 2024

Dear Neighbor:

We are in the process of applying for a Conditional Use Permit (CUP) application with Canyon County Development Services (DSD). The CUP application was filed in 2022 and is application number CU2023-0024. We are holding a second neighborhood meeting on this CUP application given the time that has passed since the first and to provide additional details regarding the proposed use. The neighborhood meeting is being held in accordance with Canyon County Zoning Ordinance § 07-01-15.

This meeting is for informational purposes and to receive feedback from you as we continue to move through the application process. This is not a Public Hearing before a governing body of the County. Once our application has been fully processed, a public hearing date will be scheduled. Prior to the scheduled public hearing 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 CUP is applied.

The Neighborhood Meeting details are as follows:

Purpose: The purpose of the neighborhood meeting is to review the proposed project and discuss neighborhood concerns, if any

Date: March 6, 2024

Time: 5:30pm – 6:30pm

Location: The meeting will be held on site at 25706 Boise River Road, Parma, Idaho (see map)

Property Description: The property is located at 25706 Boise River Road, Parma, Idaho and is Canyon County Tax Parcel Nos. R390701101 and R39054010.

The project is summarized below:

Project Description: The applicant proposes a conditional use permit for a mineral extraction for sand/gravel and processing on the property.

Site Location: 25706 Boise River Road, in Canyon County, Idaho and identified as Canyon County Tax Parcel Nos. R390701101 and R39054010.

Proposed access: The Property is accessed from Highway 95 in the center of the two parcels, and will become a stabilized construction entrance to support project activities.

Total acreage: Approximately 238 acres

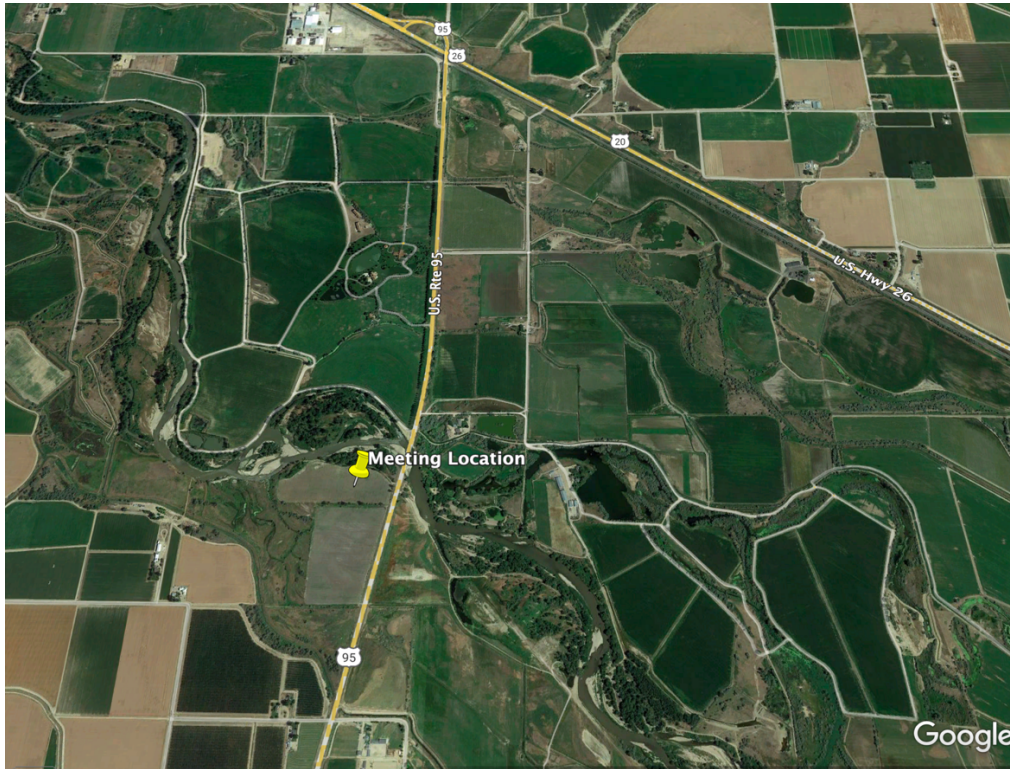
Proposed lots: No subdivision is proposed as part of the CUP application.

We look forward to the neighborhood meeting and encourage you to attend. At that time we will answer any questions you may have. Please do not call Canyon County Development Services regarding this meeting. If you have any questions prior to the meeting, please contact us at RDTeam@premierllc.net or (208) 901-8189, ext. 714.

Sincerely,
Premier Aggregates

Notice of Second Neighborhood Meeting – March 6, 2024

Meeting Location Map



SOUTHWEST SUPERVISORY AREA

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



DUSTIN MILLER, DIRECTOR
 EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS

Brad Little, Governor
Phil McGrane, Secretary of State
Raúl R. Labrador, Attorney General
Brandon D. Woolf, State Controller
Debbie Critchfield, Sup't of Public Instruction

June 20th, 2023

COPY

Premier, LLC
 1500 S Washington Ave, Suite B
 Emmett, ID 83617

To whom it may concern,

This correspondence is notification that the following reclamation plan was approved on 6/20/2023:

PLAN NO.	ACRES	COUNTY	LEGAL DESCRIPTION
S603001	211	Canyon	T05N R05W Section 26 and 27

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 \$43,770 for up to 15 acres of disturbance will be submitted to and maintained with the Idaho Department of Lands prior to conducting 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.

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

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

If the department does not receive a written notice of objection from you regarding these stipulations by July 11, 2023, the stipulations will be considered as accepted.

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

Sincerely,



Connor MacMahon
Lands Resource Specialist—Minerals

SURFACE MINE APPROVAL MEMORANDUM

RECLAMATION PLAN NUMBER: S603001

APPLICANT: Premier LLC, 1500 S Washington Ave Suite B Emmett, ID 83617

LEGAL DESCRIPTION: T05N R05W Sec 27 NE Lot 2 South of the River & Lot 1 LS of Hwy & LS East of Hwy
T05N R05W Sec 27 NE Lots 1 and 2 East of Hwy
T05N R05W Sec 26 NW SE 1/4 S of River,, LTS 5 & 6 - S of River,, LT 7 W of River,,
SESW-S of River

AGENCY REVIEW The application was sent out for state agency review. US Army Corp commented that there may be jurisdictional features within the planned area of impact and requested the operator reach out to them for permitting guidance.

OPERATIONAL DETAIL: Mining will occur west to east as needed until the source is depleted. Operations will commence in 2025 with the first year of disturbance estimated at 15 acres. 159 acres in total are planned to be disturbed. Crushing, stockpiling and equipment storage will occur onsite. Topsoil and overburden will be stockpiled around the perimeter of the pit. Pits will be approximately 40 feet dip depending on the depth of the source. Any fuel, maintenance products, wastes or chemicals will be stored onsite. However, a dual containment berm and liner system will be utilized for the storage of these products in the event a spill occurs.

RECLAMATION DETAIL: Reclamation of pit walls will occur as sections of the pit reach final elevation. Reclamation will be concurrent as the pit is expanded, and includes final grading, road removal, and seeding. The final slope will be sloped 2:1 for pit walls 5' above water surface and 5' below water surface. The remaining pit walls will be sloped at 1:1. Pit floors and walls will be left reasonably smooth. Once the mineral extraction is complete and restoration is complete, ponds will be left on the property which will create new habitats and biodiversity. Upon reclamation, all temporary haul roads will be removed.

BONDING: An initial bond in the amount of \$43,770 for 15 acres of disturbance will be submitted to IDL prior to operations commencing.

STIPULATIONS: Approve the application subject to the standard stipulations.

C.M. Preparer: Connor MacMahon

Date: 6/20/2023



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: Premier, LLC d/b/a: Premier Aggregates
2. ADDRESS: 1500 S Washington Ave, Suite B
CITY, STATE, ZIP CODE: Emmett, Idaho 83617
3. TELEPHONE and EMAIL: 2089499043 ebuchert@premierllc.net
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: See attached
7. ACREAGE and COUNTY(ies): 211 Canyon
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 & Gravel - Startup 2025
10. SITE NAME OR MINE NAME (if any): Pintail Ranch Gravel Pit - Phase 2
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: _____

12/19/22

Fee: See Attached Schedule

IDLRPM0001. (07/19)

Page 2 of 2



IDAHO DEPARTMENT OF LANDS

Application Fee Schedule

Acres are determined by the number entered in item 7 on the Application Form.

Type of Plan	Fee (Dollars)
Section 069* of IDAPA 20.03.02, Reclamation Plan 0 to 5 acres	Five hundred (\$500)
Section 069 of IDAPA 20.03.02, Reclamation Plan >5 to 40 acres	Six hundred (\$600)
Section 069 of IDAPA 20.03.02, Reclamation Plan over 40 acres	Seven hundred fifty (\$750)
Section 070** of IDAPA 20.03.02, Reclamation Plan 0 to 100 acres	One thousand (\$1,000)
Section 070 of IDAPA 20.03.02, Reclamation Plan >100 to 1000 acres	One thousand five hundred (\$1,500)
Section 070 of IDAPA 20.03.02, Reclamation Plan >1000 acres	Two thousand (\$2,000)
* Section 069 is for gravel pits, quarries, decorative stone sources, and simple industrial mineral mines	
** Section 070 is for hardrock, phosphate, and underground mines, and complex industrial mineral mines	



Priest Lake Supervisory Area
 4053 Cavanaugh Bay Road
 Coolin, ID 83821
 (208) 443-2516

Kootenai Valley Forest Protective District
 6327 Main Street
 Bonners Ferry, ID 83805
 (208) 267-5577

Pend Oreille Supervisory Area
 2550 Highway 2 West
 Sandpoint, ID 83864-7305
 (208) 263-5104

Mica Supervisory Area
 3258 West Industrial Loop
 Coeur d'Alene, ID 83815
 (208) 769-1577

Cataldo Forest Protective District
 80 Hilltop Overpass Road
 Kingston, ID 83839
 (208) 682-4611

St. Joe Supervisory Area
 1806 Main Avenue
 St. Maries, ID 83861
 (208) 245-4551

Ponderosa Supervisory Area
 3130 Highway 3
 Deary, ID 83823
 (208) 877-1121

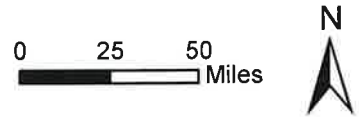
Clearwater Supervisory Area
 10230 Highway 12
 Orofino, ID 83544
 (208) 476-4587

Craig Mountain Forest Protective District
 P.O. Box 68,
 014 East Lorahama
 Craigmont, ID 83523
 (208) 924-5571

Maggie Creek Supervisory Area
 913 Third Street
 Kamiah, ID 83536
 (208) 935-2141

Disclaimer:
 "This map has been compiled using the best information available to the Idaho Department of Lands at the time and may be updated and/or revised without notice. In situations where known accuracy and completeness is required, the user has the responsibility to verify the accuracy of the map and the underlying data sources."

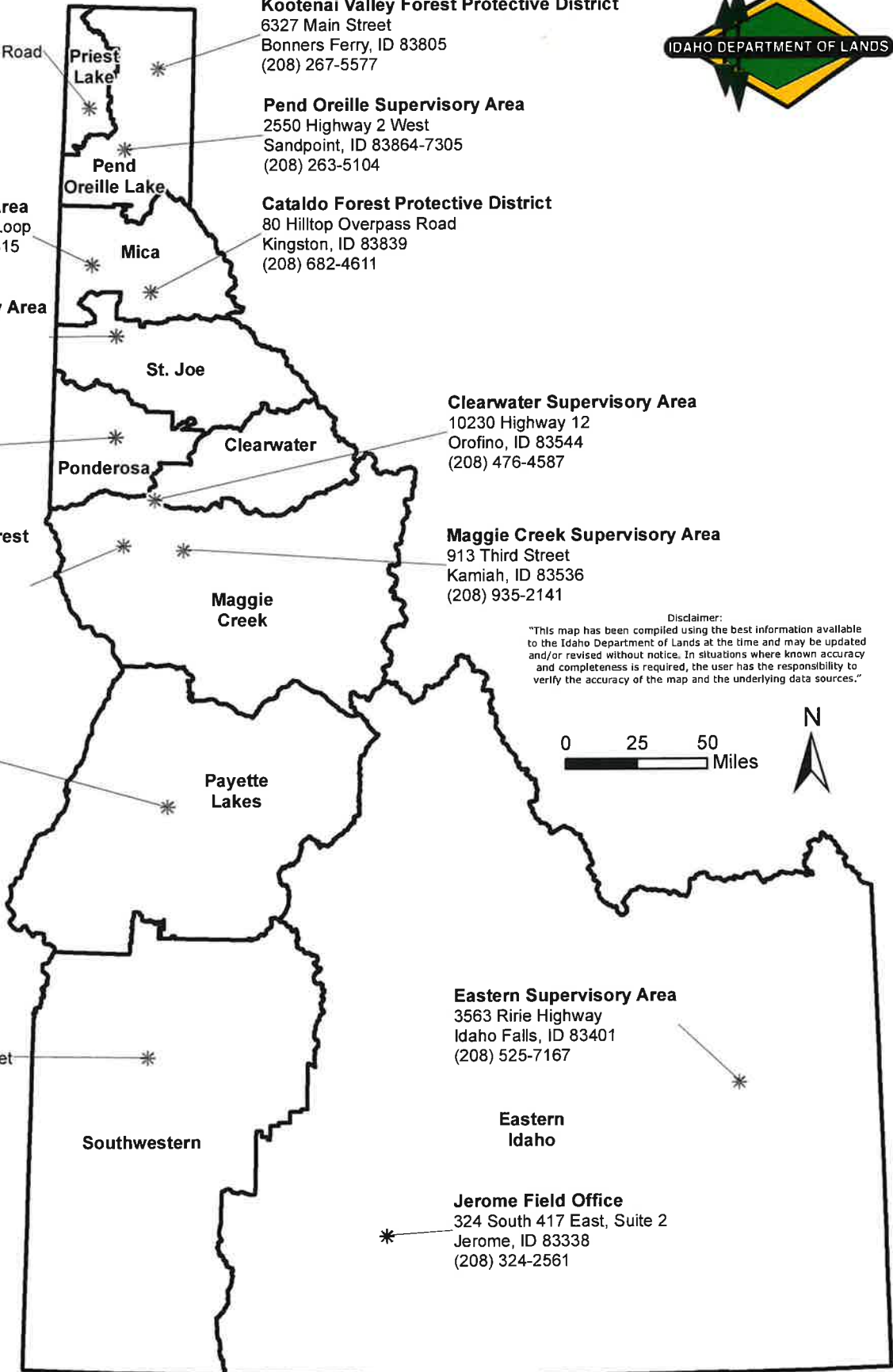
Payette Lakes Supervisory Area
 555 Deinhard Lane
 McCall, ID 83638
 (208) 634-7125



Southwest Supervisory Area
 8355 West State Street
 Boise, ID 83714
 (208) 334-3488

Eastern Supervisory Area
 3563 Ririe Highway
 Idaho Falls, ID 83401
 (208) 525-7167

Jerome Field Office
 324 South 417 East, Suite 2
 Jerome, ID 83338
 (208) 324-2561



**Mineral Extraction Reclamation Plan
for
Operator: Premier, LLC DBA Premier Aggregates
Owner: BID, LLC**

**Premier, LLC, BID, LLC, Parcel No. R39070010, R39054 & R39054010
Canyon County, Idaho**

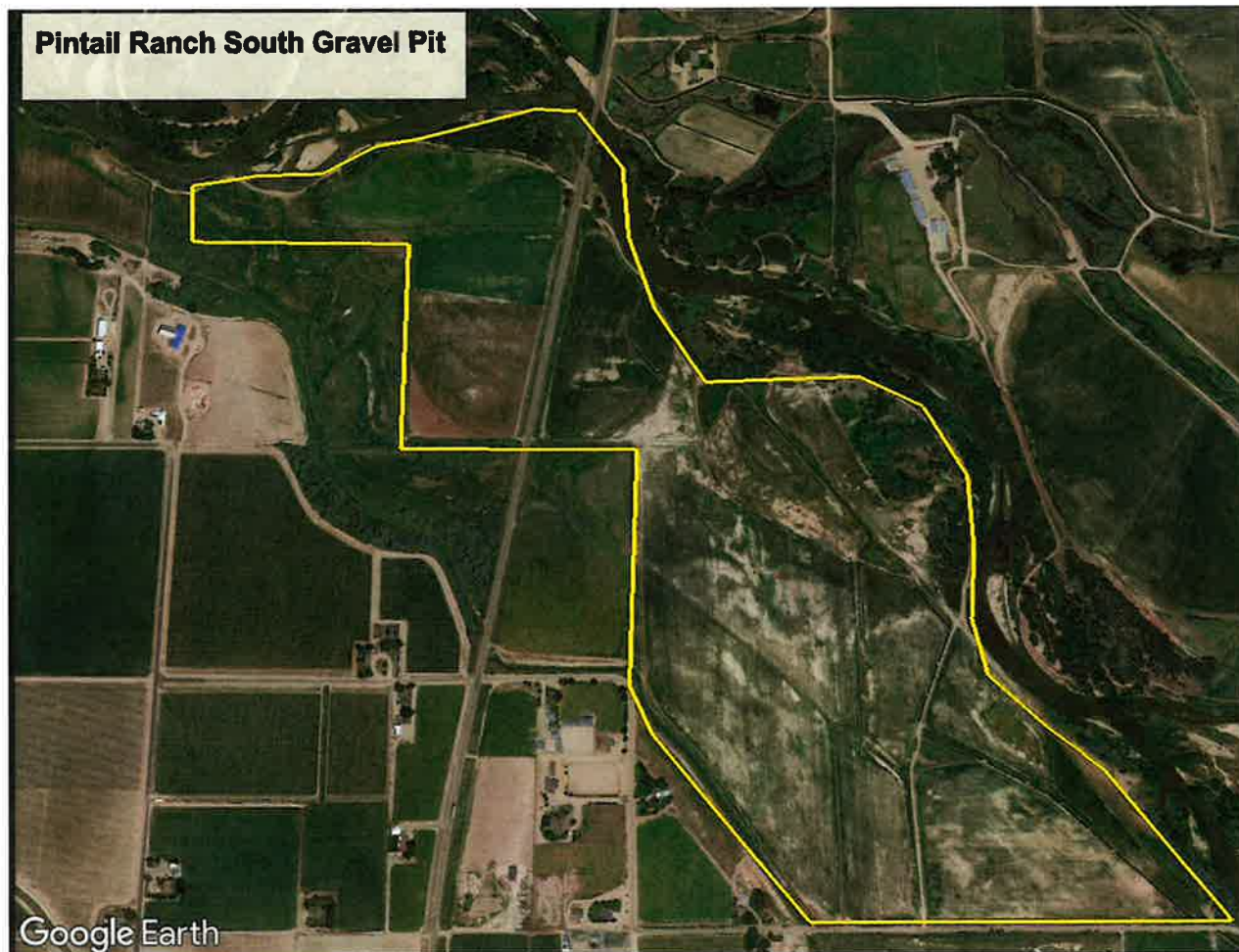


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- 1.0 Introduction**
- 2.0 Site Information/Location**
- 3.0 Reclaimed Topography**
- 4.0 Geologic/Soil Composition**
- 5.0 Water Resources/Irrigation**
- 6.0 Dust & Weed Control**
- 7.0 Road Reclamation**
- 8.0 Re-Vegetation**
- 9.0 Financial Assurance**
- 10.0 Project Contact Information**

1.0 Introduction

This Reclamation Document was prepared by Premier, LLC, in cooperation with Doug Bates, and BID, LLC as Owner for the mineral extraction sites in Canyon County. The Reclamation Document is required by the Idaho Department of Lands, and per the Canyon County Development Services Department. The objective of this Reclamation Document is to provide the guidelines and data to aid in the successful restoration of the mineral extraction sites. Premier, LLC is under contract with Doug Bates, owner of BID, LLC under a Material Processing Agreement to implement the required reclamation requirements.

2.0 Site Information/Location

The subject property associated with this Reclamation Document is 211+/- acres on BID, LLC owned lands in Canyon County Parcel R39070010, R39054, & R39054010. The location of the extraction site is on the East and West side of Highway 95, directly South of the Boise River. The adjacent map indicates the location of the subject property and access. This area of Canyon County receives 8 to 11 inches of precipitation annually. Any fuel, maintenance products, wastes or chemicals will be stored onsite in whichever phase of the property we are mining in. Berms will be built around fuel storage and chemicals and a plastic barrier will be placed underneath fuel tank/chemicals and overtop berms. This will serve as primary and secondary fuel and chemical containment system in case of leaks or spilling. Mining will occur West to East as needed and until source is depleted. Crushing, stockpiling, and equipment storage will occur on site and whichever phase we are mining in and will be protected by overburden berms as much as possible so as to reduce visual and sound impacts. Topsoil and overburden will be stockpiled around the perimeter of the pit. Stockpiles, if any on the site, will be temporary and will be located on different areas of the property close to where mining activity is happening. 30' setbacks will be maintained on all property boundaries. The land that will ultimately be mined is approximately 159 acres. 15 acres of land is expected to be disturbed in the first year of operation. The approximate date of construction is Spring of 2028. The approximate date of abandonment is Spring of 2038. These dates are estimates.

3.0 Reclaimed Topography

Although a portion of the BID, LLC site may be actively used for mineral extraction, the reclamation of the property shall commence for the portions of the properties in which the extraction operation is complete. Pits will be approximately 40' deep, depending on actual source depth. Reclamation of pit walls will occur as sections of the pit reach final elevation. Reclamation will be concurrent as the pit is expanded, and includes final grading, road removal, and seeding. Final slope will be sloped 2:1 for pit walls 5' above water surface and 5' below water surface. Remaining pit walls will be sloped at 1:1. Pit floors and walls will be left reasonably smooth. Once the mineral extraction is complete and restoration is complete, ponds will be left on the property which will create new habitats and biodiversity. Upon

reclamation, all temporary haul roads will be removed.

4.0 Geologic/Soil Composition

Geological/soil composition of the sites consists of a mix of competent pit run, sand, and clays. Prior to subsequent mineral extraction activity, the top soil from the site will be removed and stockpiled for redistribution during the reclamation process. BMPs such as revegetation of native species matched for site drainage, climate, shading, and resistance to erosion, soil type, slope, aspect, and other similar practices will be implemented as formal mitigation and reclamation measures. The topsoil shall be spread out to a depth as provided by the available site soils, that are to be seeded. Generally, top soils in this region of Canyon County are shallow. In the event that no topsoil is present on the site, any growth medium to be used will be stockpiled and treated in the same manner as topsoil. After soil distribution on the disturbed areas, a native plant community will be established by using a seed mix and application rate approved by the Idaho Department of Lands. Because most of the disturbed area, once reclaimed, will be underwater, soil redistribution and reseeding will only occur at surface level areas. Seeding will only be done on areas disturbed by the mining operations

5.0 Water Resources

The attached map shows the location of the Boise River, flowing West. The Boise River is situated south of the reclamation parcels and will not be impacted by the reclamation of the disturbed areas. All mining a land disturbance is to occur outside of the Floodway. Reclamation will not impact this water resource either. State water quality standards will be maintained at all times during the reclamation process.

A private irrigation ditch runs SW to NE on the property. The portion of this ditch which exists in the mining area will be completely removed.

Ground water is present in the area. If dewatering is required, sediment will be controlled in settling ponds so as to meet the requirements of the Clean Water Act prior to being discharged. Settling ponds will be constructed as necessary.

Straw bales, waddles, gravel and other BMP devices will be used to contain sediment for any water that may potentially run off the property. This includes water from the back side of the berms. SWPPPS plan will be developed if required. BMPs will be utilized at all times when dealing with erosion and water discharge. Berms will be seeded to for additional stabilization and erosion control.

Upon ceasing operations, all ponds, including settling ponds, will become part of the permanent features of the property.

6.0 Dust & Weed Control

Dust will be controlled at all times using water obtained on site. Noxious weeds will be controlled chemically and by mowing during operation.

7.0 Road Reclamation

The Main access to the site is at an existing ingress/egress located on private roads on Highway 95 South of the bridge over the Boise River. Haul roads will be created on the property as necessary and as mining progresses. Material for construction of haul roads will come from this source. Upon completion of this project, all non-used/non-permanent roads will be reclaimed such that it fits in with the final reclamation of the surrounding area. This includes temporary roads used for access to the pit areas. Base material will be removed, and the road will be converted to its new intended use, which may include pasture, farm ground, hunting grounds, or other. These temporary haul roads are detailed in the site plan

in red. All pre-existing roads will remain on the site after reclamation. These pre-existing roads are detailed in the site plan in blue.

8.0 Re-Vegetation

The annual precipitation of this area ranges from 8 to 11 inches, most of which occurs in the form of rain during the months of December through April. The soil temperature regime is mesic with a mean air temperature of 53 degrees F. Temperature extremes range from 110 to -10 degrees F. The frost free period ranges from 150 to 190 days. The optimum growth period for plant growth is late March through June.

The potential native plant community is dominated by four-wing saltbush and needle and thread. Wyoming big sagebrush, Indian ricegrass and Thurber's needlegrass are prominent. Sandberg bluegrass, a variety of forbs and other shrubs are present. Vegetative composition of the community is approximately 80 percent grasses, 5 percent forbs and 15 percent shrubs. The approximate ground cover is 60 to 70 percent (basal and crown).

Seeding will occur in the fall or early winter months via broadcast or drill seeding methods. The proposed seed mix includes both native and desirable species to allow for the best chance of establishment and ground coverage:

- Sagebrush @ 2 lbs/acre PLS
- Indian ricegrass @ 4 lbs/acre PLS
- Thurber's needlegrass @ 2 lbs/acre PLS
- Sandberg bluegrass @ 4 lbs/acre PLS
- Intermediate wheatgrass @ 4 lbs/acre PLS
- Crested wheatgrass @ 4 lbs/acre PLS

9.0 Financial Assurance

In accordance with Idaho Code § 47-1803 Reclamation Fund Created Financial Assurance, a payment to the state reclamation fund will be made as a financial guarantee that the required reclamation work will be completed (under the State Bond Assurance Fund (BAF)). The site in total is 211 +/- acres. The total disturbed area for the site is 159 acres. The total projected annual disturbance area is approx. 15 Acres. See attached Reclamation Costs Worksheet for anticipated reclamation costs.

10.0 Project Contact Information

Contact information for the Operator and Owner is provided below:

Operator;

Premier, LLC
1500 S. Washington Ave. Suite B
Emmett, ID 83617
(208) 949-9043
ebuchert@premierllc.net

Owner;

Bid, LLC
Douglas K Bates
777 W Main St., Ste. 900,
Boise, ID 83686

Pintail Ranch South - Site Plan

Proposed startup date is 2025 with a minimum duration of 15 years depending on market demand. Reclamation will occur within 1 year from cessation of the operation.









First year mining and disturbance in Phase B. Approximately 15 acres

Phase B (37 ac +/-)

Phase A (122 ac +/-)

2000 ft

Legend

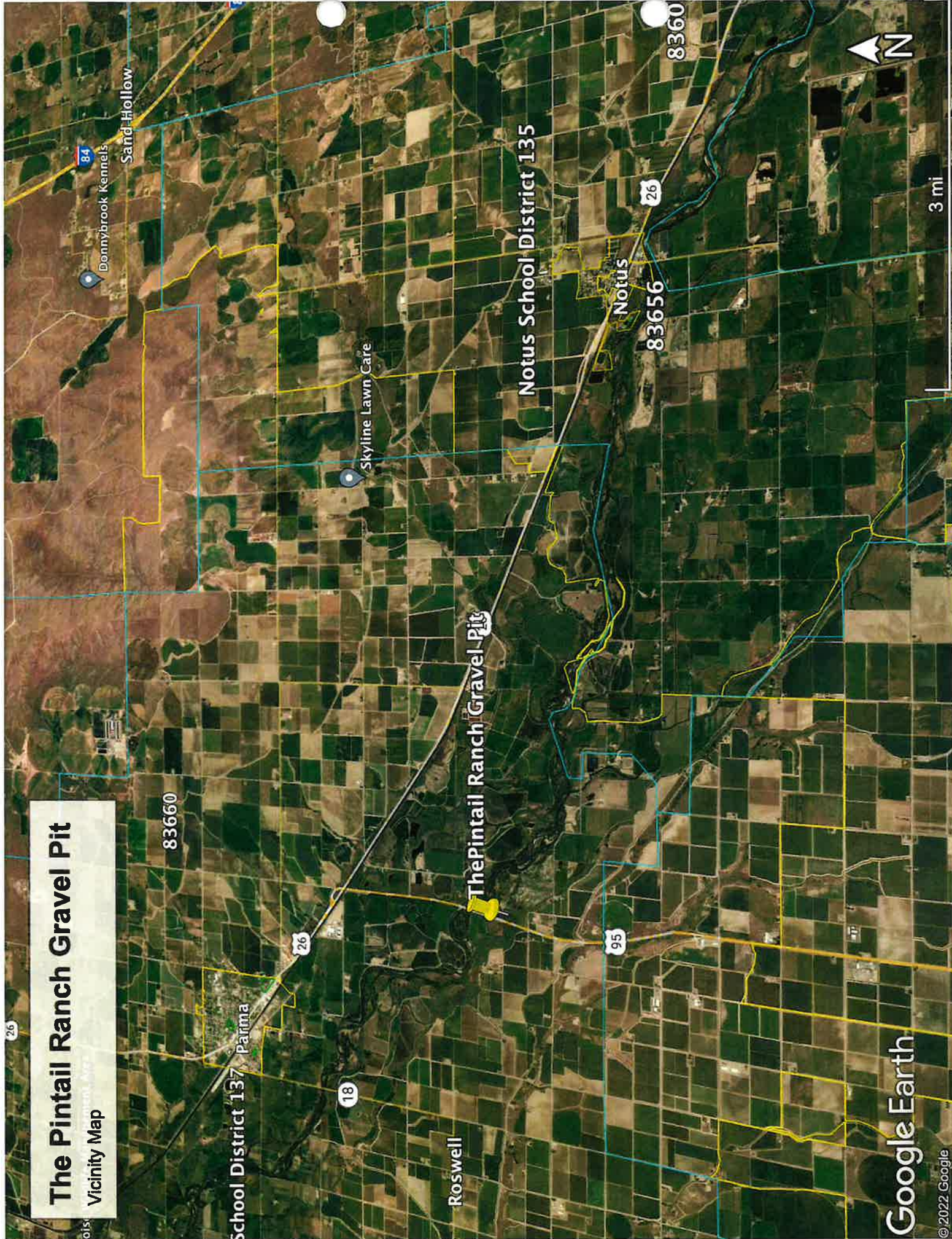
-  Apx Floodway
-  Equipment & Fuel Storage
-  Existing/Proposed Ingress/Egress - Permanent Feature
-  Mining Area
-  New Haul Roads - Non-Permanent Feature
-  Parcel Boundary
-  Perimeter Berm - 30' setback
-  Temporary Scales

BMPs for Drainage Control

- Berms will be seeded
- Fuel Tanks will be placed in an berm with spill liner.
- Spill prevention kits will be kept with fuel tanks.

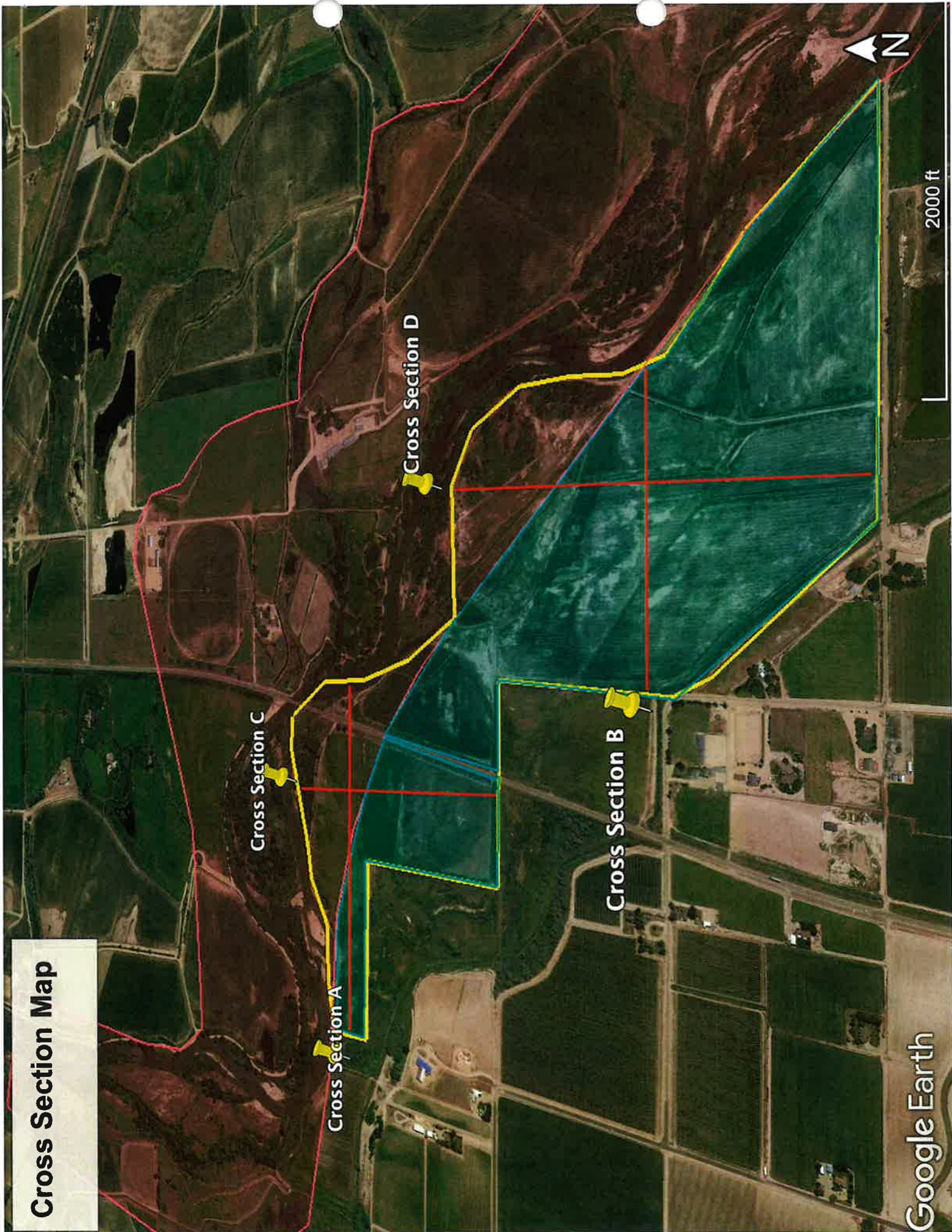




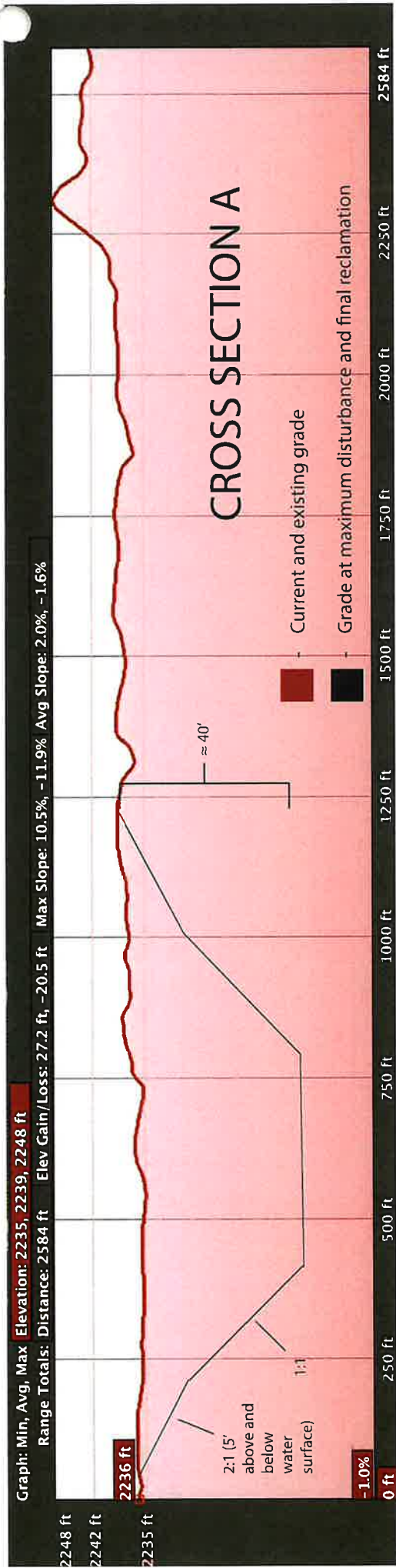


The Pintail Ranch Gravel Pit
Vicinity Map

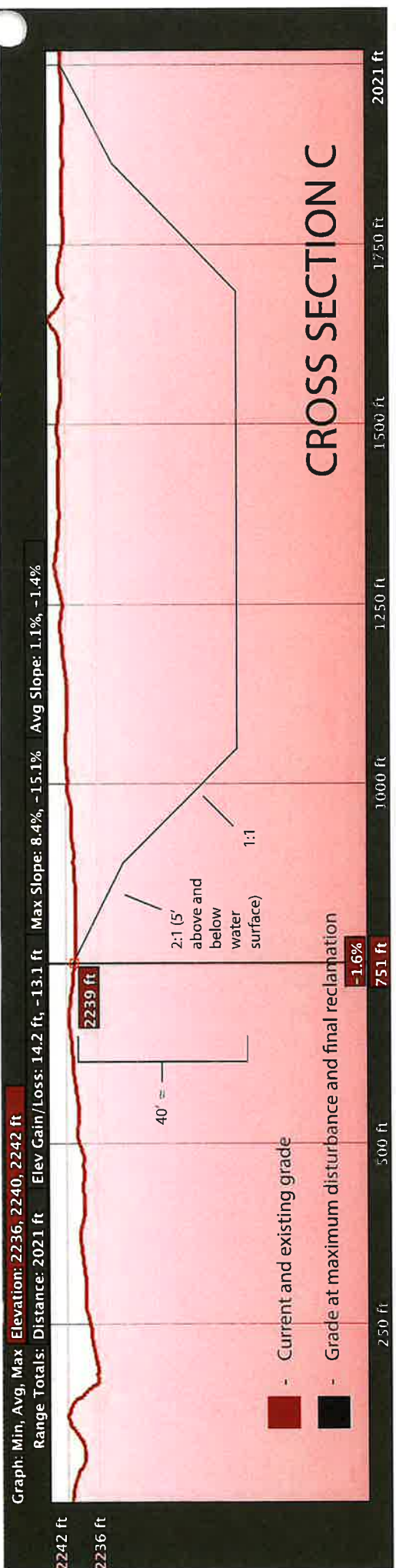
Cross Section Map

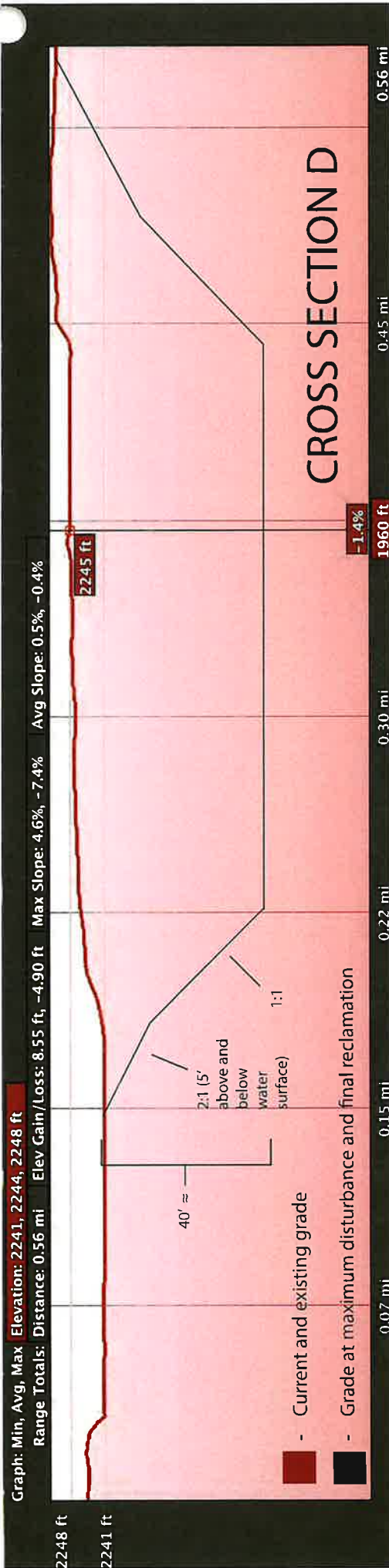


Google Earth









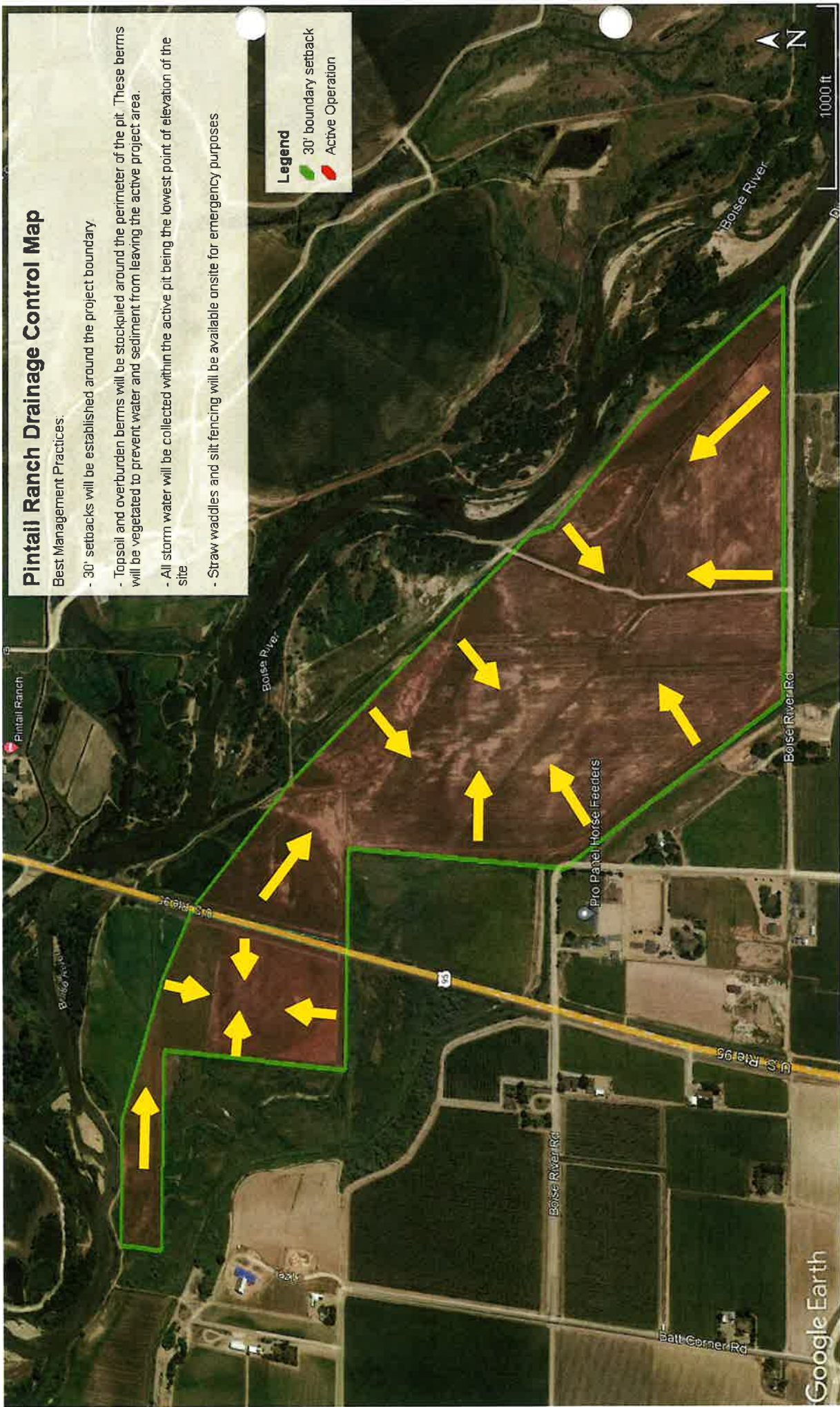
Pintail Ranch Drainage Control Map

Best Management Practices:

- 30' setbacks will be established around the project boundary
- Topsoil and overburden berms will be stockpiled around the perimeter of the pit. These berms will be vegetated to prevent water and sediment from leaving the active project area.
- All storm water will be collected within the active pit being the lowest point of elevation of the site
- Straw waddles and silt fencing will be available onsite for emergency purposes

Legend

- 30' boundary setback
- Active Operation



JOB:**Pintail Ranch Pit 2 Reclamation**

Item	Total
Acres Total	159
Acres Reclaimed/Day	3
Total Reclamation Days	53.0
Mobilization Days	1.0
Total Days to Complete Job	54

Item	\$/hr	Type	Monthly Cost	Daily Rate Equivalent	Total Cost per Job
Dozer	NA	Direct	\$ 18,000	900.00	\$ 48,600
Motorgrader	NA	Direct	\$ 18,000	900.00	\$ 48,600
Dozer Fuel	\$ 100	Direct	\$ 16,000	800.00	\$ 43,200
Motorgrader Fuel	\$ 80	Direct	\$ 12,800	640.00	\$ 34,560
Dozer Labor	\$ 45	Direct	\$ 7,200	360.00	\$ 19,440
Motorgrader Labor	\$ 45	Direct	\$ 7,200	360.00	\$ 19,440
Seed Mix	NA	Direct	NA	NA	\$ 2,500
Seeding Labor	\$ 45	Direct	\$ 7,200	360.00	\$ 19,440
Mobilization	NA	Direct	NA	NA	\$ 3,000
Insurance	\$ 50	Indirect	\$ 8,000	400.00	\$ 21,600

Total Reclamation Cost	\$ 260,380
Third Party Profit	35% \$ 91,133
Total Reclamation Cost w/ Profit	\$ 351,513
Contingency	32% \$ 112,484.16
Total Reclamation Cost w/ Profit & Contingency	\$ 463,997
Total Cost/Acre	\$ 2,918

Legal Descriptions:

Parcel 1 -

27-5N-5W NE LT 2-S OF RIVER & LT 1 LS HWY & LS E OF HWY

Parcel 2 -

27-5N-5W NE LTS 1 & 2 E OF HWY

Parcel 3 -

26-5N-5W NW SE 1/4 S OF RIVER,, LTS 5 & 6 - S OF RIVER,, LT 7 W OF RIVER,, SESW-S OF RIVER



CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

11 DEC -9 PM 2:54

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Premier, LLC

2. The complete street and mailing addresses of the initial designated office:

5446 N Hwy 16, Eagle, ID 83616

(Street Address)

(Mailing Address, if different than street address)

3. The name and complete street address of the registered agent:

Johnna Buchert

(Name)

5446 N Hwy 16, Eagle, ID 83616

(Street Address)

4. The name and address of at least one member or manager of the limited liability company:

Name	Address
<u>Trae Buchert</u>	<u>5446 N Hwy 16, Eagle, ID 83616</u>
<u>Johnna Buchert</u>	<u>5446 N Hwy 16, Eagle, ID 83616</u>
<u>Lane Buchert</u>	<u>5446 N Hwy 16, Eagle, ID 83616</u>
_____	_____
_____	_____

5. Mailing address for future correspondence (annual report notices):

5446 N Hwy 16, Eagle, ID 83616

6. Future effective date of filing (optional): _____

Signature of a manager, member or authorized person.

Signature Trae Buchert
Typed Name: Trae Buchert

Signature Johnna Buchert
Typed Name: Johnna Buchert

Secretary of State use only

IDAHO SECRETARY OF STATE
12/09/2011 05:00
CK: 9417 CT: 78272 BH: 1381120
1 @ 100.00 = 100.00 ORGAN LLC # 2

W109003



100 10th Avenue South
Nampa, ID 83651

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

2017-017926
RECORDED
05/05/2017 11:57 AM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=3 MBROWN \$16.00
TYPE: DEED
PIONEER TITLE CANYON - CALDWELL
ELECTRONICALLY RECORDED

File No. 616923 KD/

WARRANTY DEED

For Value Received The Tina Iest Family L.L.L.P., an Idaho limited liability limited partnership formerly known as the Tina Iest Family Limited Partnership, an Idaho limited partnership hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto BID, LLC, an Idaho limited liability company hereinafter referred to as Grantee, whose current address is 777 W Main, Suite 900 Boise, ID 83702

The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: May 3, 2017

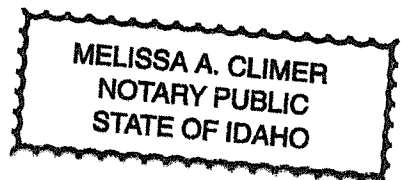
The Tina Iest Family L.L.L.P., an Idaho limited liability limited partnership formerly known as the Tina Iest Family Limited Partnership, an Idaho limited partnership

By: Tina L. Bell
Tina L. Bell, General Partner

State of Idaho, County of Canyon

On this 4th day of May in the year of 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Tina L. Bell known or identified to me to be the General Partner of the Family Limited Partnership that executed the foregoing instrument, and acknowledged to me that such Family Limited Partnership executed the same.

Residing at: _____
Commission Expires: _____



Residing in Caldwell, Idaho
My Commission Expires 8-4-2022

Parcel 1:

The East 1/2 of the SW1/4; the East 1/2 of the NW1/4 of the SW1/4; the SW1/4 of the SW1/4; the SW1/4 of the SE1/4 and the NW1/4 of the SE1/4 of Section 23, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho
AND

Government Lots 1, 2 and 3 and the NE1/4 of the NW1/4 of Section 26, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho

EXCEPT THEREFROM that portion conveyed to State of Idaho in Warranty Deed recorded December 14, 1961 as Instrument No. 510238, records of Canyon County, Idaho

AND ALSO EXCEPT THEREFROM

This parcel is situated in the South Half of Section 23, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Northeast corner of the Northwest Quarter of the Southeast Quarter of said Section 23; thence

South 0° 08' West a distance of 2233.58 feet along the East boundary of said Northwest Quarter of the Southeast Quarter and Southwest Quarter of the Southeast Quarter of said Section 23; thence, traversing the Easterly boundary of a certain irrigation ditch,

North 24° 47' 40" West a distance of 92.50 feet; thence

North 44° 45' 20" West a distance of 132.20 feet; thence

North 64° 38' 40" West a distance of 186.50 feet; thence

North 56° 40' 10" West a distance of 108.15 feet; thence

North 42° 19' 30" West a distance of 102.08 feet; thence

North 28° 10' 30" West a distance of 112.10 feet; thence

North 13° 53' 20" West a distance of 172.90 feet; thence

North 8° 56' 40" East a distance of 425.10 feet; thence

North 20° 15' 10" West a distance of 51.50 feet; thence

North 37° 24' 10" West a distance of 162.62 feet; thence

North 34° 47' 50" West a distance of 424.90 feet; thence

North 63° 49' West a distance of 174.35 feet; thence

South 84° 31' West a distance of 67.72 feet; thence

North 69° 52' 10" West a distance of 126.25 feet; thence

North 53° 12' 10" West a distance of 127.40 feet; thence

North 33° 31' 20" West a distance of 159.00 feet; thence

North 6° 17' 40" West a distance of 309.30 feet to the point of intersection with the North

boundary of the South Half of said Section 23; thence

North 89° 53' 40" East a distance of 97.39 feet along the North boundary of the South Half of said Section 23 to the Center of said Section; thence

South 89° 53' 40" East along the North boundary of the South Half of said Section 23 a distance of 1320.88 feet to the REAL POINT OF BEGINNING.

AND ALSO EXCEPT THEREFROM

That portion of the NE1/4 of the NW1/4 and the SE1/4 of the NW1/4 (Government Lot 3) of Section 26, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho more particularly described as follows:

Commencing at the Northwest corner of the NE1/4 of the NW1/4 of said Section 26; thence South 0°03'00" East, along the West boundary of said NE1/4 of the NW1/4, a distance of 458.20 feet to the TRUE POINT OF BEGINNING; thence

South 81°03'00" East, a distance of 256.00 feet; thence

South 38°10'30" East, a distance of 298.00 feet; thence

North 82°29'30" East, a distance of 274.00 feet; thence

South 0°03'00" East, a distance of 807.23 feet; thence
North 88°05'00" West, a distance of 708.93 feet to a point on the West boundary of said SE1/4 of the
NW1/4 (Government Lot 3); thence
North 0°03'00" West, along the West boundary of said SE1/4 of the NW1/4(Government Lot 3) and the
NE1/4 of the NW1/4, a distance of 1021.80 feet to the TRUE POINT OF BEGINNING.

AND ALSO EXCEPTING THEREFROM

That portion of Government Lot 3 of Section 26, Township 5 North, Range 5 West, Boise Meridian,
Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Northwest corner of the NE1/4 of the NW1/4; thence South 0°03'00" East along the
West boundary of said NE1/4 of the NW1/4 and Government Lot 3 a distance of 1480.00 feet to the TRUE
POINT OF BEGINNING; thence
South 88°05'00" East, a distance of 575.04 feet; thence
South 26°58'00" East, a distance of 519.40 feet; thence
South 63°02'00" West, a distance of 162.58 feet; thence
North 70°49'27" West, a distance of 704.14 feet to a point on the West boundary of said Government Lot
3; thence
North 0°03'00" West, along the West boundary of said Government Lot 3, a distance of 324.60 feet to the
TRUE POINT OF BEGINNING.

Parcel 2;

Government Lots 7 and 8, Section 25, Township 5 North, Range 5 West, Boise Meridian, Canyon County,
Idaho

Parcel 3:

Government Lots 7, 8 and 9; the SE1/4 and the SE 1/4 of the SW1/4 of Section 26, Township 5 North,
Range 5 West, Boise Meridian, Canyon County, Idaho

EXCEPT THEREFROM that portion lying Westerly and Southerly of the Northeasterly line of the Boise
River

Parcel 4:

Government Lot 1 and that portion of Lot 2 lying Southerly of the Boise River in, Section 27, Township 5
North, Range 5 West, Boise Meridian, Canyon County, Idaho

EXCEPT THEREFROM:

That portion lying Easterly of the Westerly line of State Highway 95 as conveyed to the State of Idaho in
Warranty Deed recorded December 20, 1960 as Instrument No. 495506, records of Canyon County,
Idaho.

UNOFFICIAL COPY

UNOFFICIAL COPY

UNOFFICIAL COPY

UNOFFICIAL COPY



100 10th Avenue South
Nampa, ID 83651

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

2021-029452
RECORDED
04/22/2021 03:39 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=3 MKEYES \$15.00
TYPE: DEED
PIONEER TITLE CANYON - CALDWELL
ELECTRONICALLY RECORDED

File No. 767207 TK/

WARRANTY DEED

For Value Received **The Tina Iest Family L.L.L.P., an Idaho Limited Partnership** hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

BID, LLC, an Idaho limited liability company hereinafter referred to as Grantee, whose current address is 777 W Main, Suite 900 Boise, ID 83702

The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

SUBJECT TO taxes and assessments for the year 2021 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or thorough inspection of the premises would show. Acceptance of this deed by Grantee and permitting it to be recorded shall act as Grantee's written acceptance of all liens, claims, encumbrances, and conditions of the premises and reliance solely on the title insurance issued to Grantee.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: April 19, 2021

The Tina Iest Family L.L.L.P., an Idaho limited liability limited partnership

By: Tina L. Bell
Tina L Bell, General Partner

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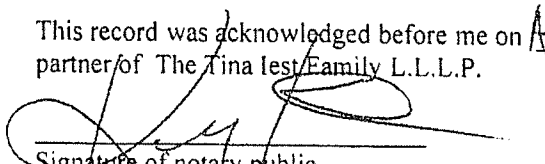
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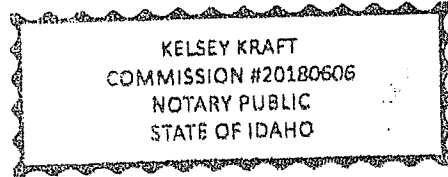
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UNOFFICIAL COPY

State of Idaho, County of Canyon

This record was acknowledged before me on April 22, 2021 by Tina L. Bell, as general partner of The Tina Test Family L.L.L.P.


Signature of notary public
Commission Expires: ~~2/3/2022~~ 4/5/24



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EXHIBIT A

Parcel 5:

That portion of Government Lots 5, 6 and 7 and the South 1/2 of the SW1/4 of Section 26, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho lying Southerly and Westerly of the Boise River

EXCEPT THEREFROM

That portion of the SW1/4 of the SW1/4 of Section 26, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

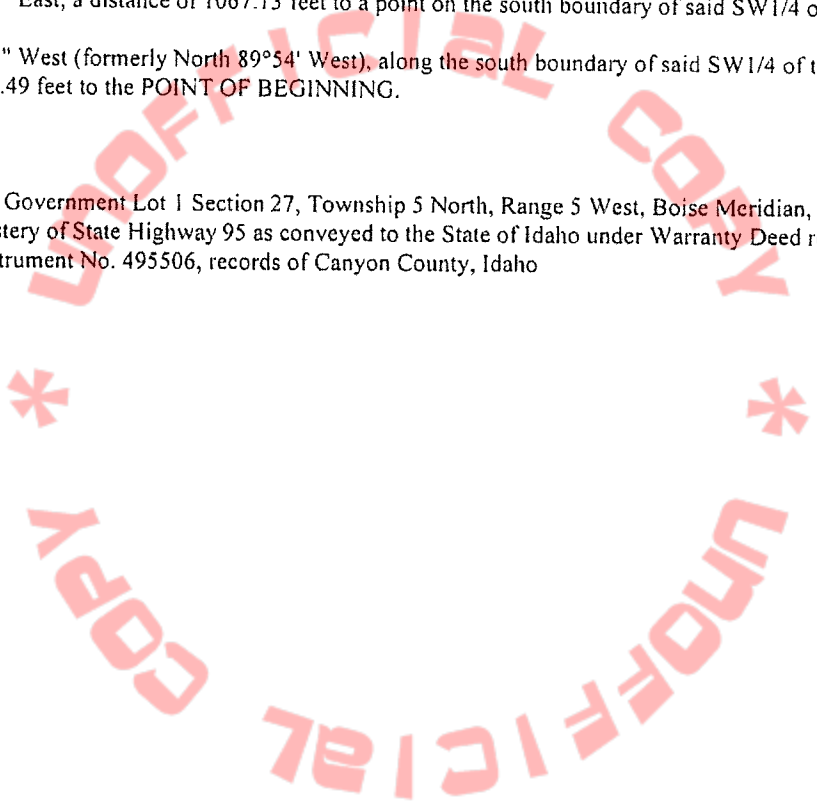
BEGINNING at the SW corner of said SW1/4 of the SW1/4 of said Section 26; thence North 0°06'00" West along the West boundary of said SW1/4 of the SW1/4, a distance of 1,160.68 feet; thence South 46°22'16" East, a distance of 411.77 feet; thence South 34°53'39" East, a distance of 1067.13 feet to a point on the south boundary of said SW1/4 of the SW1/4; thence South 89°55'06" West (formerly North 89°54' West), along the south boundary of said SW1/4 of the SW1/4 a distance of 906.49 feet to the POINT OF BEGINNING.

Parcel 6:

That portion of Government Lot 1 Section 27, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho lying Eastery of State Highway 95 as conveyed to the State of Idaho under Warranty Deed recorded December 20, 1960 as Instrument No. 495506, records of Canyon County, Idaho

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UNOFFICIAL COPY

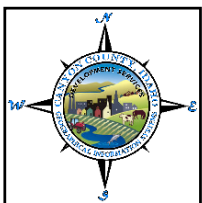
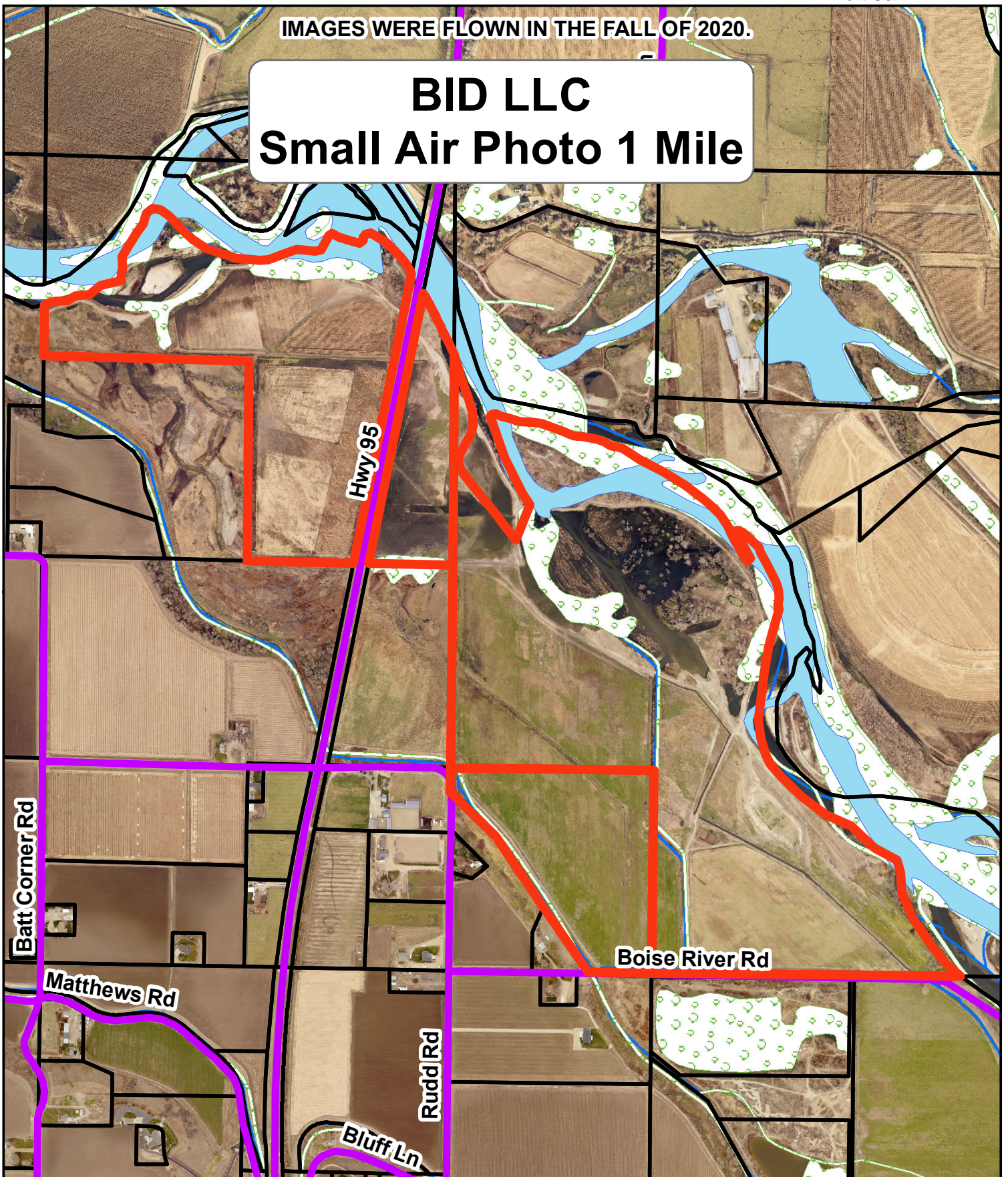



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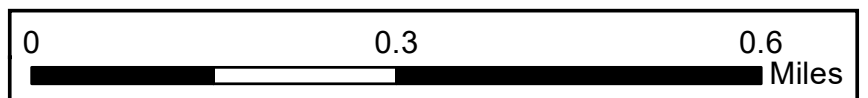
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IMAGES WERE FLOWN IN THE FALL OF 2020.

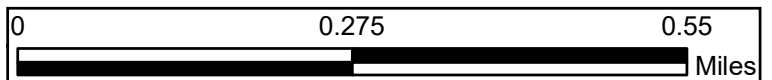
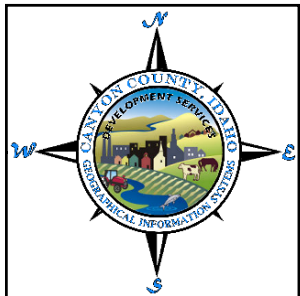
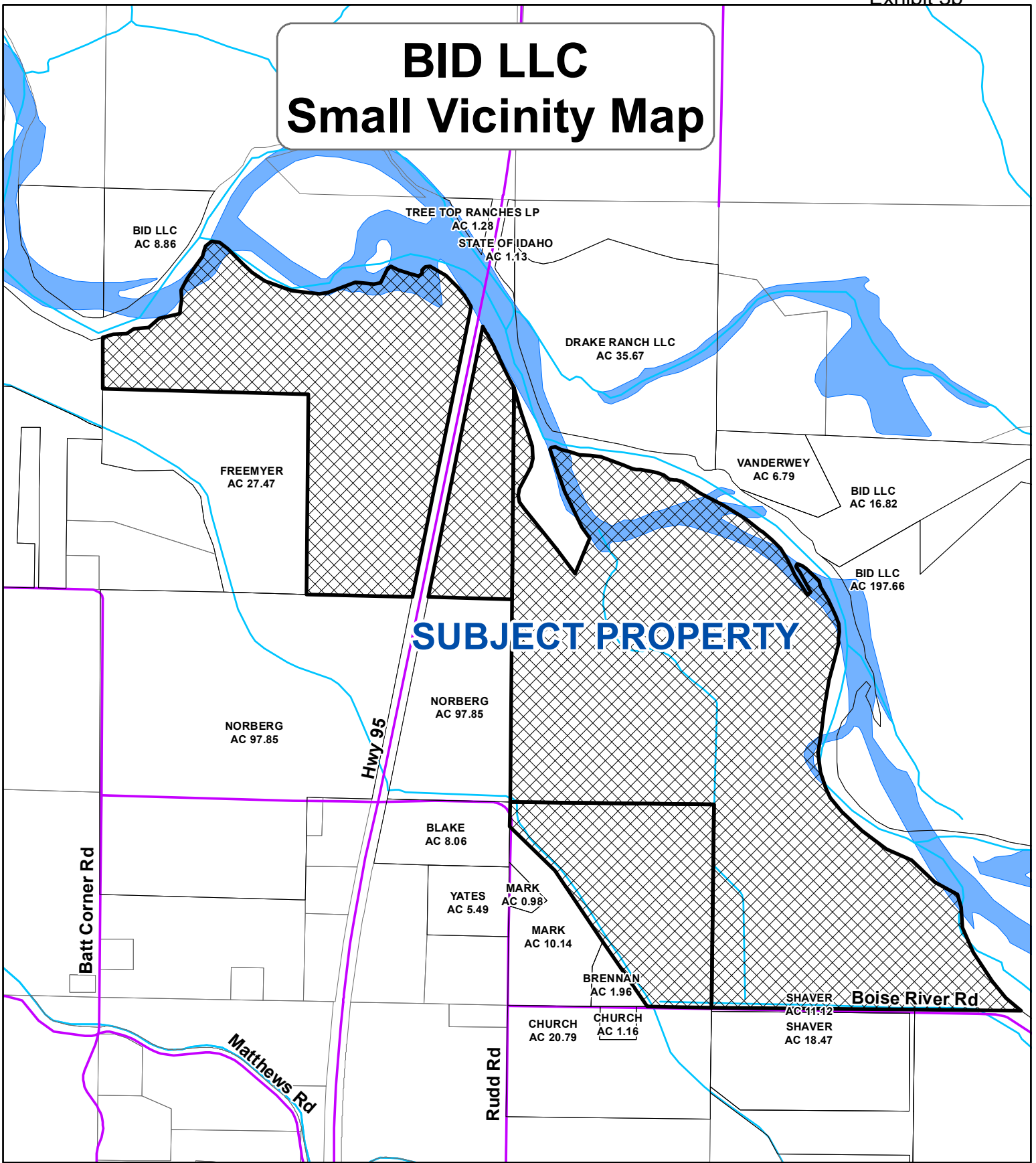
BID LLC Small Air Photo 1 Mile



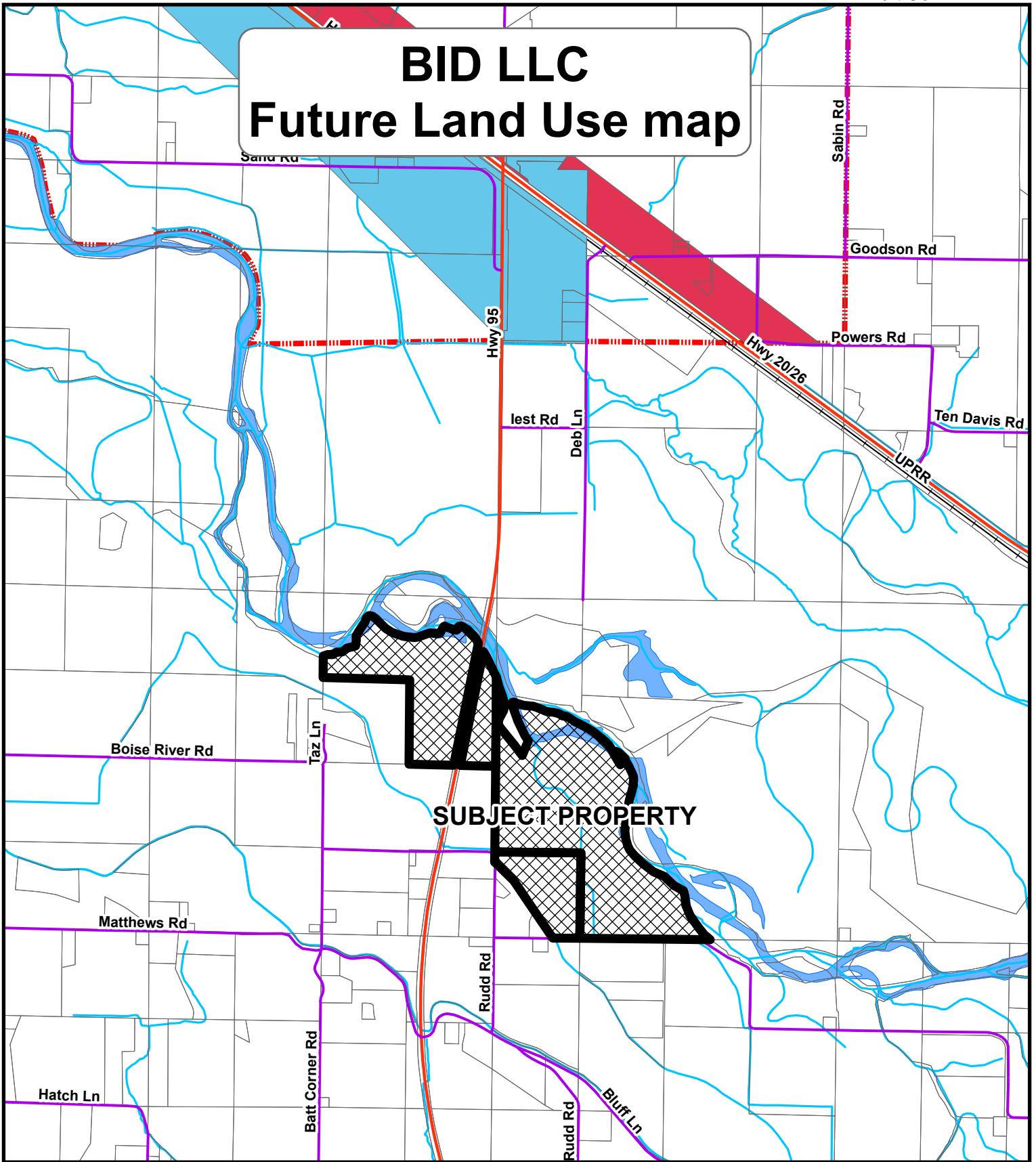
	City Limits
	Wetlands



BID LLC Small Vicinity Map



BID LLC Future Land Use map

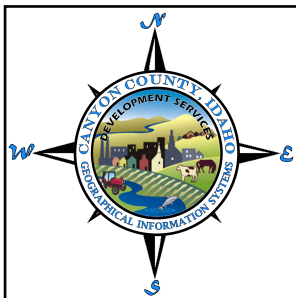
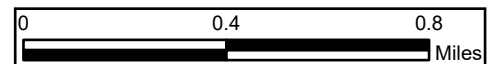


SUBJECT PROPERTY

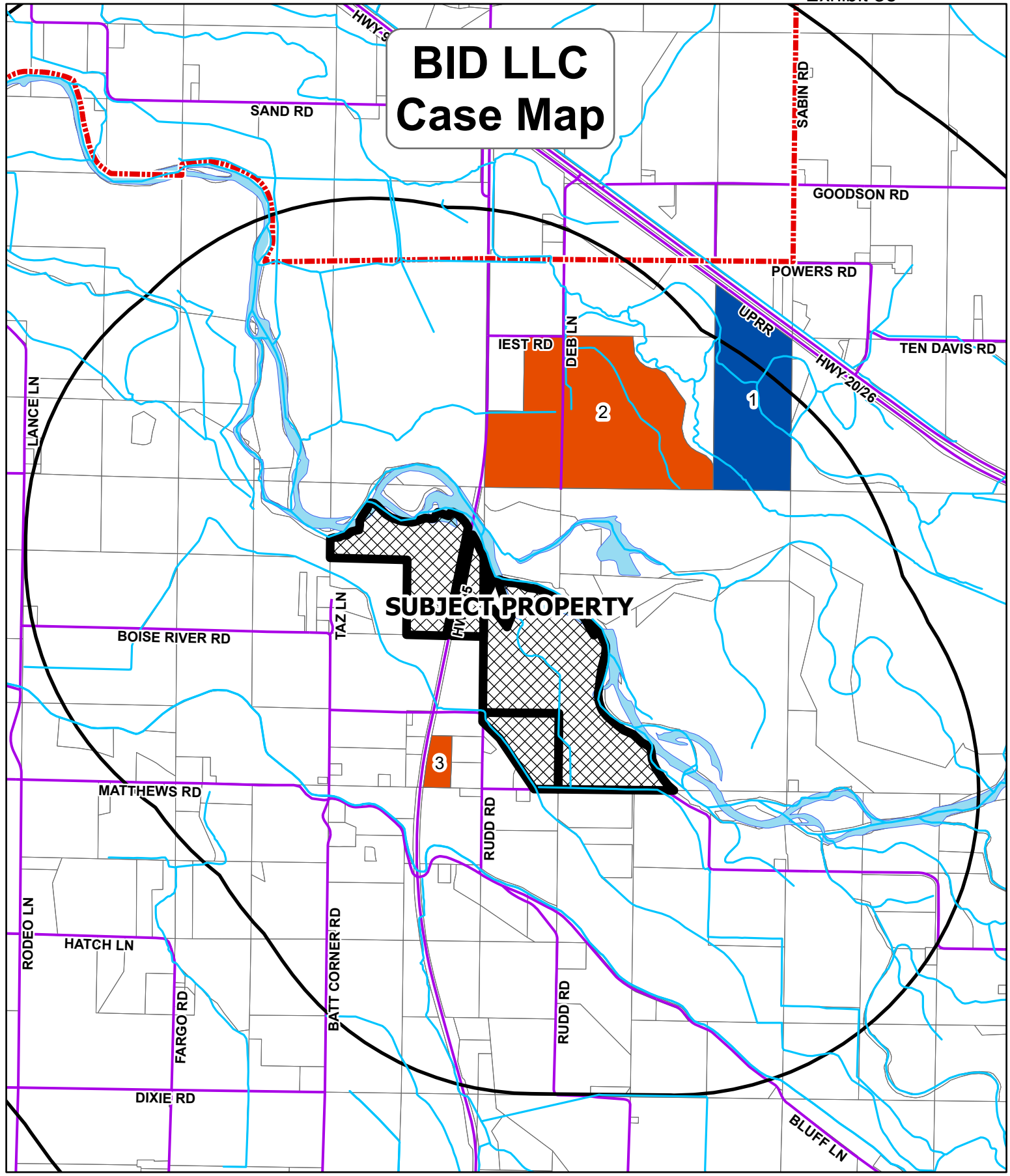
Legend

Future Land Use 2011_2022

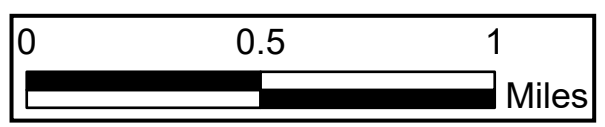
- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL



BID LLC Case Map



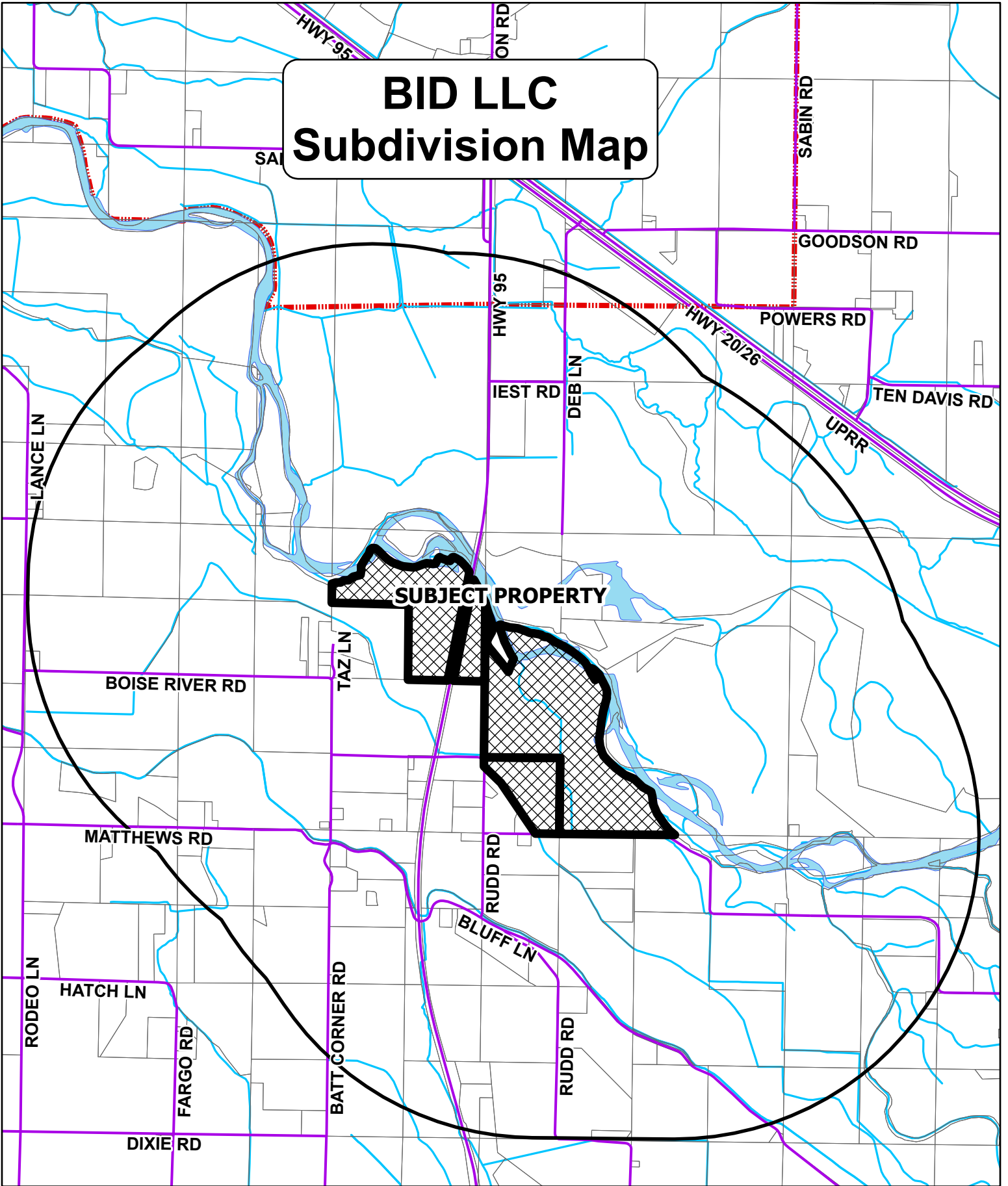
YEAR	
2023	2020
2022	2019
2021	2018



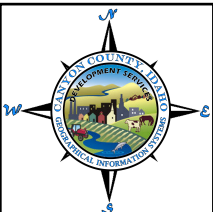
CASE SUMMARY



ID	CASENUM	REQUEST	CASENAME	FINALDECIS
1	CU2018-0001	Food Processing Facility/ tea processing	Hopster Beverage Company	WITHDRAWN
2	CU2018-0014	Long term mineral extraction	Premier LLC	APPROVED
3	CU2019-0011	Amend CU2003-454	Mark Barber	APPROVED

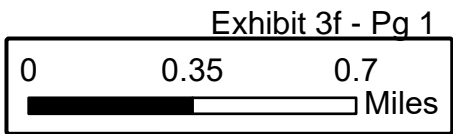
BID LLC Subdivision Map



SUBJECT PROPERTY



Plat Type, Plat Status	
	Preliminary, Approved
	Preliminary, Pending



SUBDIVISION & LOT REPORT

NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE
NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM
45	39.61	14.26	0.98
NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE
		MAXIMUM	MAXIMUM
		319.35	

PLATTED SUBDIVISIONS

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

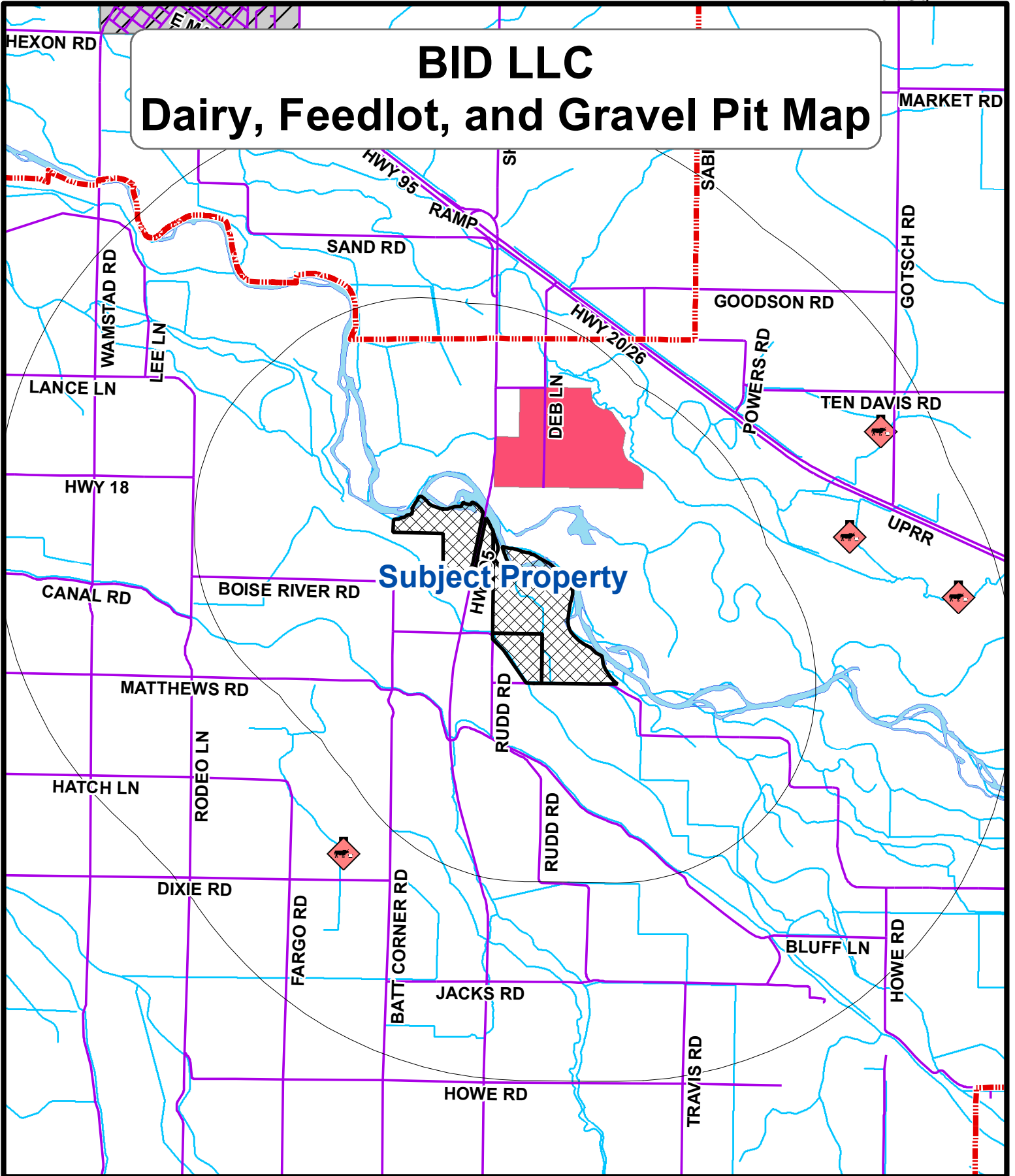
SUBDIVISIONS IN PLATTING

SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE

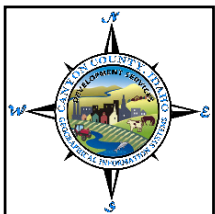
MOBILE HOME & RV PARKS




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

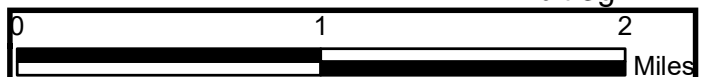
BID LLC Dairy, Feedlot, and Gravel Pit Map



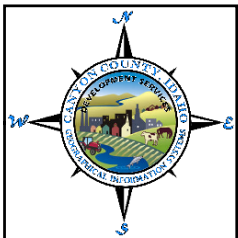
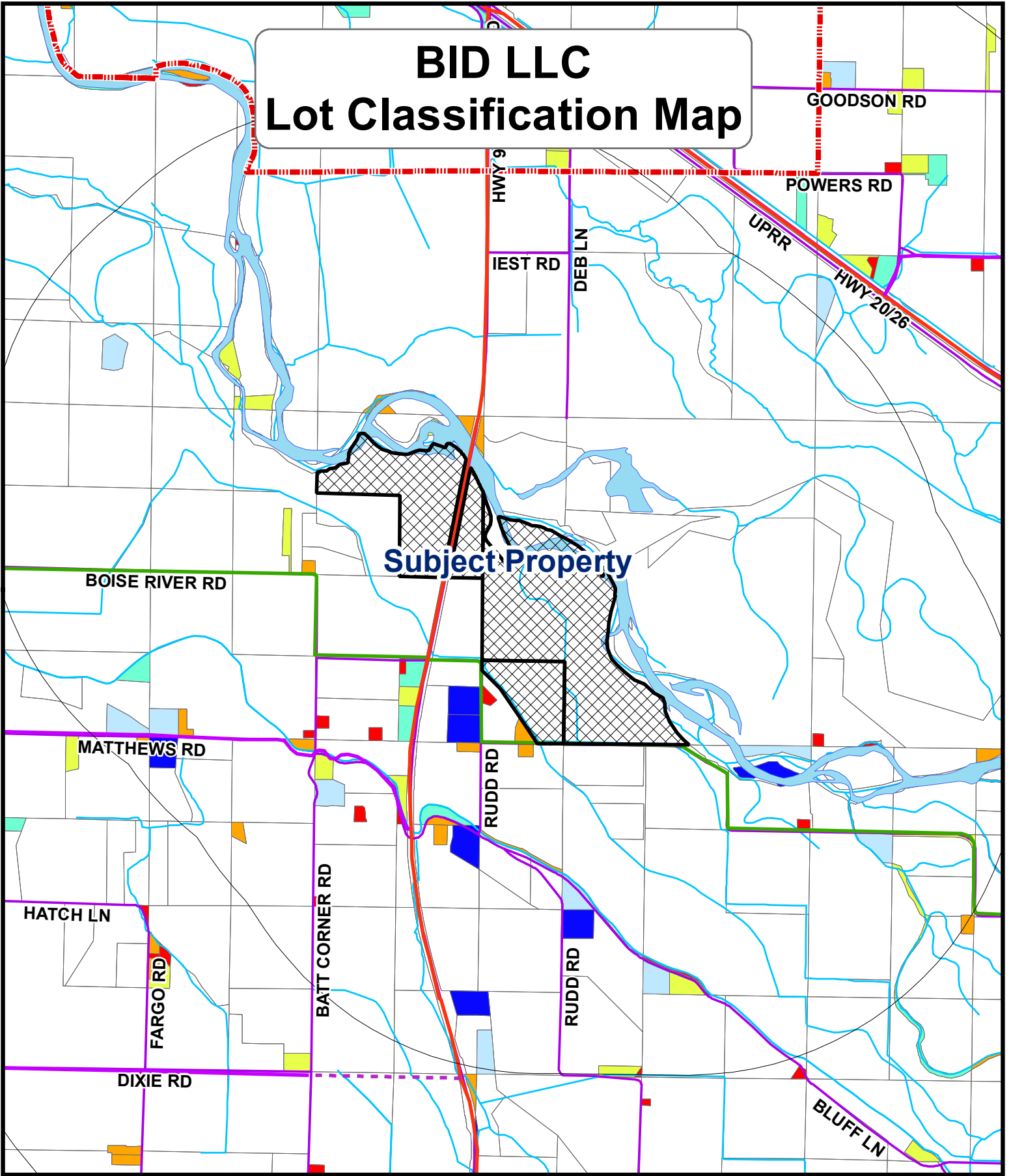
Subject Property



	DAIRYLOTS
	GRAVELPITS
	FEEDLOTS



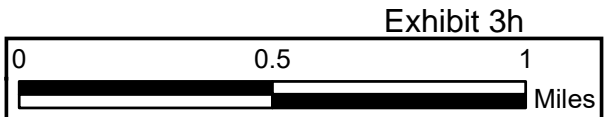
BID LLC Lot Classification Map



Legend

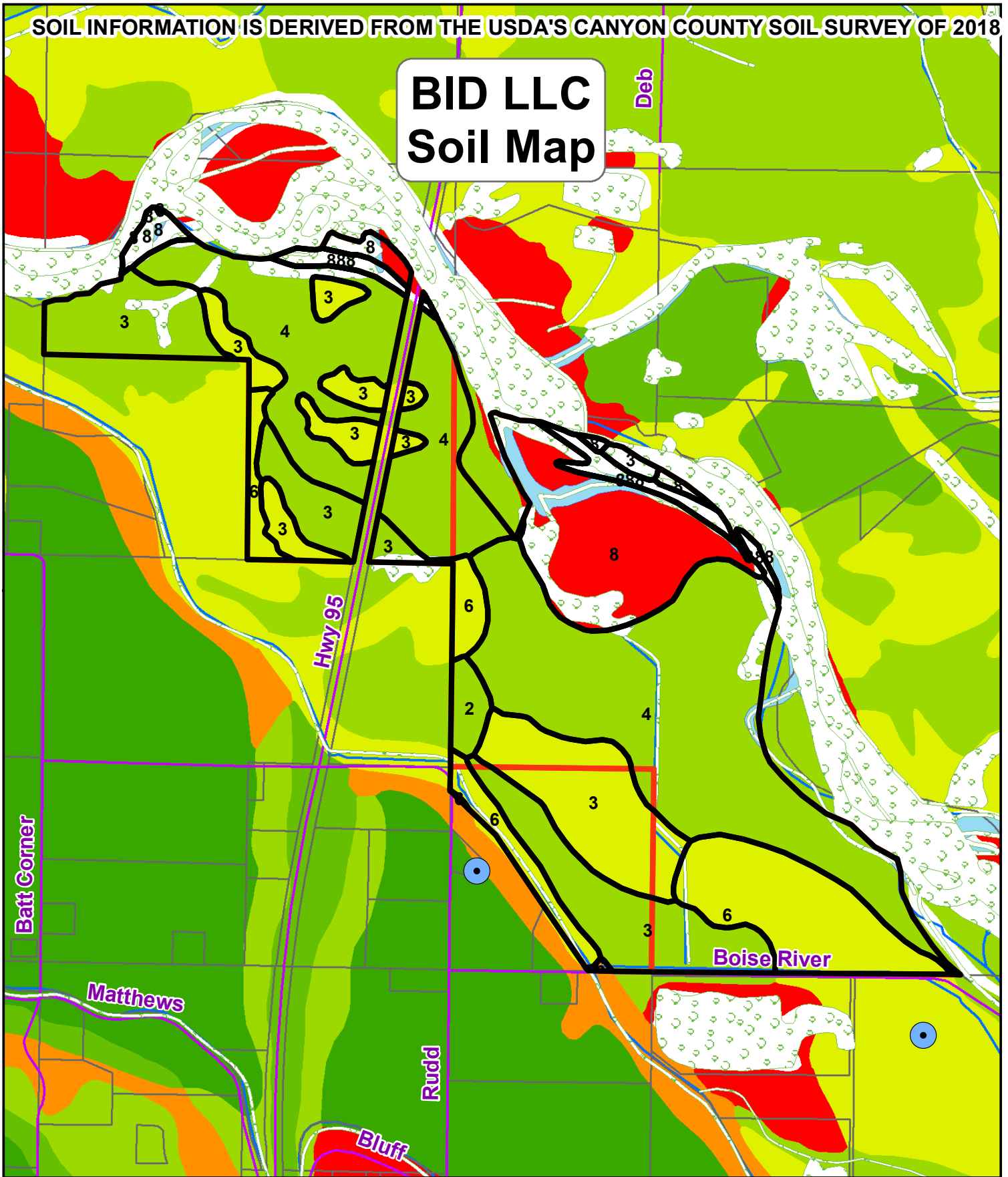
Red	0.0 - 1.0
Orange	1.1 - 2.0
Yellow	2.1 - 3.0
Light Green	3.1 - 4.0
Light Blue	4.1 - 5.0
Dark Blue	5.1 - 6.0

- Interstate
- Expressway
- Proposed Expressway
- Principal Arterial
- Proposed Principal Arterial
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Proposed Collector

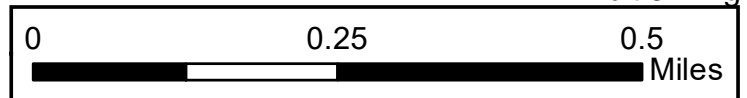


SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

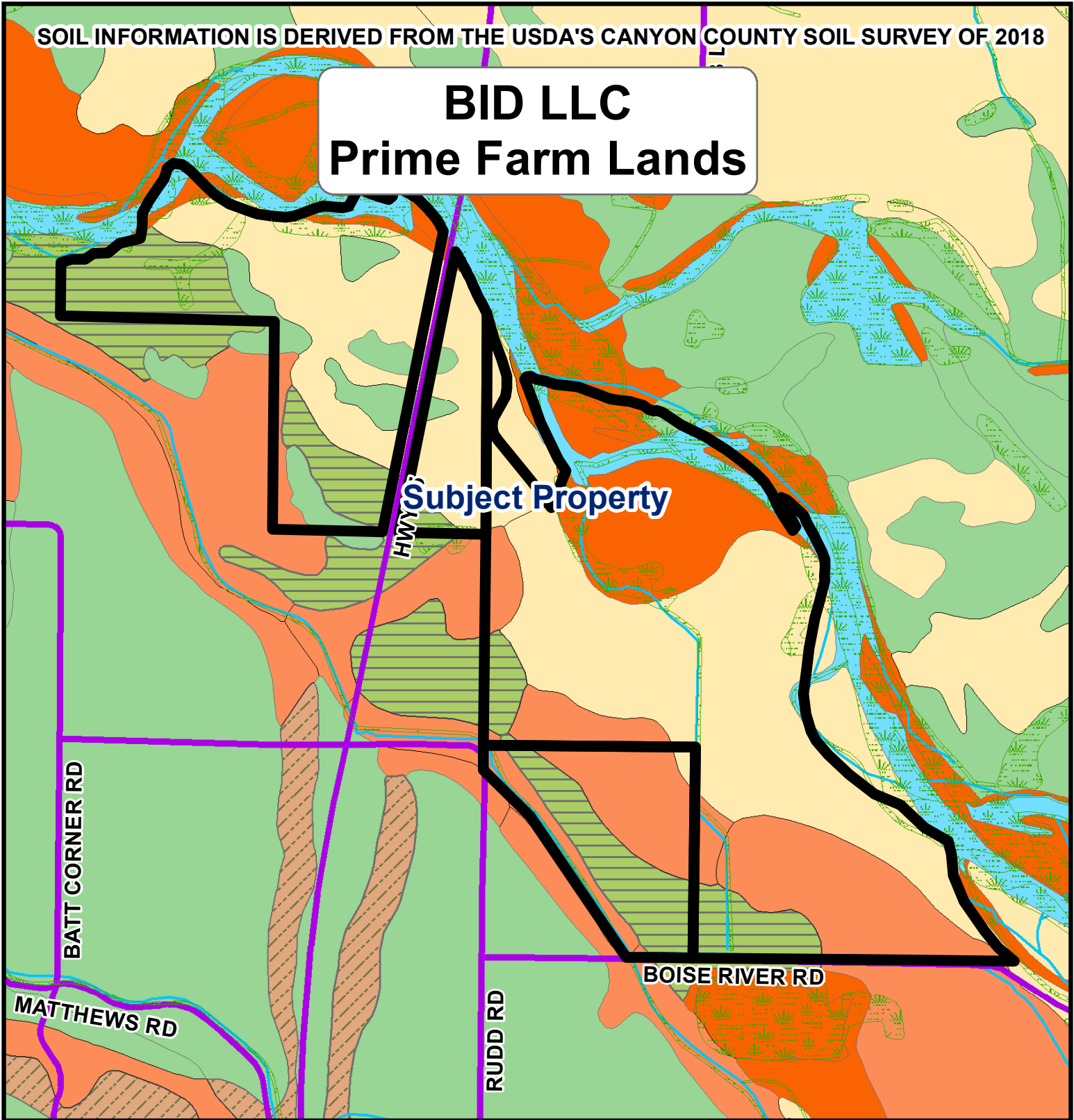
BID LLC Soil Map



-  0.005000 - 2.000000
-  2.000001 - 5.000000
-  5.000001 - 10.000000
-  10.000001 - 49.800000
-  GEO-THERMAL LOCATIONS
-  Wetlands

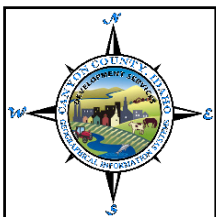


BID LLC Prime Farm Lands

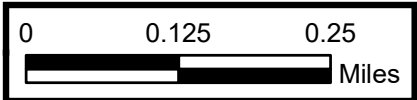


SOILS

- Farmland of statewide importance
- Farmland of statewide importance, if irrigated
- Farmland of statewide importance, if irrigated and reclaimed
- 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



- TAXLOTS
- City_Limits
- WETLANDS
- 2C_Hydro



SOIL REPORT

SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
3	MODERATELY SUITED SOIL	488176.92	11.21	4.42%
2	BEST SUITED SOIL	129939.48	2.98	1.18%
6	LEAST SUITED SOIL	127892.16	2.94	1.16%
6	LEAST SUITED SOIL	7448.76	0.17	0.07%
6	LEAST SUITED SOIL	119223.72	2.74	1.08%
6	LEAST SUITED SOIL	208434.60	4.79	1.89%
3	MODERATELY SUITED SOIL	749841.84	17.21	6.79%
6	LEAST SUITED SOIL	1437.48	0.03	0.01%
8	LEAST SUITED SOIL	23348.16	0.54	0.21%
3	MODERATELY SUITED SOIL	791920.80	18.18	7.17%
6	LEAST SUITED SOIL	848899.16	19.51	7.70%
3	MODERATELY SUITED SOIL	130244.40	2.99	1.18%
3	MODERATELY SUITED SOIL	65644.92	1.51	0.59%
4	MODERATELY SUITED SOIL	2703072.24	62.05	24.49%
3	MODERATELY SUITED SOIL	113212.44	2.60	1.03%
3	MODERATELY SUITED SOIL	103803.48	2.38	0.94%
8	LEAST SUITED SOIL	1127376.36	25.88	10.21%
3	MODERATELY SUITED SOIL	321124.32	7.37	2.91%
8	LEAST SUITED SOIL	1219.68	0.03	0.01%
8	LEAST SUITED SOIL	323258.76	7.42	2.93%
3	MODERATELY SUITED SOIL	77014.08	1.77	0.70%
8	LEAST SUITED SOIL	39639.60	0.91	0.36%
8	LEAST SUITED SOIL	10585.08	0.24	0.10%
4	MODERATELY SUITED SOIL	1784066.92	40.96	16.16%
3	MODERATELY SUITED SOIL	93218.40	2.14	0.84%
8	LEAST SUITED SOIL	323258.76	7.42	2.93%
8	LEAST SUITED SOIL	323258.76	7.42	2.93%
		11037581.28	253.39	100%

FARMLAND REPORT

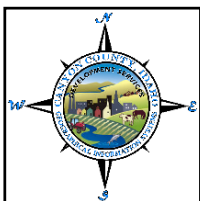
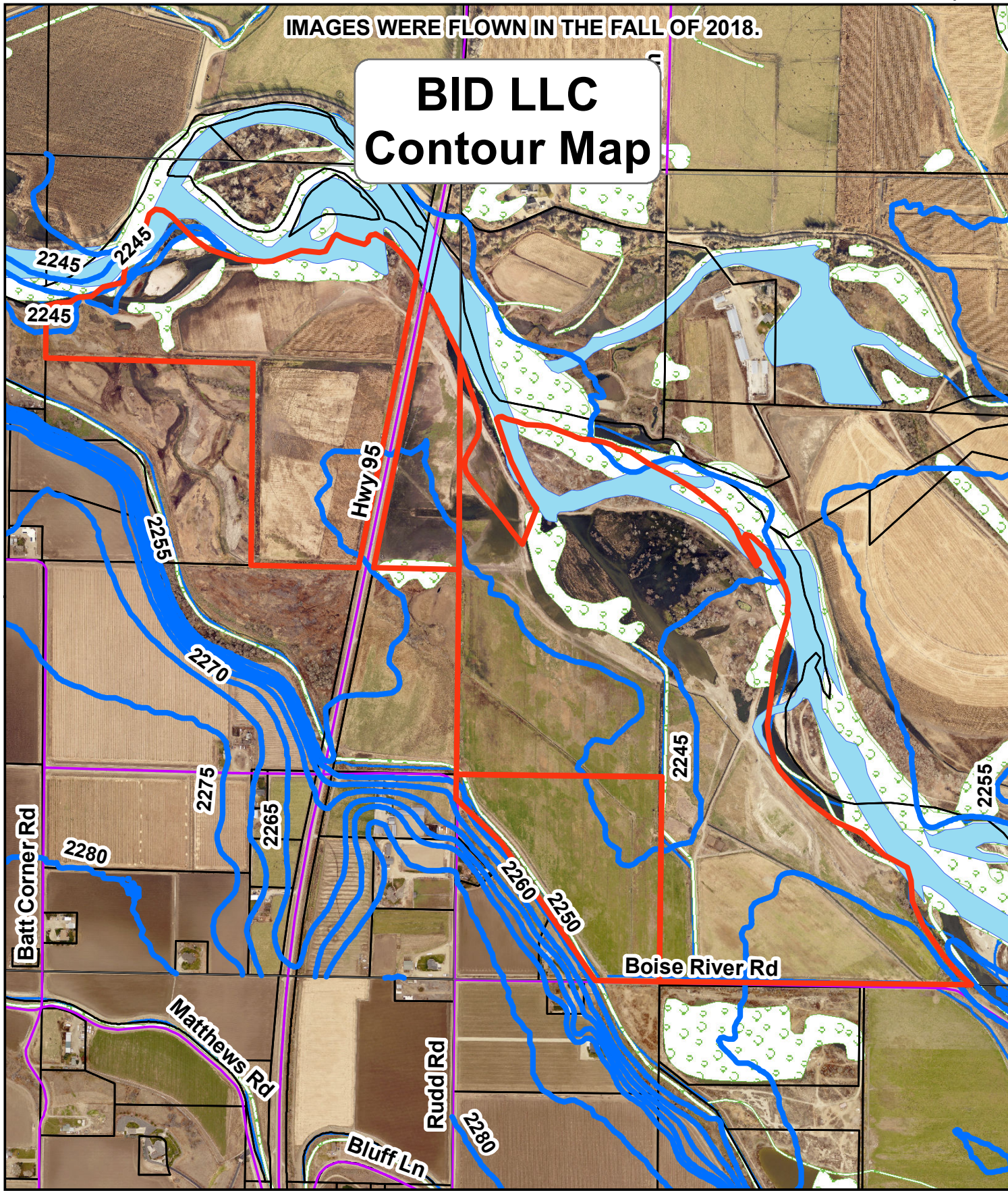
SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
BdA	Prime farmland if irrigated and reclaimed of excess salts and sodium	488176.92	11.21	4.42%
BtA	Prime farmland if irrigated and reclaimed of excess salts and sodium	129939.48	2.98	1.18%
BsB	Not prime farmland	127892.16	2.94	1.16%
GwE	Not prime farmland	7448.76	0.17	0.07%
BsA	Not prime farmland	119223.72	2.74	1.08%
BsA	Not prime farmland	208434.60	4.79	1.89%
BdA	Prime farmland if irrigated and reclaimed of excess salts and sodium	749841.84	17.21	6.79%
NSE2	Not prime farmland	1437.48	0.03	0.01%
Re	0	23348.16	0.54	0.21%
LsA	Not prime farmland	791920.80	18.18	7.17%
LtA	Not prime farmland	848899.16	19.51	7.70%
No	Prime farmland if irrigated	130244.40	2.99	1.18%
No	Prime farmland if irrigated	65644.92	1.51	0.59%

MuA	Prime farmland if irrigated and drained	2703072.24	62.05	24.49%
No	Prime farmland if irrigated	113212.44	2.60	1.03%
No	Prime farmland if irrigated	103803.48	2.38	0.94%
Re	0	1127376.36	25.88	10.21%
BdA	Prime farmland if irrigated and reclaimed of excess salts and sodium	321124.32	7.37	2.91%
Re	0	1219.68	0.03	0.01%
W	0	323258.76	7.42	2.93%
Re	0	77014.08	1.77	0.70%
No	Prime farmland if irrigated	39639.60	0.91	0.36%
Re	0	10585.08	0.24	0.10%
MwA	Prime farmland if irrigated and drained	1784086.92	40.96	16.16%
No	Prime farmland if irrigated	93218.40	2.14	0.84%
W	0	323258.76	7.42	2.93%
W	0	323258.76	7.42	2.93%
		11037581.28	253.39	100%

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

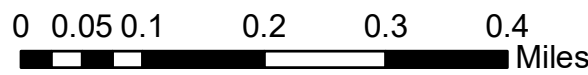
IMAGES WERE FLOWN IN THE FALL OF 2018.

BID LLC Contour Map



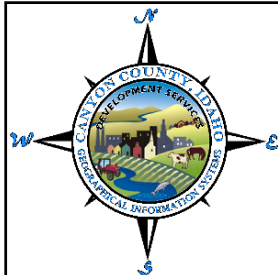
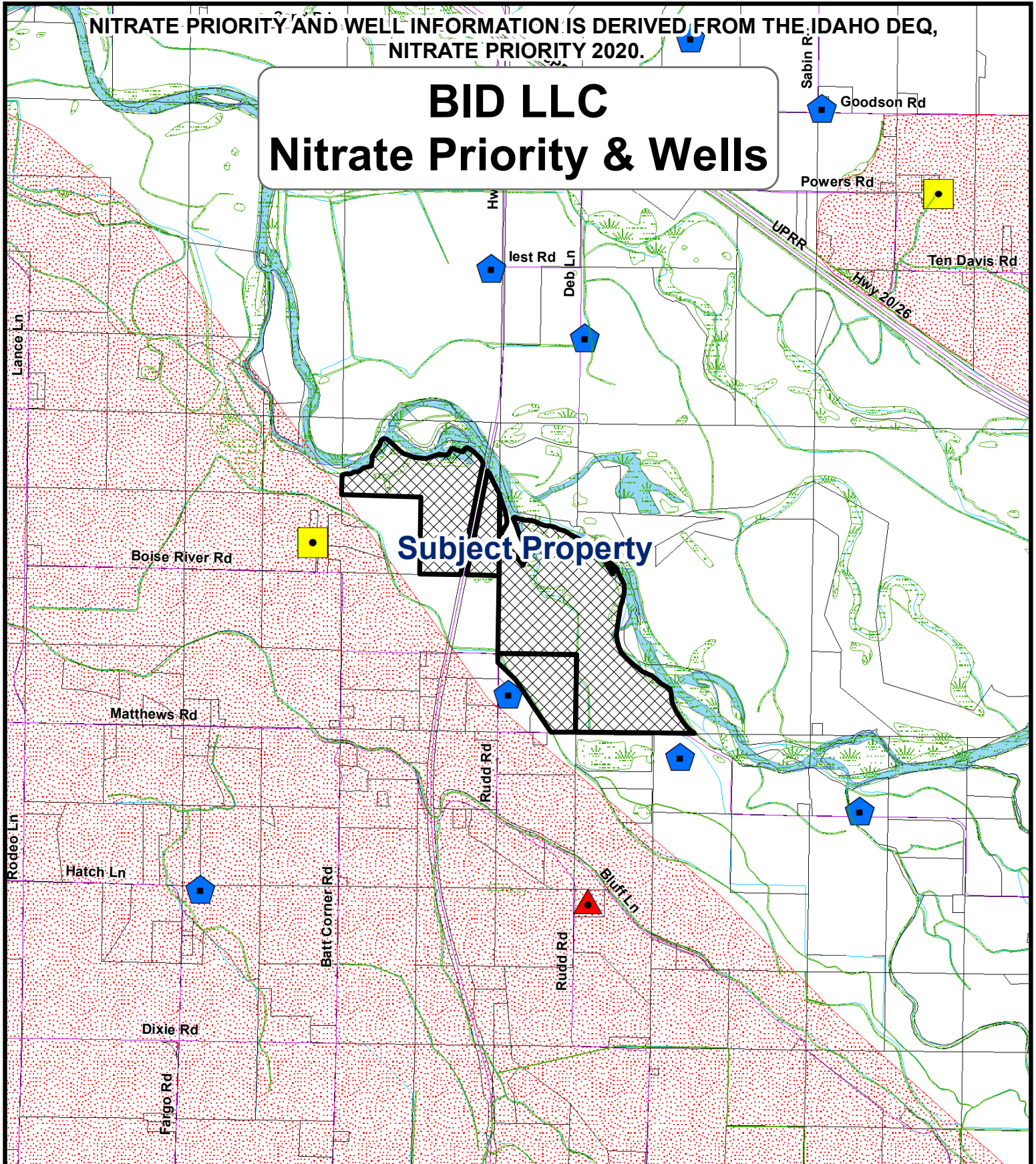
Legend








- SUBJECT_PROPERTY
- TaxParcels
- SectionContours
- Wetlands

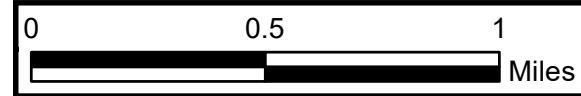


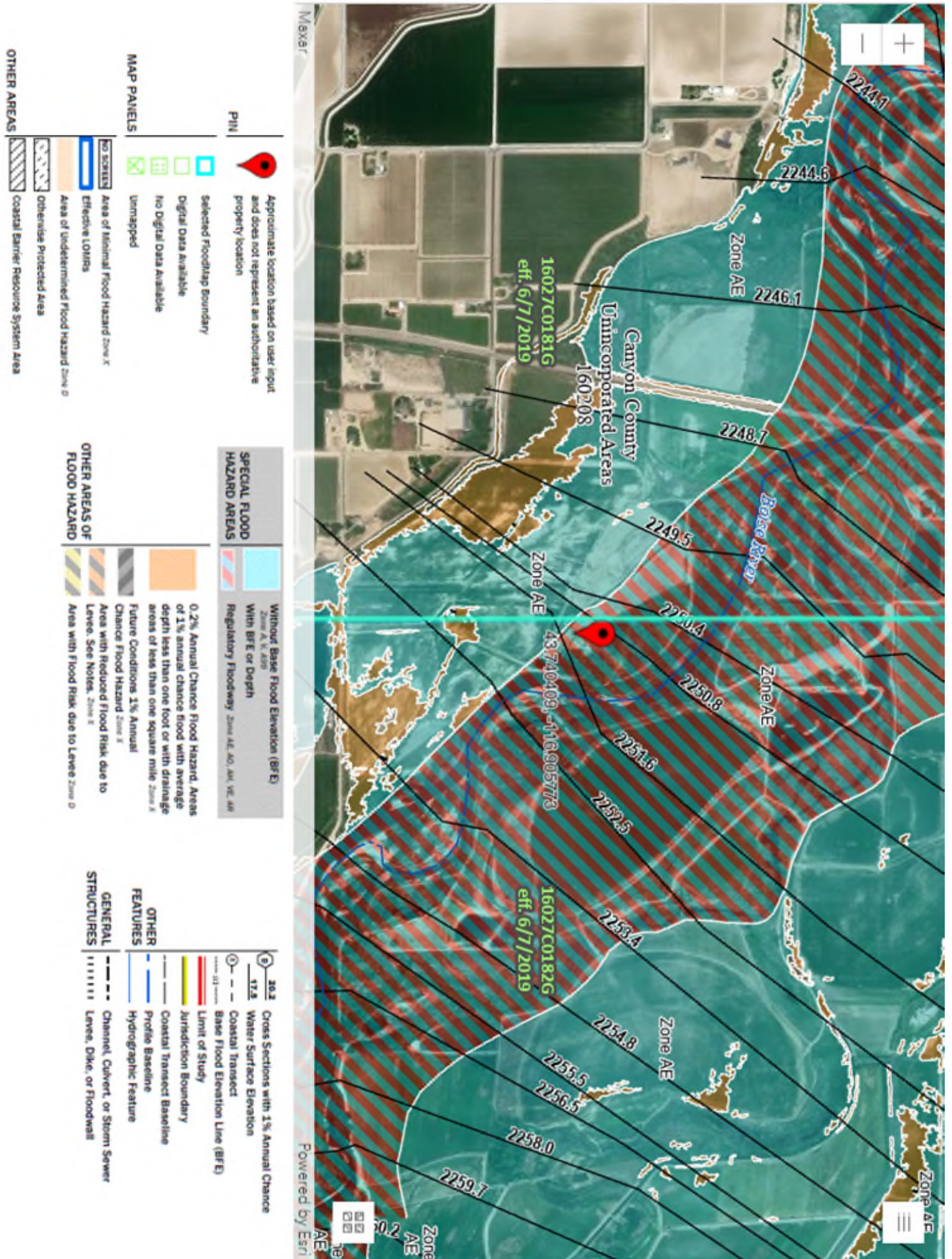
NITRATE PRIORITY AND WELL INFORMATION IS DERIVED FROM THE IDAHO DEQ, NITRATE PRIORITY 2020.

BID LLC Nitrate Priority & Wells



-  GEO-THERMAL LOCATIONS
-  WETLANDS
-  NITRATE_PRIORITY
- DEQ WELLS**
N03_MGL
-  0.005 - 2.00
-  2.00 - 5.00
-  5.00 - 10.00
-  10.00 - 49.80





Michelle Barron

From: Kent Seward <kentseward@icloud.com>
Sent: Thursday, March 7, 2024 7:17 PM
To: Michelle Barron
Subject: [External] Boise river

Follow Up Flag: Follow up
Flag Status: Flagged

I would just like to say that I am completely against more gravel pits in the Parma area. It's taking over too much farm/hunting ground.
Sent from my iPhone

Michelle Barron

From: Karen Stead <zionmuse@gmail.com>
Sent: Thursday, March 7, 2024 3:00 PM
To: Michelle Barron
Subject: [External] comment on land use item CU2022-0024

I would like to express my opinion on the proposed gravel pit (Pintail Long Term Mineral Extraction).

Thoughts:

- There is already a gravel pit nearby, north of the Boise River.
- I don't like the idea of additional trucks on the roadways.
- Does this project take existing farmland?
- Replacing my windshield is expensive and I have replaced more since moving to Idaho (8 years ago) than in the previous 25 years.

Thanks for your consideration. Please forward to the appropriate party if necessary!

Karen Stead
Parma

Michelle Barron

From: Pam Jurries Eguia <pampam0903@yahoo.com>
Sent: Wednesday, March 13, 2024 8:09 PM
To: Michelle Barron
Subject: [External] Case # cu2022-0024

Follow Up Flag: Follow up
Flag Status: Flagged

Stop the gravel pit !!!
Sent from my iPhone

Michelle Barron

From: president@goldeneagleaudubon.org
Sent: Thursday, March 14, 2024 7:28 PM
To: Michelle Barron
Subject: [External] RE: Bid, LLC; CU2022-0024- application for the Pintail Long Term Mineral Extraction

Via email to: michelle.barron@canyoncounty.id.gov

3/14/2024

RE: Bid, LLC; CU2022-0024

Dear Ms. Barron,

My name is Daniel Salemi, and I am the President of the Golden Eagle Audubon Society. The Golden Eagle Audubon Society (GEAS) is a 501(c)(3) non-profit organization founded in 1972, serves southwest Idaho and represents over 1,500 members. GEAS' mission is to build an understanding, appreciation, and respect for the natural world to conserve and restore natural ecosystems for birds and other wildlife. GEAS' region includes Ada, Elmore, Canyon, Owyhee, Washington, Payette, Gem, and Boise counties.

I am writing to submit comments on behalf of GEAS on the Bid, LLC application for the Pintail Long Term Mineral Extraction south of the Boise River on both sides of Highway 95. This project came to the attention of GEAS thanks to one of our board members, who was birding in the area and happened to see a posted Public Meeting Notice.

On the Bid, LLC application for the Pintail Long Term Mineral Extraction south of the Boise River, GEAS is concerned about potential significant adverse impacts of the project on several bird species. We have knowledge of an active Bald Eagle nest next to the river on the property where the notice was posted. Bald Eagles are protected under the Bald and Golden Eagle Protection Act (BGEPA.) BGEPA prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" Bald or Golden Eagles, including their parts, such as feathers, nests, or eggs, and provides criminal penalties for "take." BGEPA defines "take" as to "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." Regulations further define "disturb" as "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior" ([50 CFR 22.6](#)).

Bald Eagles generally use the same nest or an alternate nest nearby year after year. In Idaho, nesting activity by a mated pair of eagles begins as early as January 1st, and egg laying and incubation can run from February 1st through the end of May. After the eggs hatch, the young eagles are cared for in or near the nest by both parents until they can survive on their own, which can take until the end of August.

Bald Eagles are sensitive to human activity in the vicinity of their nest throughout the breeding season, and such activity may lead to nest abandonment or decrease the chances of successfully raising chicks. GEAS encourages you and the applicant to review the U.S. Fish and Wildlife Service's (USFWS) National Bald Eagle Management Guidelines (https://www.fws.gov/sites/default/files/documents/national-bald-eagle-management-guidelines_0.pdf), developed to advise landowners, land managers and others who share public

and private lands with Bald Eagles about when and under what circumstances the protective provisions of the BGEPA may apply to their activities. The guidelines are intended to help people minimize such impacts, particularly where they may constitute disturbance, which is prohibited by federal law. **GEAS strongly recommends that Canyon County require the applicant to incorporate the guidelines into the project plan.**

Based on the information in the Preliminary Hearing Materials and National Bald Eagle Management Guidelines, it is likely that the project, if approved, will require a take permit from the USFWS. Permits are issued and maintained through [ePermits](#). Additional information on eagle take permitting, as well as eagle conservation, is available on [ePermits](#) and through the USFWS' [Eagle Management Program](#). Permitting will go easier for the applicant if they have already committed to following the National Bald Eagle Management Guidelines.

In addition to Bald Eagles, GEAS is aware of at least one heron rookery (an area used by groups of herons for nesting and rearing young) downstream and that Yellow-billed Cuckoos, listed as Threatened under the Endangered Species Act (ESA), have been found downstream of the project area. These species and their habitat could be adversely impacted by sediment from the project area being transported downstream during flood events.

Several migratory waterfowl species winter along the Boise River and shorebirds also use the river to rest, feed, and prepare for further migration. The riparian corridor contains many cottonwood trees, which are disappearing along the Boise River and support a wide variety of songbirds. These species are protected under the Migratory Bird Treaty Act. In our semi-arid environment, riparian areas are hotspots of biological diversity. **GEAS strongly advises the applicant to contact the USFWS and Idaho Department of Fish and Game to learn more about potential impacts to protected and other sensitive species from this project; ways to avoid, minimize or mitigate those impacts; and incorporate mitigation measures into the project design.**

Failing this, GEAS urges denial of the project application.

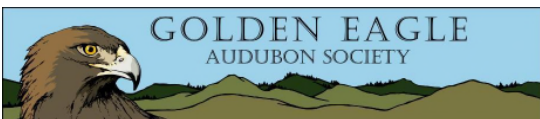
We would appreciate being notified of future applications that may impact birds and be added to an email notification list, if there is one: info@goldeneagleaudubon.org. If not, please let us know how to be better informed.

Thank you for the opportunity to comment on this permit application.

Respectfully,

Daniel Salemi

President, Golden Eagle Audubon Society



Michelle Barron

From: Louisa Evers <elouisa603@gmail.com>
Sent: Thursday, March 14, 2024 1:47 PM
To: Michelle Barron
Subject: [External] Comments on Case No. CU2022-0024
Attachments: SIBA Comments Pintail Mineral Extraction.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Attached are comments on this proposal from the Southwestern Idaho Birders Association (SIBA). We hope these will be useful in the decision process.

--

Louisa Evers
elouisa603@gmail.com

Take care of the birds and you take care of the world



Via email to: michelle.barron@canyoncounty.id.gov

RE: Bid, LLC; CU2022-0024

March 13, 2024

Dear Ms. Barron,

The Southwestern Idaho Birders Association (SIBA) is writing to provide comments on the proposed Pintail Long-term Mineral Extraction Project south of Parma. SIBA is a local birding club with members in Ada, Canyon, and Gem counties. We meet monthly at Deer Flat National Wildlife Refuge Visitors Center and conduct monthly field trips around southwest Idaho. Several of our members regularly bird the area of the proposed operation. Please add SIBA to the mailing list for this and similar projects along the Boise River at SIBAInfo1@gmail.com.

SIBA is concerned about potential significant adverse impacts of the project on several bird species. There is an active Bald eagle nest next to the river on the property where the notice was posted. Bald Eagles are protected under the Bald and Golden Eagle Protection Act (BGEPA.) BGEPA prohibits anyone from "taking" Bald or Golden eagles without a permit issued by the Secretary of the Interior. BGEPA defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." Regulations further define "disturb" as "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior" ([50 CFR 22.6](#)).

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Bald Eagles are sensitive to human activity in the vicinity of their nest throughout the breeding season, and such activity may lead to nest abandonment or decrease the chances of successfully raising chicks. SIBA encourages the County and the applicant to review the U.S. Fish and Wildlife Service's (USFWS) National Bald Eagle Management Guidelines

https://www.fws.gov/sites/default/files/documents/national-bald-eagle-management-guidelines_0.pdf), developed to advise landowners, land managers and others who share public and private lands with Bald eagles about when and under what circumstances the protective provisions of the BGEPA may apply to their activities. The guidelines are intended to help people minimize such impacts, particularly where they may constitute disturbance which is prohibited by federal law. SIBA recommends that Canyon County require the applicant to incorporate the guidelines into the project plan. Based on the information in the Preliminary Hearing Materials and National Bald Eagle Management Guidelines, it is likely that the project, if approved, will require a take permit from the USFWS. Permitting will go easier for the applicant if they have already committed to following the National Bald Eagle Management Guidelines.

SIBA is also aware of at least one heron rookery (an area used by groups of herons for nesting and rearing young) downstream and that Yellow-billed cuckoos, listed as Threatened under the Endangered Species Act (ESA), have been found downstream of the project area. These species and their habitat could be adversely impacted by sediment from the project area being transported downstream during flood events.

Several migratory waterfowl species winter along the Boise River and shorebirds also use the river to rest, feed, and prepare for further migration. The riparian corridor contains many cottonwood trees, which are fast disappearing along the Boise River and support a wide variety of songbirds. These species are protected under the Migratory Bird Treaty Act. In our semi-arid environment, riparian areas are hotspots of biological diversity. SIBA recommends that the applicant to contact the USFWS and Idaho Department of Fish and Game to learn more about potential impacts to protected and other sensitive species from this project; ways to avoid, minimize or mitigate those impacts; and incorporate mitigation measures into the project design.

In addition to our concern about the birds directly, SIBA is also concerned about their habitat, including food sources. Bald eagles, osprey, herons, egrets, and mergansers are fish-eating birds. Fish habitat in the Boise River is already degraded from irrigation withdrawals, agricultural runoff, development, and other sand and gravel operations upriver from this location. The Boise River is listed under section 303(d) of the Clean Water Act for failing to meet temperature, sediment, bacteria, phosphorus, dissolved oxygen, and flow standards. The proposed mineral extraction site will add to the problems with temperature, sediment, and flow since ground water will enter the extraction site.

This project falls within the primary floodplain of the Boise River. Has the applicant contacted the US Army Corps of Engineers and the US Environmental Protection Agency about needed permits and mitigation measures to operate within the floodplain? The farm fields downriver of the proposed mine also provides bird habitat. How will the applicant deal with the inevitable flooding? If they construct a berm to keep floodwaters out, that will simply redirect the water and it's energy downriver, leading to worse flooding and erosion downriver, further damaging the river and habitat.

If the applicant is unable or unwilling to mitigate potential impacts to birds, habitat, and river conditions SIBA urges denial of the project application.

We appreciate the opportunity to comment on this permit application.

SIBA Board of Directors

Cheryl Huizinga – President

Julie Steele – Vice President

Terri Hernandez – Secretary

Boyd Steele – Treasurer

Louisa Evers – Program Coordinator

James Jarrett – Field Trip Coordinator

JC Clancy – Publicity Coordinator

Kathy Lopez – Membership Coordinator

Tressa Van Nest – Hospitality Coordinator

Hai Longworth – Communications Coordinator

Mary Ann Williams – Newsletter Coordinator

Denise Hughes – Facebook Coordinator

Michelle Barron

From: Storm & Stephanie Hodge <info@parmaridge.wine>
Sent: Thursday, March 14, 2024 8:09 PM
To: Michelle Barron
Subject: [External] Case No. CU2022-0024
Attachments: Scan_20240314 (2).png; Scan_20240314.png; Rainbow 12.jpg; Rainbow3.jpg; Lucky Tongue 3.jpg; Syrah 2022 Front.jpg; Purple Clouds.jpg; Sunset pic.jpg; Vine4.jpg; Vineyard 10.jpg; Parma Ridge Winery Letter.docx

Good evening Michelle,

Thank you for giving me the opportunity to provide written testimony for case CU2022-0024. Please see attached. I've included my letter and images of the property as well as paintings (Label titled Syrah 2022 is an original art piece/wine label, also Purple Clouds is an original art piece of the property.). The proposed gravel pit is in the fields below our vineyard that you can see from these images. I've included to PDF scanned copy of the signed letter and a word document if that is easier to read.

Please reach out if you have questions.

Best,

Stephanie Hodge, owner
Parma Ridge Winery & Bistro
208-946-5187
www.parmaridge.wine





March 14, 2024

RE: Case No CU2022-0024

To Whom it May Concern:

My name is Stephanie Hodge, one of the owners of Parma Ridge Winery & Bistro. My husband, Storm Hodge and I purchased the property in October of 2014. The vineyard was originally planted in 1998 and is the 16th winery established in the state of Idaho.

Since purchasing the property, we added a bistro with an outdoor dining and tasting area. Our grand opening was August 28, 2015 and the entire community came out to support our venture. Our panoramic views are some of the best in the Sunnyslope Wine Trail area and create the perfect backdrop for our customers to enjoy their tasting and dining experience (Please see attached images). Customers from outer areas can come to our place to get a little slice of heaven and unwind with the scenic backdrop.

This time of the year we have the pleasure of watching the snow geese fly throughout the area and land to spend time in the fields below. We have customers that are avid bird watchers and join us at Parma Ridge to see this beautiful site.

I am an artist and have had a 20+ year career in producing and selling original landscape paintings. One of the unique things about Parma Ridge is that I showcase my artwork of the vineyard and surrounding fields on these paintings. These original paintings hang in our tasting room & bistro and are also showcased on the wine labels. Each type of wine has its own unique label showcasing this landscape (Please see attached images).

In the 8.5 years that we have been open, Storm and I have worked hard to create a one-of-a-kind experience for our guests. We have established a reputation for creating a quality product and providing an inviting and personal experience. Most of our business occurs during the months that our guests can take in the breathtaking views and enjoy the peace and quiet on our patio.



My letter is in response to the proposed gravel pit that would be just down the hill from our vineyard and patio. The proposed 238-acre mineral extraction and rock crusher would run 12 hours per day, 6 days per week. This would destroy this picturesque view that our customers come for and instead be replaced with mounds of dirt and rock. Additionally, the level of dust in the air is of concern for our vines and their ability to ripen and produce the best fruit possible. Guests would dwindle; in that they would not want to experience a dusty and loud outdoor experience without the beautiful view they had come for. This would dramatically affect our business with the lack of guests and also the inability to produce the best wine possible in this region.

Another concern is the disruption to the natural agricultural environment that is also below. The proposed land is next to the Boise River where waterfowl and other native species live and flourish. Has there been an environmental impact study done on this particular piece of land and the impact of the animals that live in this area?

We have enough gravel pits. I propose that Canyon County considers what they want to be known for...Do we want a bunch of gravel pits, or do we want lush agricultural land, premier wine country and a quality growing region and soil like no other?

Thank you for taking the time to review this information so that you can make the most informed decision possible.

Kind Regards,

Stephanie Hodge
Owner, Parma Ridge Winery & Bistro
24509 Rudd Road, Parma ID 83660
(208) 946-5187
www.parmaridge.wine
info@parmaridge.wine











PARMA RIDGE

Syraché



Artwork by Stephanie Lindsey ©





Michelle Barron

From: Storm & Stephanie Hodge <info@parmaridge.wine>
Sent: Sunday, March 17, 2024 10:44 AM
To: Michelle Barron
Subject: [External] Fwd: Dust study
Attachments: 10.1515_fhort-2017-0021.pdf

Keri wanted me to send this to you for submission.

Get [Outlook for iOS](#)

From: Storm & Stephanie Hodge
Sent: Friday, March 15, 2024 2:01:24 PM
To: Keri Kay Smith-Sigman <kerikay@hotmail.com>
Subject: Dust study

[Will this work?](#)

[Storm](#)

Sent from my iPad

Morphological and physiological responses of grapevine (*Vitis vinifera* L.) to drought stress and dust pollution

Leila Karami, Nasser Ghaderi*, Taimoor Javadi

Department of Horticultural Sciences
Agricultural Faculty, University of Kurdistan
P. O. Box 416, Postal code 66177-15175
Sanandaj, Iran

ABSTRACT

Dust pollution can negatively affect plant productivity in hot, dry areas with high insolation during summer. To understand the effect of water-deficit and its interaction with dust pollution on vegetative and physiological changes in grapevine 'Bidaneh Sefid', two-year-old plants were subjected to drought stress (-0.1 and -1 MPa) and dust treatment in a greenhouse during 2013 and 2014. The results showed that dust had a significant negative effect on the number of leaves, shoot length, root and shoot dry weights, and total dry weight under both drought and well-irrigated conditions. Dust, when applied in combination with drought, caused severe growth reduction. Leaf relative water content (RWC) and membrane stability index (MSI) were reduced under dust and drought stress, while soluble carbohydrate, proline, malondialdehyde (MDA) and H₂O₂ concentrations increased. Furthermore, dust application resulted in characteristics similar to those induced by water-deficit stress and intensified vegetative and physiological changes when applied together. Dust and drought treatments increased peroxidases and ascorbate peroxidase activities when compared to the control. The results indicate that dust has an adverse effect on the growth and physiology of grapevine and plays a negative role in the response of grapevine to drought stress.

Key words: antioxidant enzymes, drought, dust, growth, lipid peroxidation

INTRODUCTION

Grapevines are extensively grown in semi-arid areas in the world and have been adapted to a wide range of weather conditions. Climate change predictions suggest that drought in the next 50 years will become an even greater problem in the world and is one of the major limitations for viticultural production worldwide (Chaves et al. 2007). In grapevines, many studies have been reported on gas exchange (Poni et al. 2014), water-use efficiency (Ghaderi et al. 2011), biochemical changes (Beis and Patakas 2015), biomass distribution (Xiao

et al. 2006), in addition to yield and fruit quality (Romero et al. 2015) in response to different degrees of drought stress.

Global air pollution is a serious problem, which can be defined as a change in the atmospheric conditions affecting the biochemical activities and physiological and morphological characteristics of plants (Tripathi and Gautam 2007). Dust can cause climate change on a global scale and local changes in the biological cycle (Engelstaedter et al. 2006). Dust particles in the air can either arise from wind-blown dust or be transferred naturally from deserts. Dust-producing areas are mainly located in the arid

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region of the Middle East with annual rainfall of less than 200-250 mm per year, which encompasses a region extending from northeast Africa to the central and southern parts of Asia. According to the literature, the Middle East is a leading area for generating dust storms. Currently, the existence of dust particles hovering in the air has become a major problem that has its origins in the desert regions in the south and southwest of Iran (in Iraq, Syria and Saudi Arabia). Wang et al. (2006) have explained that dust-related problems have gradually been increasing in arid and semi-arid areas due to the lower than average rainfall in those areas. Many researchers have reported that dust has a direct effect on plants through the scattering and absorption of sunlight as well as prevention of heat emission (Haywood et al. 2001).

There are few reports regarding the effect of dust and air pollution on plants. Before sustaining visible damage to the leaves, plants experience physiological and biochemical changes when exposed to airborne pollutants (Liu and Ding 2008). Reductions in chlorophyll, carotenoids and ascorbic acid contents have been reported in the leaves of *Ficus religiosa*, *Mangifera indica*, *Polyalthia longifolia*, *Delonix regia* under dust pollution (Chauhan 2010). Various studies have shown that pollution with cement dust and urban pollution have adverse effects on photosynthetic pigments, photosynthetic rate, quantum yield and photosystem integrity in plants (Rai 2016). In addition, Kumar and Thambavani (2012), and Prajapati and Tripathi (2008) found that dust deposition brings about a decreased transpiration rate and lower stomatal conductance along with a higher leaf temperature. Dust pollution causes a progressive reduction in the photosynthetic ability of leaves and in the growth and productivity of plants, leading to a probable change in morphological characteristics, photosynthetic pigment concentration and/or relationships, as well as in the antioxidant mechanism of leaves (Younis et al. 2013, Gupta et al. 2015). Closure of leaf stomata and a reduction in stomatal conductance (Siqueira-Silva et al. 2016), an increase in leaf temperature and collapse of the leaf cuticle layer have been reported as the negative impacts of dust pollution (Naidoo and Chirkoot 2004). Rai (2016), on the other hand, reported leaf shading, blocking of stomata, transpiration rate reduction and increase in leaf temperature as the problems with dust deposition in plants leading to a direct decline in the photosynthetic rate.

Due to the current permanent rise in global air temperature, together with a reduction in precipitation and higher evapotranspiration in the last decade, the negative effects of dust pollution have dramatically increased. These problems could easily affect the quality and quantity of grape plants. Therefore, the aim of the current experiment was to assess the effects of drought stress and its interaction with dust treatments on the physiological and morphological characteristics of grapes. It is worth mentioning that the interaction effects of dust and drought on the morpho-physiological parameters of grapevine have not been studied yet.

MATERIAL AND METHODS

Experimental design

The experiment was carried out during the 2013 and 2014 growing seasons in the greenhouse of the University of Kurdistan located in Western Iran (35°8' N; 46°51' E). Two-year-old, own-rooted plants of *Vitis vinifera* L. 'Bidaneh Sefid' were planted in 15 L pots containing a mixture of soil, sand and manure (1.5:1:1 v/v/v). After bud break, all plants were pruned to a double shoot. For two months before starting the experiment the plants had periodically been watered and soil moisture was maintained at field capacity. Thereafter, two irrigation treatments were applied: (i) fully-irrigated (control), in which the root system of each plant was irrigated to soil capacity until the soil water potential had reached -0.1 MPa; (ii) deficit irrigation, in which the root system of each plant was irrigated until the soil water potential had reached -1 MPa. Soil moisture was determined with a gypsum block. Dust treatment was also applied to grapevine plants during the experimental period once a month. Initially, for dust application, the grapevine canopy was sprayed with water using a sprayer and immediately soil dust (soil) was applied as uniformly as possible using a manually operated duster. Deposits left by a dust storm had been collected and applied to grape leaves. The collected dust contained arsenic, lead, cadmium, nickel, chromium, silver, copper, zinc, manganese and iron. The particles were 10 µm in diameter and included quartz, calcite and dolomite. The control grapevines were sprayed with water during each application of dust. To calculate the amount of dust deposition on leaves after the application of dust, 10 random leaves were separated and the average dust deposition on the leaves was determined as grams per cm² of leaf surface area. The leaf surface was

washed with distilled water; the water collected from washing the leaf surface was then evaporated. The residue was weighed and expressed as dust deposition per 1 cm² of leaf surface area. Overall, the treatments included the control (-0.1 MPa), dust (0.0011 g cm⁻²), drought stress (-1 MPa), and dust + drought stress. The experiment's duration was three months during 2013 and 2014, from 15 May to 15 August. Eighteen plants were selected for each separate treatment in the first year and 12 plants were kept for second-year evaluations. During autumn and winter, the remaining plants were kept in an unheated greenhouse so that plant growth was restricted by low temperature. Experiments were repeated on the remaining plants in the second year, like in the first year. The experiment was based on a completely randomized design with three replications.

Trait measurements

Three months after the onset of the experiment, 6 plants were randomly collected from each treatment to measure the dry weight of leaves, shoots and roots, the total and single leaf surface area, and also the number of leaves per plant. The roots, shoots and leaves were placed in an oven at 70°C for 72 hours, then their dry weights were measured. To measure leaf characteristics, initially, dust residue was carefully removed with a brush from both sides and weighed. Leaf surface was measured using a leaf area meter.

Relative water content (RWC) was determined according to the Galmés et al. (2007) method based on the following equation: $RWC (\%) = [(FW - DW) / (TW - DW)] \times 100$, where FW, TW and DW represent leaf fresh, turgid and dry weight, respectively. To determine the leaf membrane stability index (MSI), the collected leaves were cut into small pieces (0.1 g) and placed in 10 mL of double-distilled water at 40°C for 30 min. After incubation, the conductivity of the water containing the leaf pieces (C1) was determined using a conductivity meter (RC-16C Model, Alpha Metals, USA). Then, test tubes containing samples in the second set were heated at 100°C for 10 min. and their conductivity (C2) was read again. The MSI was calculated using the following formula (Sairam 1994): $MSI\% = [1 - (C1/C2)] \times 100$.

Fully expanded leaves were collected at midday and then washed with deionized water; the adhering water was removed with a paper towel. The leaf samples were immediately frozen in liquid nitrogen and stored at -80°C until analysis.

Soluble carbohydrate content was determined by the phenol-sulphuric acid method (Khochert 1987). 0.5 g of leaf tissue was homogenized with 5 ml of 95% ethanol. Then, 100 µl of ice-cold alcoholic extract was mixed with 3 ml of anthrone solution (150 mg anthrone dissolved in 100 ml of 72% sulphuric acid, w/w). The samples were then incubated in a boiling water bath for 10 minutes. The optical density was measured at 625 nm using a spectrophotometer (Beckman Coulter, Inc., Fullerton, CA, USA). Subsequently, the concentrations of soluble carbohydrates were determined using a glucose standard and expressed as mg g⁻¹ fresh weight.

The amount of proline was estimated according to the Bates et al. (1973) method. 0.5 g of fresh leaf tissue was homogenized with 10 ml of 3% sulfosalicylic acid, and then the mixture was centrifuged at 6,000 × g for 5 minutes. Then, 2 milliliters of the supernatant were mixed with 2 ml of ninhydrin and 2 mL of glycolic acetic acid. The samples were incubated in a boiling water bath for one hour and placed in an ice bath for a few minutes immediately after being removed from the bath. Then, 4 ml of toluene was added to each sample. The optical density of the supernatant phase was measured at 520 nm using a spectrophotometer (Beckman Coulter, Inc., Fullerton, CA, USA).

To determine the level of hydrogen peroxide, 0.3 g of leaf tissue was homogenized with 5 mL 0.1% trichloroacetic acid (TCA). The homogenate was centrifuged at 10,000 × g for 5 minutes. Then, 0.25 mL of the supernatant was mixed with 0.25 mL of 100 mM K-phosphate buffer and 0.5 mL of 1M KI. The absorbance was measured at 390 nm with a spectrophotometer (Beckman Coulter, Inc., Fullerton, CA, USA). Hydrogen peroxide level was calculated using a standard curve prepared with known H₂O₂ concentrations (Alexieva et al. 2001).

Lipid peroxidation was measured by determining the malondialdehyde (MDA) content in the leaves according to the method of Dhindsa et al. (1981). 5 mL of trichloroacetic acid (0.1% TCA) was added to 0.3 g of leaf tissues and homogenized completely. The homogenated samples were centrifuged at 10,000 × g for 5 min. at 4°C. The supernatant (0.3 ml) was mixed with 1.2 ml of 0.5% thiobarbituric acid (TBA) prepared in 20% TCA, and incubated at 95°C for 30 min. The reaction was stopped by putting the sample in an ice bath for 5 min.; samples were centrifuged at 10,000 × g for 10 min. at 25°C. The absorbance of the supernatant was read at 532 nm using a Beckman

UV-DU 520 spectrophotometer (Beckman Coulter, Inc., Fullerton, CA, USA). After deducting the non-specific absorbance at 600 nm, the extinction coefficient of $155 \text{ mM}^{-1} \text{ cm}^{-1}$ was used to calculate the MDA concentration.

Peroxidase activity (POD) was determined according to the method of Hemeda and Klein (1990). The 1 mL reaction mixture contained, 90 μL of 0.3% hydrogen peroxide, 780 μL of 50 mM potassium phosphate buffer (pH 6.6) and 40 μL of enzyme extract. POD activity was calculated on the basis of the increase in absorbance at 470 nm due to guaiacol oxidation ($\epsilon = 26.6 \text{ mM}^{-1} \text{ cm}^{-1}$). The Nakano and Asada (1981) method was used for the ascorbate peroxidase activity (APX) assay. Suitable aliquots of the enzyme extract were added to the reaction mixture containing 50 mM potassium phosphate buffer (pH 7.0), 0.1 mM EDTA, 0.5 mM ascorbate, and 0.1 mM H_2O_2 in a total volume of 1.0 mL. The reaction was initiated by adding the enzyme extract. The decline in absorbance at 290 nm was recorded every 30 s for 3.0 min.

Analysis of variance (ANOVA) and mean comparisons were performed using SAS software (SAS Institute Inc. 1990) according to a factorial experiment based on a completely randomized design (CRD). The least significant difference (LSD) test was applied for comparison at

a significance level of 0.05. Charts and curve fittings were performed with Office Microsoft Excel 2016 software.

RESULTS

Drought stress, dust, and dust + drought stress reduced total leaf surface area per plant, the number of leaves and single leaf surface area (Tab. 1) in both years. Excessive reductions in these traits were observed in plants that were treated with dust + drought in the second year. Shoot length decreased in the drought stress and dust + drought stress treatments in both years. However, shoot length in dust-treated plants exhibited a steeper decline in the second year compared to the control (Tab. 1). Shoot length in plants that were treated with dust remained similar to that of the control in the first year, whereas a higher reduction in shoot length was observed in the dust + drought stress treatments compared to the other treatments in the second year (Tab. 1).

Reductions of 25 and 17% in total dry weight were observed in plants that were treated with dust in the first and second year respectively. More diminished plant dry matter was obtained in plants subjected to drought stress and dust compared to the control plants (Tab. 2). Based on the results of

Table 1. Effect of drought stress and dust on the number of leaves, leaf area, single leaf area, shoot length and root volume during two growing seasons

Treatment		Number of leaves		Leaf area (dm ² per plant)		Single leaf area (cm ² per leaf)		Shoot length (cm)		Root volume (cm ³)	
		2013	2014	2013	2014	2013	2014	2013	2014	2013	2014
Control	Without dust	31.3 a	79.0 a	28.7 a	51.4 a	92.3 a	65.1 a	189.3 a	112.0 a	210.0 a	181.7 a
	Dust	29.3 a	57.0 b	17.6 b	32.3 b	60.0 b	55.9 b	186.0 a	92.7 b	170.0 b	151.7 b
Drought	Without dust	8.0 b	36.0 c	2.5 c	7.7 c	36.3 c	21.5 c	86.3 b	63.3 c	56.7 c	40.0 c
	Dust	4.7 c	19.3 d	0.9 c	3.1 d	24.2 c	16.1 d	79.0 b	43.7 d	56.7 c	30.0 c

Means with the same letter in each column are not significantly different at $p < 0.05$ (LSD test). Control (-0.1 MPa), Dust (0.011 g cm⁻²), Drought (-1 MPa)

Table 2. Effect of drought stress and dust on shoot dry weight, root dry weight, root : shoot ratio and total dry weight during two growing seasons

Treatment		Shoot dry weight (g per plant)		Root dry weight (g per plant)		Root : Shoot		Total dry weight (g per plant)	
		2013	2014	2013	2014	2013	2014	2013	2014
Control	Without dust	46.55 a	68.92 a	55.64 a	56.45 a	1.19 a	0.82 c	102.2 a	126.4 a
	Dust	36.35 b	51.14 b	39.95 b	53.62 a	1.10 a	1.05 b	76.3 b	104.8 b
Drought	Without dust	11.23 c	11.42 c	7.99 c	14.17 b	0.72 b	1.27 a	19.22 c	25.59 c
	Dust	8.49 d	8.83 d	6.27 c	10.90 c	0.82 b	1.24 ab	15.37 d	19.74 d

Means with the same letter in each column are not significantly different at $p < 0.05$ (LSD test). Control (-0.1 MPa), Dust (0.011 g cm⁻²), Drought (-1 MPa)

Table 3. Effect of drought stress and dust on relative water content (RWC), proline, soluble carbohydrates, membrane stability index (MSI) and malondialdehyde (MDA) during two growing seasons

Treatment		RWC (%)		Proline (mg g ⁻¹ FW)		Soluble carbohydrates (mg g ⁻¹ FW)		MSI (%)		MDA (μmol g ⁻¹ FW)	
		2013	2014	2013	2014	2013	2014	2013	2014	2013	2014
Control	Without dust	93.3 a	93.7 a	0.16 c	0.22 d	32.5 d	33.0 d	82.9 a	89.6 a	0.43 d	0.44 d
	Dust	82.9 b	90.3 b	0.13 c	0.40 c	35.3 c	36.9 c	77.1 b	87.5 a	1.12 c	1.05 c
Drought	Without dust	79.9 b	74.8 c	1.84 a	2.08 b	43.1 a	41.0 b	68.7 c	84.1 b	2.41 b	1.73 b
	Dust	74.6 c	70.2 d	1.21 b	2.28 a	39.5 b	45.2 a	67.9 c	80.9 c	4.34 a	2.21 a

Means with the same letter in each column are not significantly different at $p < 0.05$ (LSD test). Control (-0.1 MPa), Dust (0.011 g cm⁻²), Drought (-1 MPa)

in the present study, the root-to-shoot ratio decreased in the first year due to drought stress, but increased in the second year under dust, drought, and drought + dust (Tab. 2). There was a reduction of 28, 85 and 88% in root dry weight, and 22, 75 and 81% in shoot dry weight in the dust, drought and drought + dust treatments respectively in the first year (Tab. 2).

Deficit irrigation and dust treatments resulted in lower RWC than the control in both the first and second year of the experiment (Tab. 3). The drought + dust treatment produced significant RWC reductions compared to the other treatments

in the first and second year. The RWC was high in the control (93.28 and 93.75% in the first and second year, respectively), with a decline in the dust treatment (82.92 and 90.35 % in the first and second year, respectively), followed by drought (79.88 and 74.87 % in the first and second year, respectively) and dust + drought (74.56 and 70.22 % in the first and second year, respectively). Increased amounts of soluble carbohydrates were recorded for both the dust and drought stress treatments in both 2013 and 2014. The amount of proline increased under drought stress and drought + dust in both growing

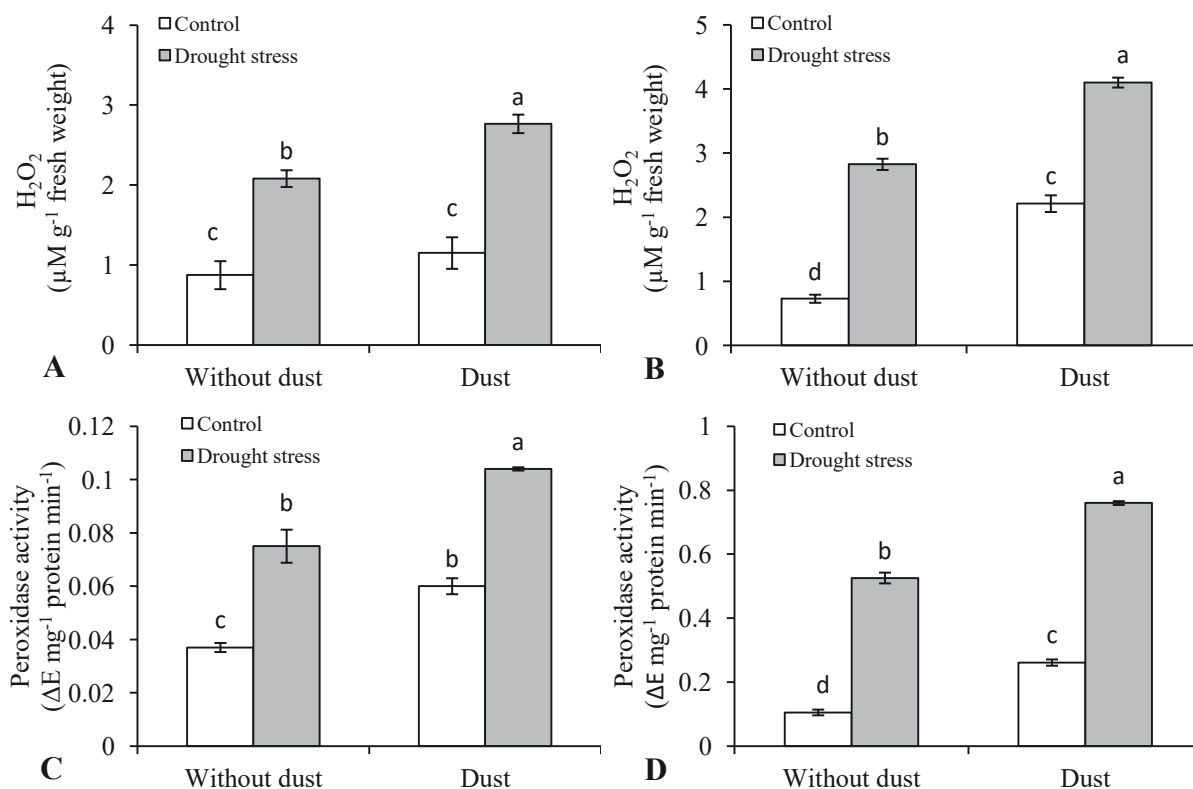


Figure 1. Effect of drought stress and dust on H₂O₂ (A – 2013 and B – 2014) and peroxidase activity (C – 2013 and D – 2014). Means for columns with the same letter are not significantly different at $p < 0.05$ (LSD test). Vertical bars indicate standard error. Control (-0.1 MPa), Dust (0.011 g cm⁻²), Drought stress (-1 MPa)

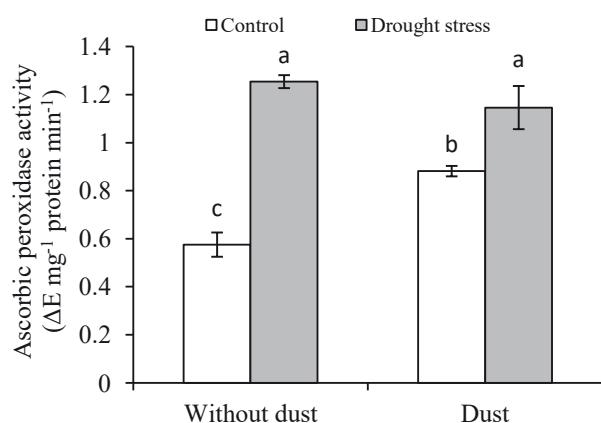


Figure 2. Effect of drought stress and dust on ascorbic peroxidase activity (2014). Means for columns with the same letter are not significantly different at $p < 0.05$ (LSD test). Vertical bars indicate standard error. Control (-0.1 MPa), Dust (0.011 g cm⁻²), Drought stress (-1 MPa)

seasons. Dust deposition on leaves increased the proline content in the second year. Maximum amounts of soluble carbohydrates and proline accumulated under dust + drought stress, which was recorded in the second year (Tab. 3).

The membrane stability index was reduced in both years in response to dust and drought in comparison with the control (Tab. 3). Drought stress and dust increased the amount of MDA and H₂O₂ during the first and second year. The dust + drought treatment resulted in significantly higher MDA and H₂O₂ concentrations and a lower MSI than in the control. The present results showed that the dust + drought treatment intensified stress, which was shown by the measurements of MSI, MDA (Tab. 3) and H₂O₂ (Fig. 1A, B). Dust and drought resulted in a distinct increase in the POD (Fig. 1C, D) and APX (Fig. 2) activities in grape leaves. Maximum leaf POD activity in both years was observed due to the stress caused by dust + drought.

DISCUSSION

In our results, the application of dust, drought stress and dust + drought stress to grapevine leaves decreased shoot length by 2, 54 and 58% in the first growing season and by 17, 43 and 61% in the second growing season, respectively, compared to the control (Tab. 1). The greater reduction in shoot length in the second year can be related to the longer exposure of plants to dust. Similar reduction in the number of leaves was also observed under dust, drought stress and dust + drought stress conditions. The decrease in the number of leaves was related not only to the reduction in shoot growth induced

by dust, but also to the damaging effects of dust, which caused leaf defoliation. Leaf surface area was reduced under dust, drought and drought + dust in both growing seasons (Tab. 1). Drought stress intensified the effect of dust to the extent that their combined effect reduced leaf surface area by approximately 74 and 75% in the first and second year, respectively, compared to the control. In this study, the reduction in total leaf surface area was caused by the reduced number of leaves and early leaf senescence. The loss of those leaves decreased the supply of carbohydrates or growth hormones to meristematic regions, thereby inhibiting growth. Reductions in the numbers of leaves and leaf surface area as a result of drought stress have been observed in other studies, including grapevine (Pou et al. 2012), apple (Alizadeh et al. 2011) and strawberry (Ghaderi et al. 2015). Considerable reductions in leaf surface area and shoot length have been reported in *Cassia siamea* and *Glauca* species (Shweta 2012), and *Eucalyptus camaldulensis* (Seyyednejad and Koochak 2011) that were treated with dust. The leaf is one of the organs that are more susceptible to air pollution. A deposit of dust on the leaves eventually forms a thick coating on them (Raina et al. 2008), limiting sunlight penetration and thus reducing photosynthesis and causing destruction of leaf tissues and premature leaf fall (Brandt and Rhoades 1973). Similar results have been reported by Noor et al. (2015) and Qadir et al. (2016), all of whom observed a reduction in leaf surface area in plants exposed to dust and air pollutants.

Dust caused a severe decrease in shoot dry weight (22 and 26% in the first and second year, respectively) and root dry weight (28 and 5% in the first and second year, respectively), and a significant decrease in biomass (by 25 and 17% in the first and second year, respectively) (Tab. 2). The changes in these characteristics coincided with a reduction in RWC by 11 and 4% in the first and second year, respectively (Tab. 3). Greater reduction in growth was recorded in plants treated with dust + drought stress. Therefore, it is apparent that drought stress + dust cause a greater negative impact on the growth of plants. In addition to reducing RWC, the induction of oxidative stress under such conditions can also be effective in reducing growth (Fig. 1A, B). Like in the present study, growth reduction has been found in *Astragalus jaegerianus* (Wijayratne et al. 2009) and fig (Abdel-Rahman 2012) plants covered with dust. The changes can be attributed to the shading caused by the dust on the leaf, decline in leaf surface area and damage to the

photosynthetic apparatus due to the toxicity of the pollutants and increased water stress (Hossain et al. 2015). Considerable reductions in shoot and root dry weight have been reported in *Polyalthia longifolia*, *Ficus religiosa* and *Azadirachta indica* (Saini et al. 2011), and some medicinal plants (Lee et al. 2003) that were treated with dust.

The decrease in the root-to-shoot ratio in the first year is related to a lower reduction in shoot dry weight and a higher reduction in root dry weight compared to the second year. Greater reductions in root growth compared to shoot growth under drought stress have been documented in several studies (Azhiri-Sigari et al. 2000, Cui et al. 2008). The reports indicated that the root growth response to drought stress depends on stress duration and stress development rate, and on the allocation of carbohydrates to the roots (Xu et al. 2015). In the first year of our study, the roots probably contained lower amounts of carbohydrates; therefore, they experienced a greater reduction in dry weight compared to the shoots. Wissuwa et al. (2005) had reported that a decrease in dry matter allocation to the roots may be related to a decreased concentration of starch. The increase in the root-to-shoot ratio due to drought and dust observed in our study was a result of a greater reduction in aboveground biomass rather than an increase in root biomass in the second year (Tab. 2). This was because the root dry weight under drought stress and dust was lower than that in the control. The growing of roots is a strategy used by plants to absorb more water from the soil under drought conditions (da Silva Lobato et al. 2008), which will contribute to higher cell turgor and better plant growth and development. It has also been reported that drought (Lemoine et al. 2013) and dust (Bao et al. 2016) limit shoot and root growth, but their effects on root growth are lower compared to shoot growth. Root growth is generally less affected by drought stress than shoot growth (Mahajan and Tuteja 2005). This often results in an increase in the root-to-shoot ratio when water is limited.

Total soluble carbohydrates and proline were increased in all the plants that were treated with dust compared with the non-treated plants, and drought intensified the effect of dust on grapevine soluble carbohydrate content (Tab. 3). Moreover, the presented results clearly illustrate that dust alters several biochemical traits, such as carbohydrate and proline amounts in grapevine leaves. In addition, the concentrations of soluble carbohydrates and proline were higher in the plants

treated with dust + drought. Soluble carbohydrates and proline commonly accumulate in crop plants as osmoprotectants in response to abiotic stress. In regard to the accumulation of proline in grapevine, the results of the present investigation are similar to the findings of Ghaderi and Siosemardeh (2011), and Ghaderi et al. (2015), who reported that in strawberries the highest level of proline was observed in responses to drought. The increased accumulation of soluble carbohydrates and proline in response to dust and drought stress is a strategy for improving stress tolerance (Hoekstra et al. 2001), regulating osmotic adjustment and reducing lipid peroxidation (Gupta et al. 2015).

Dust and drought increased the peroxidation of membrane lipids (MDA) and oxidative stress (H_2O_2), and reduced the cell membrane stability index (Tab. 3, Fig. 1). Drought stress stimulates the production of reactive oxygen species (Liu and Huang 2000) that cause membrane injuries and thus induce oxidative stress (Zlatev and Lidon 2012). Stressed plants produce higher amounts of reactive oxygen species, including H_2O_2 , than in their steady state, which can cause an increase in lipid peroxidation (Hoekstra et al. 2001). Dust deposition also restricts the availability of light for photosynthesis, blocks stomatal pores for CO_2 diffusion, and increases oxidative stress on plants (Das and Prasad 2010). In agreement with the present study, dust deposition has been found to increase the MDA in wheat (Chen 2010) and *Azadirachta indica* (Qadir et al. 2016).

Dust and drought caused a distinct increase in the POD (Fig. 1C, D) and APX (Fig. 2) activities in grapevine leaves. Leaf POD activity in both years and that of APX in 2014 increased due to the stress induced by dust and drought. The present study demonstrated that the application of dust and drought together intensified the POD activity. Some signalling molecules, such as oxidative molecules, may cause an increase in the antioxidant capacity of cells. To alleviate cellular injury, stressed plants produce antioxidant enzymes (Zlatev and Lidon 2012). As a consequence of POD and APX's role in scavenging H_2O_2 , an increase in POD and APX activities can be regarded as a defence mechanism of the plant against the reinforcement of oxidative processes. Dust accumulation on plants might alter the leaf antioxidant mechanism (Chaturvedi et al. 2013), and increased APX activity under dust pollution has been reported by Siqueira-Silva et al. (2016).

Finally, it can be concluded that the growth of grapevine plants was found to be affected by dust and drought. Dust evidently causes substantial changes to leaf physiology by destroying the cell membrane. Accumulation of soluble carbohydrates and proline was augmented in plants by the occurrence of dust and drought stress. Higher increases in soluble carbohydrates and proline were observed in the dust + drought treatment. Significant decrease in leaf relative water content due to dust and drought stress was observed. Extensive reduction in RWC was recorded when dust and drought stress were applied together. The dusted leaves and plants subjected to drought had higher MDA and H₂O₂ compared to the control. The dust + drought combination produced significantly higher MDA and H₂O₂ and lower MSI compared to the other treatments in the second year of the experiment. The POD and APX activities involving enzymatic antioxidants were increased due to the stress caused by dust and drought. Based on the results of this study, it is clear that dust pollution of the grape plants produced effects similar to those caused by water-deficit conditions; on the other hand, the interaction effects of dust and drought applied together exacerbated the physiological and morphological changes in grapevine. This suggests that dust greatly affects the response of grapevine to water-deficit stress and increases damage to plants.

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AUTHOR CONTRIBUTIONS

N.G. – designed the experiment. L.K. – performed the experiment and compiled the data under N.G.'s supervision and T.J.'s advice. Biochemical and physiological experiments and measurements were supervised by N.G. Data analysis was performed by N.G. with the help of L.K. N.G. – elaborated the results and wrote the manuscript.

CONFLICT OF INTEREST

Authors declare no conflict of interest.

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Received August 8, 2017; accepted October 23, 2017

Michelle Barron

From: Cindy Petrucci <cindy.petrucci@att.net>
Sent: Friday, March 15, 2024 12:06 PM
To: Michelle Barron
Subject: [External] Case no CU2022-0024

Hello,

We are completely OPPOSED for the development of a 238 acre gravel pit that would span both sides of Hwy 95 in Parma. We live in Wilder and this would add more truck traffic through town as well as issues with the debris that comes off the trucks.

The Parma Ridge Winery is above this proposed area which we are members. This is a beautiful place to sit and overlook the Parma valley below. This would completely disrupt the peacefulness of this entire business as well as affect the vineyards with all the dust that comes with having a gravel pit. The folks that own the winery work extremely hard and this would definitely affect the ambiance they are entitled to have.

There are so many other areas that do not have residential as well as businesses around that another gravel pit could use. Please keep our beautiful areas alone and allow us the residences of this area to enjoy our natural surroundings.

Thank you,

Tim & Cindy Petrucci
Wilder, ID

Michelle Barron

From: Sandra Tracy <sandytracy423@gmail.com>
Sent: Friday, March 15, 2024 2:53 PM
To: Michelle Barron
Subject: [External] Re: Case No. CU2022-0024

Sandra Tracy
25080 Batt Corner Road
Parma, ID 83660

Dear Ms. Barron

I have some concerns in regards to Case Number CU2022-0024. Can you please address the following:

1. Will the trucks be required to cover their loads to prevent damage to vehicles travelling down the highway. Will they be required to keep the highway clean of rocks and debris.
2. There is a great variety of wildlife in the proposed area, ducks, geese, hawks, and eagles. What considerations and safeguards have been put in place in regards to protecting their habitat. Has the appropriate environmental agency been involved in the process to protect the river and wildlife.
3. It was my understanding that this area of Canyon County was to remain zoned agricultural. Is mining considered agricultural in Canyon County or is this area being rezoned to include other commercial non agricultural businesses.
4. What is the expected level of noise and is there a maximum that will be tolerated or allowed. Who will monitor the noise level on a daily basis.
5. What will the impact be on residential property values in the proposed area. If this proposal passes, when will the mine be operational.
6. If this operation does commence what agency would have oversight to make sure they are in compliance and are being a responsible neighbor.

At this point in time I have significant concerns about this proposal. I look forward to your response.

Sincerely,
Sandra Tracy

Michelle Barron

From: Lynn Yates <layjay817@aol.com>
Sent: Friday, March 15, 2024 5:16 PM
To: Michelle Barron
Subject: [External] case number CU2022-024
Attachments: Gravel Pit objections and concerns.docx



Attached is the document related to the above referenced case number
Thank you for your time on this matter
Lynn Yates
25125 Boise River rd. Parma
208 6971477



AOL Mail Stationery

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 NORTH 11TH AVE Suite 310 Caldwell Idaho 83605

Canyon county planning and zoning commission schedule public hearing

APRIL 4 2024 AT 6:30 pm in public meeting room on 1st floor above address

Case # CU2022-0024

Gravel Pit objections and concerns

- Road Impact: Based on applicate information of 6000 trucks per year based on 280 working days per year equals 21 trucks per day
- Request IDT due a Traffic impact report
- Property values will be reduced
- Water flow; Ground water contamination concern for well quality
Disrupting the flow of the Boise River will affect particulates in the water, wild life in and around the river . Natural water flow will be disrupted.
- Ponds created will increase mosquito population plus west Nile virus.
The Mosquito abatement depart will be impacted
- Nature flora and fauna damage (birds and hazardous plants)which would disrupt the natural balance of nature and habitats
- Air borne contaminants; crystalline silica and asbestos travel approximate 500 meters in calm day and smaller the particles the further they travel(very windy area) children and older adults are very susceptible to lung issues such as silicosis. These particles can impact animals and crops like grapes, orchards and pasture land
- Noise and air pollution ongoing during the whole mining process
- Long term environmental effects: Damage incurred in creation of all gravel pits can never be reversed.
- How many gravel pits are in canyon county and how much gravel is needed in the next 15 year?
- *Thank you for your time. Jerry and Lynn Yates Boise River Rd*

Michelle Barron

From: Snake River Wine Tours <info@snakeriverwinetours.com>
Sent: Friday, March 15, 2024 11:18 PM
To: Michelle Barron
Subject: [External] Opposition to Case No. CU2022-0024

Dear Michelle Barron,

I am writing to express my strong opposition to Case No. CU2022-0024. As a Parma resident and proprietor of Snake River Wine Tours who brings tour groups to Parma Ridge Winery, I believe that the proposed changes would significantly detract from the overall experience of our customers and pose various risks to our operations.

One of the primary concerns is the potential increase in noise and dust resulting from the proposed project. Parma Ridge Winery prides itself on providing a serene and enjoyable environment for our patrons to savor fine wines and cuisine. However, if the area becomes excessively noisy and dusty due to increased truck traffic, it will undoubtedly diminish the quality of our guests' experiences. Our customers include visitors on wine tours, and any disruption to their enjoyment could lead to a decline in business and visitor satisfaction of Parma, Idaho.

Additionally, the safety of our commercial Mercedes Sprinter vans, which transport guests to and from the winery, is a significant concern. The frequency of gravel trucks on the roads poses a heightened risk of rock chips to our vans' windshields. As you may be aware, repairing or replacing these large windshields comes at a substantial cost to our business, which ultimately impacts our bottom line. Despite efforts to address these issues with gravel truck companies, we have consistently encountered resistance and have been left to bear the financial burden of repairs.

Furthermore, the proposed project stands to negatively impact not only the Hodge family but local, family-run businesses like ours. The influx of 6,000 trucks annually onto small country roads leading to Highway 95 would have far-reaching consequences for the entire community, disrupting daily life and imposing additional costs and risks on residents and business owners alike.

In conclusion, I urge you to carefully consider the broader implications of Case No. CU2022-0024 on the Parma community. The potential adverse effects on local businesses, including Parma Ridge Winery and Snake River Wine Tours, cannot be understated. I implore you to prioritize the well-being and livelihoods of residents and businesses by rejecting this proposal.

Thank you for your time and attention to this matter. I trust that you will thoroughly evaluate the concerns raised and make a decision that serves the best interests of our community.

Sincerely,

Samantha Maxey
Owner of Snake River Wine Tours
31140 Circle Dr
Parma, ID 83660
208-995-1197

Michelle Barron

From: B Taylor <ba.taylor@earthlink.net>
Sent: Saturday, March 16, 2024 9:02 AM
To: Michelle Barron
Subject: [External] Case No CU2022-0024

Ms Barron,

I was devastated to hear about the 238 acre gravel pit that is being proposed at the south side of the river on both sides of Hwy 95 in Parma. The scenery is so beautiful around here, and I would hate for it to be spoiled by a loud, ugly gravel pit. The agriculture and bird wildlife is also wonderful around here, we should be careful not to create anything to disturb it. It would also spoil the land around Parma Ridge Winery, possibly damaging their vines and their livelihood. The area around here is tranquil and beautiful and a little peace in this world is something to hold on to.

This is not a good proposal, and my husband and I heartily oppose it.

Ron and Elizabeth Taylor

906 N Pioneer Way

Parma ID 83660

2088122058

Michelle Barron

From: Gerri Smith <gesmith00@gmail.com>
Sent: Saturday, March 16, 2024 1:35 PM
To: Michelle Barron
Subject: [External] Fwd:
Attachments: 20240316_120914.jpg; 20240316_120919.jpg; 20240316_120917.jpg

Case No CU2022-0024

Opposition

Attached are pictures I took today from Parma Ridge Winery. I believe when they say a picture is worth 1,000 words that is correct.

This is a beautiful, peaceful Agriculture area. If you hear anything it might be a tractor, a bird, or geese. This is not an appropriate site for a Commercial Mineral Extraction facility. The houses you see in the picture are right beside this proposal. Can you imagine the noise, dirt, trucks.. and so much more all day, everyday.

Yes, anyone sitting on the veranda at Parma Ridge will hear this, all day, everyday. Should their business which is Agriculture be destroyed by a Commercial endeavor that is Not Agriculture.? NO!

Dirt.. can you imagine the effect on everyone that lives in this area?
I guess an important question is would you want this in your neighborhood?

Please deny this conditional use permit.

Gerri Smith
Canyon County Resident
22517 Bauman Rd Wilder ID 83676

----- Forwarded message -----
From: **Gerri Smith** <gesmith00@gmail.com>
Date: Sat, Mar 16, 2024 at 1:12 PM
Subject:
To: Gerri Smith <Gesmith00@gmail.com>







Michelle Barron

From: Greg Helsel <ghelsel@outlook.com>
Sent: Sunday, March 17, 2024 10:08 AM
To: Michelle Barron
Subject: [External] Conditional Use Permit for long-term mineral extraction, rock crushing, and storage of equipment Case # CU2022-0024

Dear Ms. Barron,

I wish to add to the community response in opposition to the subject conditional use permit application. I am in full agreement with the community's concerns. When the public is condemned by multiple government agencies for causing negative climate change how this application be considered because of the operation's many adverse effects which will result?

Please do not approve this permit application.

Thank you,

Greg Helsel

25277 Marina Ct.
Wilder, ID 83676

Michelle Barron

From: David Johnston <david@dcjohnstoncpa.com>
Sent: Sunday, March 17, 2024 9:37 AM
To: Michelle Barron
Subject: [External] Case No CU2022-0024
Attachments: premier aggregate meeting details.pdf

Dear Canyon County Planning and Zoning Commission:

My name is David C. Johnston, I am the managing member of Ducks End, LLC. Ducks End, LLC owns the property located at 25242 Boise River Rd., Parma, ID 83660 where I live full time. I have full authority to represent Ducks End, LLC in this matter.

Ducks End, LLC (David C. Johnston, Managing Member) oppose the conditional use permit requested in Case No. CU2022-0024 and urges the commission to reject the permit for the following reasons:

- Reason 1 – Damage and nuisance to me:
 - Section 07-07-01 of the County Code of Canyon County, Idaho states that “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.”
 - My property/home is less than 1,000 feet from the location where the conditional use permit is being applied for, therefore, I am in the vicinity. I am within the set notification distance.
 - Long term mineral extraction will create dust and particulate matter as well as noise pollution that will affect my property. The applicants will tell you that it will not affect my property which they cannot prove. The dust is created outside and not contained within a structure with systems to filter the air. If the applicants are less than 100% effective in mitigating the particulate matter and noise pollution, I would be damaged by health complications and nuisances. The project size and the hours of operation (see Premier Aggregates CU2022-0024 – Neighborhood Meeting memo attached) raise the risk of damage to my health and nuisances to a very high level. The proposed hours of operations are 12 hours a day, six days a week. If the applicants are 90% effective in mitigating the dust and noise pollution, that would equate to 1.2 hours of noise and air pollution per day, 7.2 hours of pollution per week. 374 hours or 15.58 days of pollution per year . There is absolutely no way in guaranteeing that the applicants can contain or control the dust and noise 100% of the time therefore, per the code section, I am damaged, it is a health hazard, and it is a nuisance and detriment to me and my property which is in the vicinity of the project. This alone should warrant rejection of the permit.
- Reason 2 – Injurious to other property and negatively changing the essential character of the area:
 - Section 07-07-05 of the County Code of Canyon County, Idaho asks “Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area;”
 - I have stated in reason 1 that the proposed use will be injurious to me and my property and that I am in the immediate vicinity.
 - The proposed change of use, by definition, changes the essential character of the area as well. The character of the area is defined by agricultural property with single family homes. The character of the area also includes the natural riverbank of the Boise River. The proposed site is directly located on the Boise River. Operating a mineral extraction operation directly adjacent to the Boise River will obviously

change the character of the riverbank in terms of beauty as well as the habitat and paths of all types of wildlife.

The commission is notified of the risk to me and my family and must take into consideration my health and well being in consideration of this permit. I am in the vicinity and the prevailing wind blows from the applicant's location to mine.

I built my home because of the beauty and natural character of the area. The beauty and natural character of the area does not include mineral extraction facilities on 159 acres directly in my vicinity and risks to my health. The commission must reject this permit.

Sincerely,

David C. Johnston
Managing Member, Ducks End, LLC

CU2022-0024 - Neighborhood Meeting



1500 S. Washington Ave.

Emmett, ID 83617

(208) 901-8189

Derek

Jeff

Ext 714

The Neighborhood Meeting details are as follows:

Purpose: The purpose of this neighborhood meeting is to review the proposed project and discuss neighborhood concerns, if any.

Date: March 6, 2024

Time: 5:30pm – 6:30pm

Meeting Location: 25706 Boise River Road Parma, ID 83660

Property Description: The property is located at 25706 Boise River Road, Parma, Idaho and is in Canyon County, Tax Parcel Nos. R390701101 and R39054010.

The project is summarized below:

Project Description: The applicant proposes a conditional use permit for a long term mineral extraction of sand/gravel and processing on the property. Operational hours would be 7 am to 7 pm, Monday through Saturday. During months where the crusher is operating onsite, crushing hours will be from 7 am to 7 pm, Monday through Saturday.

Site Location: 25706 Boise River Road, in Canyon County, Idaho and identified as Canyon County Tax Parcel Nos. R390701101 and R39054010.

Proposed access: Ingress/egress will occur through Highway 95, not Boise River Road.

Total acreage: 238 acres in total, of which, approximately 159 acres will be excavated as part of the extraction process.

Proposed lots: No subdivision is proposed as part of this CUP application.

Michelle Barron

From: Randee Hoagland <randee@dcjohnstoncpa.com>
Sent: Sunday, March 17, 2024 9:39 AM
To: Michelle Barron
Cc: Randee Hoagland
Subject: [External] CU2022-0024

To the Planning & Zoning Commission:

I strongly oppose the request for a Conditional Use Permit (CU2022-0024) affecting Canyon County Parcels R39070-010, R39054-010, R39054, and R39070-010B.

I live within 1000 feet of this area at 25242 Boise River Rd.

The agriculture, wildlife, and serenity are characteristic of the current permitted use and precisely why I choose to live there. I am submitting pictures to show how the proposed permit will negatively change the essential character of this area if it is granted.

These pictures were taken from where I live on the river within 1000 feet of the area facing the affected area:



These are pictures of the property a couple days ago (please note the waterfowl decoys on their own property):



This picture is taken from up above the area a couple days ago:



Pictures from above:



Premier Aggregates Pintail Pit:

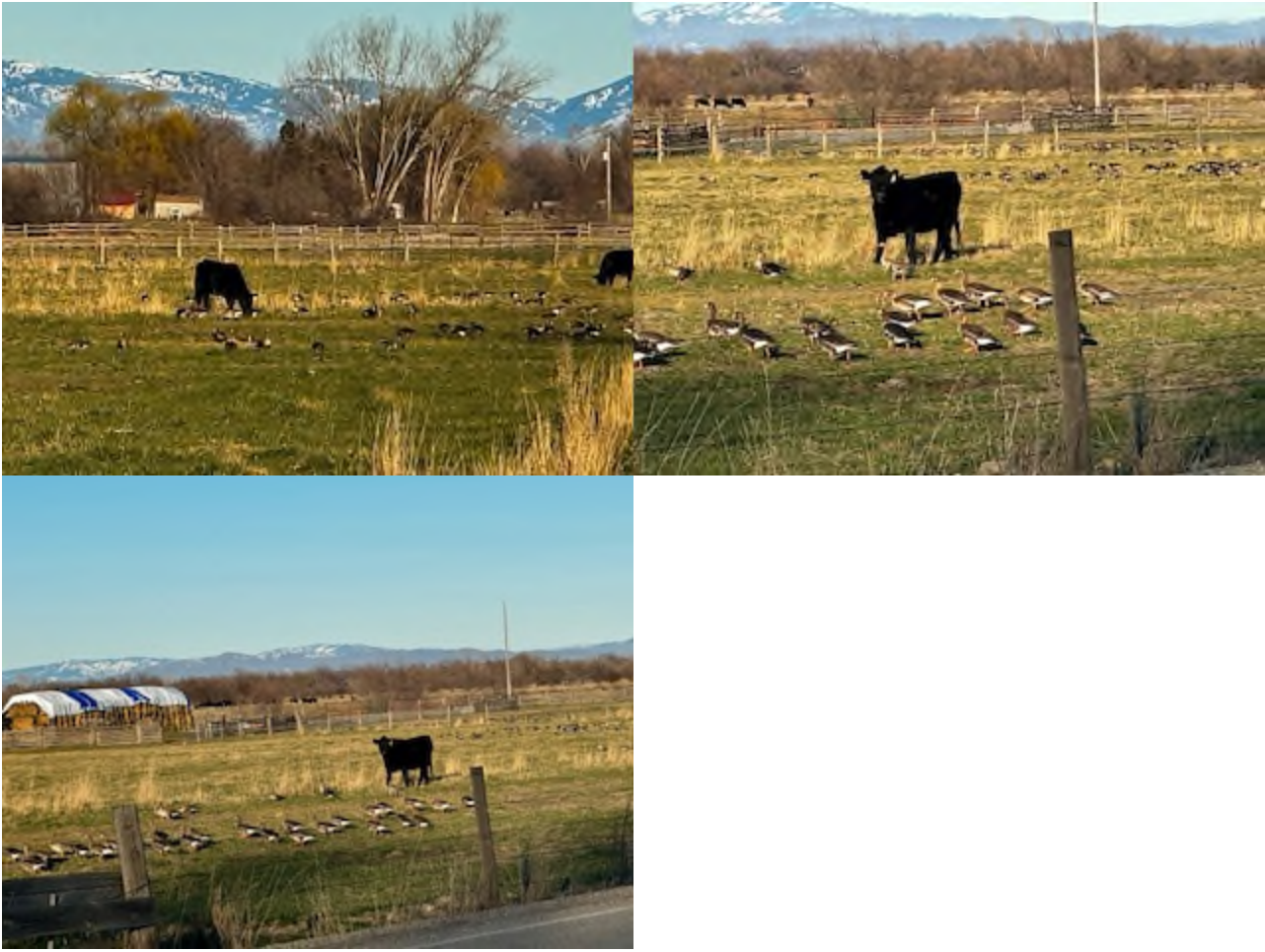


If you have driven up and down highway 20/26 you would see the drastic effect that gravel pits have on the area. It would be naïve to think that this pit would be any different than the many others that have already been granted.

Of most note are the following pictures – a profound example which can be seen driving alongside the Notus Gravel Pit. On one side of the street, you can appreciate the serene agricultural landscape while on the exact opposite side of the street lies the barren wasted effects of a gravel pit - directly in contrast even with the partially blocked distant views:



Directly across the street from Notus Gravel Pit – what a contrast!



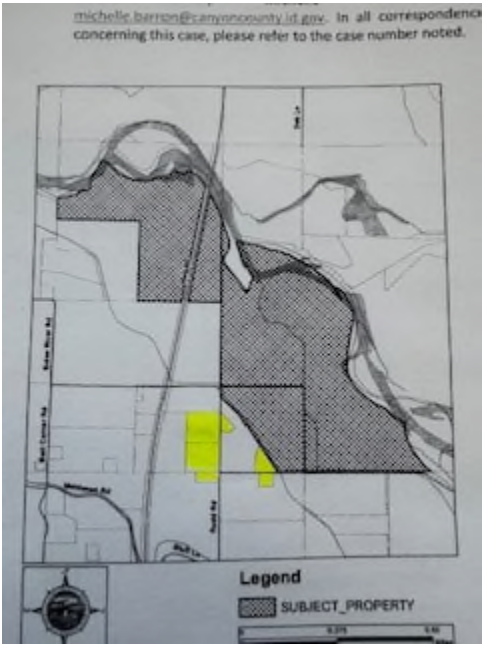
Pictures of the Thueson Marin Pit off Weitz Rd:



Premier Aggregates will argue that reclamation of this area will leave lakes and ponds that will be pleasing to the eye and good for the waterfowl. I ask if the following pictures are congruent with the picture they will paint?



People have built their homes and made their livelihood in this area based on its current characteristics. This acreage is **directly adjacent** to multiple single-family homes and in the vicinity of businesses that depend on the current characteristics of the acreage.



Have you considered the following homes? Ask yourself if this permit would drastically change the characteristics of their everyday life. Consider Rick & Lori Church, Les & Sammie Brennan who are RIGHT on that property line.

Have you considered the effect that this will have on Parma Ridge Winery? Here is a picture of myself and friends. We chose to dine on the patio because of the view and the serenity. I can assure you we would not have chosen to dine on a patio where there were loud beeping trucks, a cacophony of noise, and dust.



I urge you to consider how drastically the proposed use would change the essential character of the area and negatively affect all of those around it.

Randee Hoagland

Michelle Barron

From: Debbie Delaney <dixiedeb54@gmail.com>
Sent: Sunday, March 17, 2024 12:44 PM
To: Michelle Barron
Subject: [External] Case number: CU2022-0024
Attachments: geese in field.jpg; turkeys in field.jpg

Michelle Barron

Here is my testimony and pictures for the hearing

Testimony for hearing of the Planning and zoning commission April 4, 2024
Development Services Department, Attn:

Thank you for allowing me to speak.

My name is Debbie Delaney and I have lived on Boise River Rd. in Parma for 27 years. My property starts about 1 mile from the sign at the proposed site of the gravel pit on Boise River Rd. My property line to the north is the Boise River. I am accustomed to regularly seeing wildlife on my property. March 15th I had 15 to 20 turkeys in my field, and then they flew across the river. The turkeys move up and down the river all year. On the 17th I had 30-40 White fronted geese feeding in my field, and I got to watch them coming in to land. They come each year and visit on their trek north for the summer. Thousands of snow geese feed in the fields around our property. Deer live and move up and down the river as well. I have watched up to 8 deer come in and feed in my yard.

How will the proposed gravel pits, impact the animals that make the river and the fields bordering it home? Will they continue to live here once the machinery and noise moves to the neighborhood?

The beauty of our area will be impacted, which is the reason we live here. Parma Ridge Winery will be directly impacted as the gravel pit will destroy the view from their dining room windows. Pictures of the wildlife in the area are included.

Thank you for the time and for allowing me to speak.

Debbie Delaney





From: Clarissa Parker <cpwired@gmail.com>
Sent: Sunday, March 17, 2024 6:06 PM
To: Michelle Barron
Subject: [External] Case No. CU2022-0024 - Comments

To whom it may concern ;

I am writing concerning Case No. CU2022-0024,

I am opposed to the request for long-term mineral extraction on Parcels R39054, R39054010, R39070010, AND R39070010B0 for the following reasons:

1) My home sits southeast of the said parcels on the hill overlooking the parcels. My home's value would be impacted and drop significantly as it is considered a 'view' home. My home is located at 24454 Rudd Rd., Parma.

Our view directly faces the Boise River in the direction of parcels in consideration. Our view would be degraded, as there would be machinery, trenches and mounds of excavation equipment, from the land movement and the noise would be very difficult to deal with.

2) The impact to wildlife that migrate here every year would be detrimental.

Every year geese, ducks, turkeys as well as deer make this a stopping area for resting and water. The excavation site would hinder their life.

3) There is a serious concern about the impact the truck traffic will have on the area. The damage to the surrounding roads. We have seen this happen to Simplot Rd.(Hwy 19). As an example on Hwy 19, the increase of truck traffic in the last 4 years, has created much road damage, not to forget the amount of material thrown off of trucks that can be quite severe. Hwy 95 traffic is already very busy during the rush hours, due to additional residents in the area, it has now become a bear during those rush hours. Assuming this excavation company uses Hwy 95, this will be an issue for the 2 lane highway.

4) The use of chemicals could result in several issues. If there will be use of any type of chemicals in or around the site area, for fuel, cleaning or processes, etc. These chemicals will leach into the soil and eventually make it into the Boise River. This will pollute the River that is currently the home of millions of fish.

I am a content resident, citizen, and taxpayer. I enjoy my quality of life in Canyon County. I believe you are fair and uphold the rights of people and value the lands' resources as well, as many residents enjoy the wonderful outdoor activities offered in Canyon County.

Allowing this business to excavate would make living here intolerable. I feel that I represent many local residents views on this subject. I am certain if there were changes that would hinder your quality of life, you would be equally as concerned.

I plan on attending the April 4 meeting.

Your concerned taxpayer,
Judson and Clarissa Parker
24454 Rudd Rd. Parma. 83660
2008-477-8140
cpwired@gmail.com



Michelle Barron

From: 5303052730@mms.att.net
Sent: Sunday, March 17, 2024 7:13 PM
To: Michelle Barron
Subject: [External]

I'm writing in regards to case number CU2022-0024 I think a sand and gravel plant by parma winery is totally wrong
There are acouple plants by marshing that do not interfere with anyone.
This plant will harm a business that employees a number of people.
Would hurt their wineries grapes and business.
Please stop this
Patti and Ben Coe
Nampa idaho

Michelle Barron

From: Chris & Jeannie Johnston <idaladdinjasmine@gmail.com>
Sent: Monday, March 18, 2024 12:09 AM
To: Michelle Barron
Subject: [External] Case # CU2022-0024

To Whom It May Concern,

I am requesting that you would please oppose the conditional use permit for Case # CU2022-0024. I am very concerned about several issues regarding this permit. These items are as follows, not listed in any particular order of importance.

The area of the proposed gravel pit is very near the river. How will this endeavor affect the wildlife, water quality and air quality? What will this do to migratory bird populations that use this area during their migrations? Has an environmental impact study been conducted, and what were the findings?

There is sure to be increased truck traffic carrying heavy loads of rock and gravel, which could be harmful to drivers. I have seen many trucks from the other gravel operations, cut off cars, drop things from their loads. This is not only frustrating, but dangerous to the other motorists. Has a study been done to see if there is an increase of accidents and other incidences between these trucks since the other gravel pits have begun operations?

Businesses such as Parma Ridge Winery will be negatively affected. Part of the draw to the winery is the view of the beautiful river valley they overlook. This will be destroyed if the gravel extraction is permitted. Residents in the area will also lose this beautiful view. There will also be an increase of noise for these people.

Parma is a wonderful, beautiful, small, quiet town. This gravel pit, is not something that reflects the values we should be promoting. Thank you for your time and consideration of these concerns.

Jeannie Johnston
103 Willow Ct.
Parma, ID 83660

Michelle Barron

From: Lynda Rogers <russellandlynda@netzero.net>
Sent: Thursday, March 14, 2024 10:42 PM
To: info@parmaridge.wine
Subject: My Letter

My name is Lynda Rogers. I have been employed at Parma Ridge Winery for 6.5 years; this summer will be my 7th summer. I became an employee when my oldest son was working in the kitchen. Being a stay-at-home mom, I had not worked in years. I am not afraid to admit that I was a challenge for Steph my first year. But as she does with all her new hires, she supported, trained, coached and taught me not only the job, but to believe in myself enough to have the confidence to be a server. Being a server at Parma Ridge is different than being a server in other places. We have a vast clientele; people come from Washington, California, Oregon, Wyoming, Utah, as well as Garden Valley, Pocatello, McCall, and all over Idaho. We have a customer base that includes customers who have been around from the very beginning. These people have faithfully supported Parma Ridge through many tough times, and the good times are far too many to mention. Every shift is a new, fun experience. I am the nosey server. I am going to ask the questions that lead me to be able to make their EXPERIENCE unique. Our customers are not there just for dinner or wine tasting; in the hearts of the employees, the customers are there for the EXPERIENCE of Parma Ridge Winery. And I am the server who is going to find out what that customer needs to make their visit as memorable and impactful as possible. Because Parma Ridge is not just a place to get a meal: it's an experience. And I want them to come back. The scenery, ambience, friendliness, as well as the wine and food make their visit unique to any other establishment. Last summer I had a table of two who were here from New Hampshire. They were in Idaho to raft the Snake River and fly fish up in Owyhee. That was a Friday; I encouraged them to come back that Sunday, but they were short on time. That was a fun table of wine tasting, and lunch, and I hope they come back. Every table has a unique story, and I love to find out what it is. The servers who interact with these customers are dedicated to making a repeat customer who loves Parma Ridge as much as they do.

Storm and Stephanie Hodge, the owners, produce approximately 2,000-2,200 cases of wine per year. The process of planting, growing, grooming, harvesting, and the loving relationship between grower and grape has to be perfect, because it's all the process of putting fine wines into a bottle, and getting those bottles out to the public. Storm and Stephanie are wonderful, irreplaceable ambassadors in the community. From the schools to the surrounding farms and businesses, they are always there for a contribution to a function that is furthering the community of Parma. They employ teenagers from the school. Those kids start in the kitchen washing dishes, and if they stay (which most do), they learn every station. They make friends

with fellow coworkers and gain the confidence to move around a small area for hours at a time, on their feet, and support each other. For the first time in their lives, they learn what hard work and teamwork is, and how nice it is to earn their paycheck. These kids learn a new appreciation for the community and how to view Parma through the eyes of a winemaker, an artist, and a group of coworkers. In turn, this motivates these kids to love their hometown, and want to be a part of the investment in their community. It's not a typical "first job"; it's an investment in the future of these young people, and the contribution they will return.

Summers bring alot of fun: wine tours, live music nights, visitors, receptions, bridal and baby showers, and weddings. We have also hosted funeral services and memorials. If this gravel pit is put directly in view there will be no more of those events. People will not pay to listen to rock splitters and truck noise, and they will not want to encounter the dust and the smells of dirty trucks. And they certainly won't want to hold their special event in the shadow of dust and noise. This gravel pit is proposed right next to the Boise River; the tree line is clearly visible from our patio. The negative impact to the wildlife, agriculture, and farming will be vast. This gravel pit will also create tremendous traffic on our already crowded roads and highways. School buses from Parma, Wilder and Homedale are on the roads all the time.

This gravel pit is also going to have a very negative impact on the grapes. The climate absolutely affects the growing and the taste of the grapes. Nobody will want wine produced from grapes grown next to a gravel pit that emits dust and all kinds of potentially dangerous elements into the climate, and tastes like it.

On a personal note: I have been employed by Parma Ridge for a long time now. I have gone through the economic highs and lows, health issues, and COVID. Parma Ridge adapted. We did our best to maintain our integrity in service and quality of food, through masks and sanitizing every inch of the food areas. But this gravel pit will not be something we can adapt to. This gravel pit will bring noise, filth, noxious air quality, a negative impact on the grapes, and when people stop coming because of these ... the employees will lose our jobs. They will mine all the gravel they can out of this ugly gravel pit, and when there is no more, they will be gone. Off to the next place ... and Parma will be stuck with whatever remains of the pit. The owners will have to find a different way to sustain themselves, and we employees will be out of a job. And it's not like we can just go find another one. Parma Ridge is exclusive. It's the only place for fine dining and wine tasting, without having to go into Nampa. There are many wineries, but we are also a bistro. We have amazing food. And the biggest loser will be the community of Parma. Those of us who will lose our job; the school will lose an ambassador who supports their athletics, academics, and is always there to extend a gift basket or gift certificate for an event. The customers, some of whom have been there since the beginning, will no longer have Parma Ridge.

There are at least six other gravel pits in the area, from Parma to Notus, and into Caldwell. I don't know what Canyon County really wants to be known for, but I'm confident enough to say wineries, farms and agriculture, and wildlife would greatly outnumber the gravel pit.

In summary, I'd like to tell you a Parma Ridge story. When the summer of 2022 was coming to a close and we were folding into fall, there was a crisp beautiful day on The Ridge. I had several tables outside, and all of our customers were excitedly looking to the sky. We are used to beautiful rainbows, white fluffy clouds, and sunshine ... but this was a different energy. I approached a customer and he told me to "look up! There's an eagle!" And it was so ... a big, beautiful eagle was flying right over the deck. He flew for probably 20 minutes, then flew toward the tree line of the Boise River. But in just a few minutes, he was back. He flew again, over the deck ... but very shortly another eagle joined in. These two eagles flew in tandem for probably 45 minutes, and then both flew down to the trees by the river. I had never experienced an eagle flying in the time I had worked there, and haven't since. It was truly magical. I'd also like to ask you a question: do you LOVE your job? I mean, truly LOVE your job? I do. I literally love my job. I don't want another one. I have no doubt all the other employees would say the same. And if you do not love your job, you will not be able to understand how important it is to us to keep ours.

I am a Christian. Storm and Stephanie are also Christians, and they handle their business from a Christian perspective. Everyone has worth; everyone has a contribution; everyone brings a special gift of themselves to The Ridge when they work there. Nothing with God is accidental. The eagles that day made us all stop and marvel at The Ridge, both as customer and workers. Eagles are America's national bird; they are a symbol of what America is all about. You can achieve anything, and the pursuit of happiness is available to all of us. We want to maintain the pursuit of happiness Parma Ridge brings. A gravel pit in this location ... another one in the area ... is going to diminish business, and hinder the community. And it's going to cost 25-30 people their job.

If you haven't experienced Parma Ridge Winery, and our special brand in the community, I invite you to do so, post haste. This gravel pit will be devastating to the economy and the people of Parma. Although the growth is inevitable, we would much more welcome a subdivision than a gravel pit. A subdivision would bring us more customers. And gravel pit will be the end to Parma Ridge Winery & Bistro. And that is a sad and very scary prospect. Those eagles that day represented the promise of "pursuing happiness." Happiness for the owners, employees, suppliers, and customers. Please reconsider.

Michelle Barron

From: Jordan Roberts <jordan@idahotileoutlet.com>
Sent: Saturday, March 16, 2024 2:25 PM
To: Michelle Barron
Subject: [External] Urgent Concern: Proposal for Gravel Pit Near Residential Area

To whom it may concern

I hope this email finds you well. I am writing to express my deep concerns regarding the proposal to establish a gravel pit near our residential area. After thorough consideration and consultation with my neighbors, we strongly oppose this development for several reasons that I would like to outline below.

First and foremost, the establishment of a gravel pit in close proximity to our homes poses a significant threat to the local wildlife. Our area is home to diverse flora and fauna, including various species of birds, mammals, and insects. The disruption caused by the construction and operation of a gravel pit would not only disturb their natural habitats but also lead to displacement and potential harm to these vulnerable creatures. As responsible stewards of our environment, it is imperative that we prioritize the protection and preservation of our local wildlife.

Furthermore, the proposed gravel pit is likely to have a detrimental impact on property values in our community. The noise, dust, and increased traffic associated with such an industrial operation would undoubtedly detract from the appeal of our neighborhood. Potential homebuyers and investors may be deterred from purchasing properties in an area plagued by the noise and pollution generated by a gravel pit. As homeowners, we have invested significant resources in our properties, and it is our collective interest to safeguard their value and desirability.

Additionally, the environmental consequences of excavating gravel in this location cannot be overlooked. The extraction process may lead to soil erosion, groundwater contamination, and disruption of natural drainage patterns, posing long-term risks to the health of our ecosystem. We must prioritize sustainable development practices that minimize ecological harm and promote the well-being of both human and non-human inhabitants of our community.

In light of these concerns, I urge you to reconsider the proposal to establish a gravel pit near our residential area. Instead, I encourage you to explore alternative locations that are less densely populated and have minimal ecological impact. By doing so, we can ensure the protection of our wildlife, preserve property values, and promote sustainable development practices that benefit our entire community.

This will also have a negative effect on local wineries and other business in the area with all the noise and debris

Thank you for your attention to this matter. I look forward to your prompt response and constructive engagement on this important issue.

Sincerely, Jordan Roberts, and Channele Youren 208-697-1899

--
Jordan

Michelle Barron

From: Kacie Benson <kcrays33@gmail.com>
Sent: Saturday, March 16, 2024 7:53 PM
To: Michelle Barron
Subject: [External] Support for gravel pit public comment

To whom it may concern.

As a patron of the Parma winery and supporter and local that lives near a gravel pit owned and operated by premier aggregates. They are very professional and run a clean smooth operation that I see will have NO effect on the winery. Premier does an excellent job of controlling dust and noise. They will bring more business to the area as well and boost the economy. I am in complete support of this gravel pit to open and be successful and will fully support and bring more business to the winery. Thank you.

Thank you,
Kacie

Michelle Barron

From: Storm & Stephanie Hodge <info@parmaridge.wine>
Sent: Saturday, March 16, 2024 11:38 PM
To: Michelle Barron
Subject: [External] FW: Gravel pit

Please see below. This is from Shirley Dickstein, the original owner of Parma Ridge Vineyards.

Best,

Stephanie Hodge, owner
Parma Ridge Winery & Bistro
208-946-5187
www.parmaridge.wine

-----Original Message-----

From: Shirley Dickstein <shirleydickstein25@gmail.com>
Sent: Friday, March 15, 2024 4:08 PM
To: Storm & Stephanie Hodge <info@parmaridge.wine>
Subject: Gravel pit

To Whom it May Concern

My name is Shirley Dickstein, my late husband and I were the original owners of Parma Ridge Winery, located at 24509 Rudd Road in Parma. We purchased the property in late 1997 and in 1998 he removed apple tree stumps and planted grape vines and became the 16th winery in Idaho. We continued as an award winning winery until a decline in his health forced us to sell the winery. While living there all those years, it was a great pleasure to relax at the end of the day on the deck with a glass of wine and admiring the magnificent view overlooking the Boise River and surrounding fields. The young couple, Storm and Stephanie Hodge, who purchased the winery and went one step further than we were able to do and opened a restaurant at the winery. It became a destination restaurant, and we came back frequently to have dinner on the patio and once again enjoy the ambiance and the magnificent view.

I was just informed this is all going to be ruined by the addition of a gravel pit right below the winery. I'm sure they are going to lose customers who will be put off by the view of piles of gravel and loud trucks.

There are industrial areas in Parma and surrounding areas that would be better suited for this type of business. Don't ruin the ambience and view of the winery and other neighbors with a dusty dirty unsuitable business for this area!

Shirley Dickstein
3975 E, Clocktower Lane, Meridian ID, 83642

Sent from my iPad

Michelle Barron

From: Pam Roberts <robertsfour@gmail.com>
Sent: Sunday, March 17, 2024 8:47 PM
To: Michelle Barron
Subject: [External]

3/16/2024

To whom it may concern,

I am writing in regards to the proposed gravel pit along Hwy 95 in Parma.

I have three avenues of concern with this project moving forward.

The first would be the county's approval of utilizing Ag ground for NON AG use. As a land owner in canyon county I have had first hand experience with being told I am unable to build on my ground because it is Ag ground and therefore is not available for any other use. I am far from the only one in canyon county to be told this. If someone owns 80 acres and would like to allow their grandchild to build on 1/3 of an acre they are turned down but if a builder wants to eat up a hundred acres for a huge subdivision or a property owner wants to lease out his property for a gravel pit then that seems to be something that is approved. This is a double standard that Canyon County and the surrounding Cities have indulged in for years. It is time to stop. If you want AG ground to stay AG ground then it is a rule across the board, it is not a rule that is bent for the Big Guys that have money to throw around. The moving of the line in the sand for what is going to be dedicated AG ground should not be moved. You have allowed some of the most beneficial AG ground to be turned into subdivisions all in the name of money. Some have used the excuse in this particular case that this is "not good AG ground" but it seems to have grown corn just fine. I understand this has been grown mainly as a duck/goose preserve but AG use is after all, AG use. This brings me to my second concern.

By allowing this huge amount of land to be turned into a gravel pit you are destroying the habitat used by ducks, geese, deer and many other wildlife animals, not to mention the effects on the river system. This pit is literally located right next to the river. They WILL have an effect on the flow, a change in what goes into the river system as well as the level of water underground. This is an effect that can not be undone when they have exhausted the gravel. You can not put this back to rights in 8-10 years when they are done.

My final concern comes from a very personal point. As a neighbor in very close proximity to this proposed pit I attended the initial meeting with Premier last year. At that meeting we were told that the pit would run 5 days a week and 8 hours a day with crushing to be no more than 3 week days and only certain months. Now we are being told it will run 6 days a week and 12 hour days. They say they will build berms to help with noise, I don't want to look at weedy berms nor do I believe berms can stop the noise of crushing gravel. They say they will use water to mitigate the dust issues. Where is this water coming from? The ground and river so we are back to disturbing this resource that many of us require to live. If our ground water levels are effected then our wells are effected.

In closing I strongly ask that this pit be denied the use of this ground. I do not want to see this wild habitat turned into weedy berms to be left as an eyesore for our future generation.

Dan and Pam Roberts

Michelle Barron

From: Cris and Mary Ridge Construction <cmridgeconstruction@gmail.com>
Sent: Sunday, March 17, 2024 10:03 PM
To: Michelle Barron
Subject: [External] Case CU 2022-0024

I was writing in regards to this proposed gravel pit on the Boise River outside of Parma. As a geolist daughter I totally appreciate gravel pits and the commodity they provide us. However I think this is a terrible location for a gravel pit. It is too close to the river. It is located in prime river bottom Ag ground. And while it potentially will provide great gravel and other commodities I would strongly oppose it.

Mary Baker 541.216.1988

From: Christa <christa.rubadue@gmail.com>
Sent: Sunday, March 17, 2024 9:31 AM
To: Michelle Barron
Subject: [External] Community Petition to Oppose the request by BID, LLC for a Conditional Use Permit (CU2022-0024) affecting Canyon County Parcels R39070-010, R39054-010, R39054, and R39070-010B
Attachments: Parma Community Letter.pdf

Dear Canyon County Planning & Zoning Commission, Planner Barron, and Premier, LLC with BID, LLC,

We, the undersigned residents, families, and concerned community members of Parma, ID, express our collective concern and opposition to the proposed conditional use permit for long-term mineral extraction, rock crushing, and storage of equipment on parcels R39070-010, R39054-010, R39054, and R39070-010B. We believe that this project, if approved, will have far-reaching and detrimental impacts on our community, affecting our farmers, the river, the wetland, public health, and the overall well-being of residents.

Please see the attached letter and community petition signed by local residents and nearby residents.

We appreciate your careful consideration of these pressing matters and trust that you will prioritize the interests and well-being of our community in your decision-making process. We believe that our community's health, environment, and economic well-being should not be compromised for mineral extraction purposes. Therefore, we urge the Planning and Zoning Commission to deny this conditional use permit application.

Thank you for your attention to our concerns.

Sincerely,

The Parma Community

PARMA COMMUNITY LETTER

March 12, 2024

To: Planning & Zoning Commission
c/o: Michelle Barron, Staff Planner

Subject: Community Petition to Oppose the request by BID, LLC for a Conditional Use Permit (CU2022-0024) affecting Canyon County Parcels R39070-010, R39054-010 ,R39054, and R39070-010B

Dear Canyon County Planning & Zoning Commission, Planner Barron, and Premier, LLC with BID, LLC,

We, the undersigned residents, families, and concerned community members of Parma, ID, express our collective concern and opposition to the proposed conditional use permit for long-term mineral extraction, rock crushing, and storage of equipment on parcels R39070-010, R39054-010, R39054, and R39070-010B. We believe that this project, if approved, will have far-reaching and detrimental impacts on our community, affecting our farmers, the river, the wetland, public health, and the overall well-being of residents.

On April 4, 2019, the Commission approved 80 of 182 acres for the same use to the same developer. This approval is still valid for 15 more years. Another pit in this immediate area will change the pristine agricultural character of the land south of the Boise River and be an economic detriment to existing agriculturally related businesses operating within the area and to the homes within the area.

Since the 2019 approval, Canyon County adopted the 2030 Comprehensive Plan. The plan identifies this area as agriculture, but more importantly the land was included in the Agri-tourism and Intensive Agricultural area. The plan states the following purpose:

Intensive Agriculture	This overlay is applied to protect working lands and operations. These areas may have higher quality soils, water availability, and relatively flat topography. Uses may include seed production, crops, orchards, vineyards, concentrated animal feeding operations, grazing, and other agriculturally-based uses. This designation aims to protect agriculture operations from incompatible uses and reduce the conflicts concerning noise, dust, smells, and safety. (Map 2)
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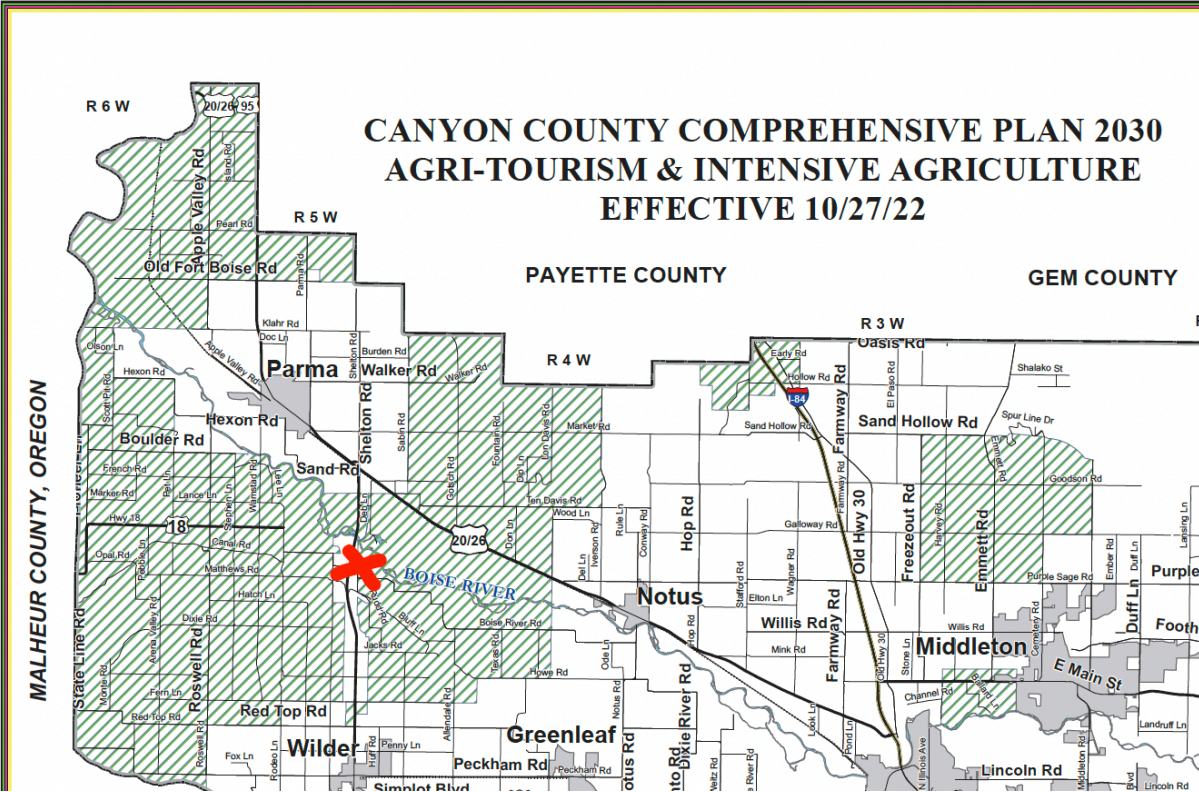


Figure 1: A portion of "Map 2", pg 30 of the 2030 Canyon County Comprehensive Plan. Red X indicates approximate center of subject properties.

Furthermore, not only do large farming operations exist in this area in accordance with the principals of an intensive agricultural area, Parma Ridge Winery is immediately south of the property and overlooks the proposed gravel pit. Agritourism was included in this plan (as stated above) to reduce incompatible uses. This is your opportunity now to not only recognize the County's plan, but also the existing viable uses in this area that already contribute significantly to the Canyon County and State economy. Approving this use, could effectively strip the property rights of the winery to continue operation as they currently do with outdoor dining and views of this supposedly protected agritourism and intensive agricultural area that people drive from across the country to experience. They are not driving to this area to sit outside, inhale the fumes and dust from a gravel pit and to hear the crushing of rocks.

Our primary concerns include:

1. ****Impact on Farmers:****
 The proposed long-term mineral extraction threatens the livelihoods of our local farmers. The potential disruption of fertile land, compromised soil quality, and increased industrial activity pose serious risks to the sustainability of our agricultural community.
2. ****Environmental Consequences:****
 The river and wetlands in our community are integral to our local ecosystem. We fear that the

proposed mineral extraction activities could lead to habitat destruction, water contamination, and disruption of the natural balance of our environment.

3. ****Highway Safety and Infrastructure:****

The anticipated increase in gravel truck traffic poses significant safety risks to our community. Potential damage to the highway infrastructure and the associated risks to public safety must be thoroughly assessed and addressed.

4. ****Health Concerns:****

The dust generated by mineral extraction activities poses a direct threat to the health of our residents. Particulate matter in the air can lead to respiratory issues and other health complications, especially for vulnerable populations.

5. ****Noise Pollution:****

The constant noise from mineral extraction activities and the operation of heavy machinery can have adverse effects on the well-being of our residents. Noise pollution disrupts sleep patterns, contributes to stress, and diminishes the quality of life.

6. ****Disruption of Natural Patterns:****

The artificial lights associated with mineral extraction can disrupt the natural patterns of wildlife, interfere with human sleep cycles, and obscure the beauty of the night sky, including our ability to appreciate stars and celestial events.

THEREFORE, WE, THE UNDERSIGNED, URGE THE CANYON COUNTY TO TAKE THE FOLLOWING ACTIONS:

1. **Reject/Deny the Conditional Use Permit:**

We request the Canyon County Planning & Zoning Commission to reject the conditional use permit for long-term mineral extraction, rock crushing and equipment storage on parcels R39070-010, R39054-010 ,R39054, and R39070-010B

2. **Preserve Agricultural Lands:**

Recognize and prioritize the importance of preserving our agricultural lands and supporting the livelihoods of our local farmers, ranchers and wine makers in the immediate vicinity.

3. **Demand a Comprehensive Environmental Impact Assessment:**

IF, the Commission wants to proceed with considering this application, in accordance with CCZO §07-07-19 we call for a thorough and transparent environmental impact assessment to evaluate the potential harm to the river, wetlands, and overall ecosystem caused by long-term mineral extraction specific to this property and surrounding area.

4. **Implement Safety Measures:**

IF, the Commission wants to proceed with considering this application, in accordance with CCZO §07-07-19 we call for the developer to complete a comprehensive Traffic Impact Study that includes the cumulative impacts of the proposed development, their own gravel pit to the north

of the Boise River, the winery and any other identified existing traffic concerns of the community identified during the public hearing process prior to approval of the application. Enforce safety measures to address the increased traffic associated with mineral extraction, ensuring the preservation of the highway infrastructure and the safety of our residents.

5. Mitigate Health Impacts:

IF, the Commission wants to proceed with considering this application, in accordance with CCZO §07-07-19 we request the commission to develop and enforce measures to mitigate the health impacts of dust generated by mineral extraction, safeguarding the well-being of our community members.

6. Minimize Light Pollution:

IF, the Commission wants to proceed with considering this application, in accordance with CCZO §07-07-19 we request the commission implement strategies to minimize light pollution associated with mineral extraction, preserving the natural patterns of wildlife, ensuring the quality of human sleep, and allowing residents to enjoy the beauty of the night sky.

We appreciate your careful consideration of these pressing matters and trust that you will prioritize the interests and well-being of our community in your decision-making process. We believe that our community's health, environment, and economic well-being should not be compromised for mineral extraction purposes. Therefore, we urge the Planning and Zoning Commission to deny this conditional use permit application.

Thank you for your attention to our concerns.

Sincerely,

The Parma Community

PLEASE SEE ATTACHED FOR NAMES AND SIGNATURES

APPLICABLE ZONING CODES FOR YOUR REFERENCE:

The expectation is that the Commission will consider and include all applicable codes referenced at a minimum within the Planning & Zoning's Findings, Conclusions of Law and Order.

07-14-19: MINERAL EXTRACTION LONG TERM:

- (1) If a conditional use permit is required, the following standards shall apply:
 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;
 - (E) The locations of all proposed pits and any accessory uses; and
 - (F) Recommendations from applicable government agencies.

CONDITIONAL USE PERMITS

07-07-01: PURPOSE:

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. The commission may require higher standards of site development than those listed specifically in this chapter in order to assure that the proposed use will be compatible with other property and uses in the vicinity. The commission may revoke or modify its approval of a conditional use permit in accordance with the procedures set forth in the hearing and appeals procedures found in article 5 of this chapter. (Ord. 10-006, 8-16-2010)

07-07-19: ADDITIONAL STUDIES:

Prior to making a decision concerning a conditional use permit request, the presiding party may require studies at the applicant's expense of the social, economic, fiscal, and environmental effects of the proposed conditional use. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

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. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

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? (Ord. 16-001, 1-8-2016)

Name (Printed)	Parma Address	Signature	Email for Updates (not required)
Stephanie Green	902 E. McConnell Ave.	Stephanie Green	stephndavid@gmail.com
DAVID GREEN	902 E McConnell Ave	David Green	dgreen659@gmail.com
Greg Osbender	26496 Del Lu	Greg Osbender	
Doyle Fisher	Boise River Rd	Doyle Fisher	DAOS1983GMD@gmail.com
Tammy Fisher	Boise River Rd	Tammy Fisher	TADs1983gmd@gmail.com
Trang Doan	3095 2nd St, Parma	Trang Doan	trangtiyetnhung@gmail.com
Robert Geertson	309 S 2nd St, Parma	Robert Geertson	rgertson@gmail.com
Russ Rogers	28149 Rocky Rd Parma	Russ Rogers	rrogers@beneton.com
Lynda Rogers	28149 Rocky Rd Parma ⁸³⁶⁰	Lynda Rogers	russellandlynda@netzen.com
Sandra Nelson	26971 Matthews Rd Parma	Sandra A. Nelson	sanelson2000@gmail.com
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AUGUST VANDERWEY	26092 Hwy 95	August Vanderwey	AUGUST.VANDERWEY@gmail.com
George Pombo	26968 Matthews Rd	George Pombo	gpombo408@gmail.com
Donald Zengler	26897 Matthews Rd	Donald Zengler	DZENGLER@AOL.COM
Lyce Zengler	26817 Matthews Rd	Lyce Zengler	DZENGLER@AOL.COM
Janet Vos	27410 Pioneer Ln Parma	Janet E. Vos	djfarm@frontiernet.net
Susan Stibal	24509 Rudd Rd Parma	Susan Stibal	susanstibal@gmail.com
JERRY VATES	25725 Boise River Rd	Jerry Vates	lynnjerr@aol.com
Alan Dopf	3750 1st Ln E Parma	Alan Dopf	adopf@fntrc.com
Susan Dopf	3750 1st Lane E, Parma	Susan E. Dopf	adopf@fntrc.com
John Stibal	24509 Rudd Rd, Parma	John Stibal	johnstibal@gmail.com
Oliver Schreiner	25877 Us Hwy Eo Winton	Oliver Schreiner	
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Sam Malcom	P.O. Box 728 Willow Falls		malcomsj@yahoo.com

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Frank Campbell	25921 Stephen Ln Parma ID 83660	F Campbell	mwpjocky@gmail.com
Elizabeth Campbell	25921 Stephen Ln Parma ID 83660	E Campbell	hremmon@gmail.com
KENT SUTHERLAND	25389 Gordon Parma, ID 83660		2064 KSI@Gmail.com
JANE SUTHERLAND	11 11 Parma		.com
Jeff Church	24982 Rudd Rd ID 83660 PARMA,		church.jeff@gmail.com
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Jay Blake	26899 boise River Rd		Jaymblakeid@gmail.com
Stacey Blake	26899 Boise River Rd		
Nick Davis	24143 Bluff Ln Parma ID		Hanna@yahoo.com
LES & Samantha Brennan	25918 Boise River Rd	Leslie Brennan Samantha Brennan	lesbrennan@ymail.com
Brack Oberclaus	24306 Rudd Rd.		brack@oberclaus.com
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Angela Starbuck	1010 N. Valley Rd. Parma		gracie.45@wtmail.com
Marquita Marquez	24773 Batt Corner Parma		mmark-farm@icloud
Aaron Isaak	27268 Pet Ln, Parma ID 33666		
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Paul Ferrros	23631 Rudd Parma		
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Sheila Pincock	27686 Fountain Rd Parma		
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Orey Equia	212 n 2 str Parma		Mrpokrr@gmail.com
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Jarred Lamers	909 Donna Ct.		jarredlamers@yahoo.com
Mechelle Cossart	27128 Gotsch Rd. Parma ID		mdcossart@charmail.com
Sharon			
Sharon Fletcher	103 E Stewart Ave Parma		sefletch1993@gmail.com
Randee Hoagland	25242 Boise River Rd		r1hoagland@live.com
Name (Printed)	Address	Signature	Email for Updates (not required)

Kathy Lane	29067 HWY 95 Parma	Kathy Lane	
Elyabeth Taylor	906 N Pioneer Way	Elyabeth Taylor	
Ron Taylor	906 N. PIONEER WAY	Ron Taylor	
David Gifford	29371 Parma RD	David Gifford	
Stephanie Enos	1010E Ball Ave Parma	Stephanie Enos	
Baran Van Vliet	27859 Scott Pit Rd	Baran Van Vliet	

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Mike Childs	189 W main St Vale OR 97918	Mike Childs	
Kelley Duggan		Kelley Duggan	
Michelle Irish	28799 Apple Valley rd Parma Id 83660	Michelle Irish	
Wayce Irish	28799 Apple Valley rd Parma	Wayce Irish	
Steve Deen		Steve Deen	
Jimmy Jones	1733 Mink Rd Caldwell ID 83607	Jimmy Jones	jlazonbarranck@ad.com
Debbie Jones	1733 Mink Rd Caldwell, ID 83607	Debbie Jones	
Sherril Skeltan	26098 Laurel Lane Parma, ID 83660	Sherril Skeltan	gogoSkelly@yahoo.com
Billy Richards	28799 Apple Valley rd.	Billy Richards	
John LARSON	1498 Hiway 95 Nansen	John Larson	
Jamie Cook	28796 Hexon Rd.	Jamie Cook	lccook@att.net
Stacey Blake	26899 Boise River Rd	Stacey Blake	
Jeannie Schultz	26928 Pioneer Lane	Jeannie Schultz	
Fred Scholtz	26928 Pioneer Ln	Fred Scholtz	
CRAIG R. LAPE	26783 DEB. LAPE	Craig R. Lape	crnlape@ad.com
Carter Beerron		Carter Beerron	
Dennis R Reed	1401 50th ave S	Dennis R Reed	
Robi Nilsen	1401 50th Ave S Pine	Robi Nilsen	Bjker68@gmail.com
Oscar Lopez	CANYON COUNTY Nampa 83686	Oscar Lopez	N/A
Jennifer Roland	1312 NW 19th St	Jennifer Roland	rolanjen85@yahoo.com
Name (Printed)	Address	Signature	Email for Updates (not required)

Name (Printed)	Parma Address	Signature	Email for Updates (not required)
Rysten Woodland	901 Donna Ct Parma 83660	Rysten Woodland	N/A
Mary Helen Gotsch	26429 Gotsch Rd. Parma, Id 83660	Mary Helen Gotsch	N/A
Kim Snow	25990 Boise River Parma ID 83660	Kim Snow	N/A
Allen Mark		Allen Mark	self employed
Victoria Wise	Canyon County 83669 Star, ID CANYON COUNTY	Victoria Wise	N/A
JAMES WISE	83669 STAR	James Wise	N/A
Yadira Lopez	Canyon County 83686 Nampa	Yadira Lopez	N/A
Monica Stone	225 S Middle Creek Dr 83686 15230 TRINITY LANE	Monica Stone	NA
DEBORAH SHIELDS	83607	Deborah Shields	NA
Tom Stone	225 S Middle Creek Dr Nampa 83686	Tom Stone	NA
Name (Printed)	Address	Signature	Email for Updates (not required)

Parma

Name (Printed)	Parma Address	Signature	Email for Updates (not required)
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Cindy Lourens	3900 1st Lane East	<i>Cindy Lourens</i>	cindylourens@yahoo.com
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Cash Davis	24114 Bluff Lane Parma	<i>Cash Davis</i>	CashndaVis@icloud.com
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Lynda Rogers	28149 Rocky Rd 83660	<i>Lynda Rogers</i>	russellandlynda@netzero.com
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Ryan Rogers	28565 Hwy 18 83660	<i>Ryan Rogers</i>	russellandlynda@netzero.com
Kyle Greenfield	28149 Rocky Rd 83660	<i>Kyle Greenfield</i>	
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Edwin Grosser	30394 Pet Ln		
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Megan Rogers	28149 Rocky Rd		
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Jordan Robert	25660 Taz Ln		Southern Florida file create your own default, com
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outside of Parma - canyon country

NAMPA 83651

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Nancy Helsel	25277 Marina Ct Wildor 83676	Nancy Helsel	
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Danielle Fleck	15034 Spyglass Ln Caldwell 83607	Danielle Fleck	
DERRIK FLECK	15034 Spyglass Ln Caldwell 83607	D. Fleck	
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Kelli Romine	24318 Sweetwater RD 83676	Kelli Romine	
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DALE BLUNK	25546 THE DRIVING LN CALDWELL, ID 83607	Dale Blunk	
Lee Nelson	8838 E. Lavender Dr Nampa ID	Lee Nelson	
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Earl E Cheatham	28074 Running River St	Earl Cheatham	wildor
George Beck	2664 Sand Hollow Rd	George Beck	
Tommy Huffman	12772w Skyway St	Tommy Huffman	
Melody Witt	1323 S. HIRI AVE G.	Melody Witt	
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Faere Watson	29227 Parma Rd Parma ID 83640	Faere Watson	faerewatson@gmail.com

Marc Miller 917 W Main St
Marc Miller

outside of Parma - Canyon country

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Gillian Powers	3820 Airport Ave, ^{Cald} 83605	Gillian Powers	
Michael Hewitt	6909 Noah Ct, ^{Cald} 83607	Michael Hewitt	
Glen Powers	3820 Airport Ave ^{Cald}	Glen Powers	
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Janice Martz	695 Fawn Rd, ^{Adrian} OR	Janice Martz	
Layla Rico	2501 Toombs Rd. Nyssa OR 97913	Layla Rico	
Elizabeth Martin	2079 Hwy. 201 Adrian, OR 97901	Elizabeth Martin	
Kelsey Zimmerman	1603 Hwy 201 Adrian, OR 97901	Kelsey Zimmerman	
Shana Franklin	1017 Owyhee Ave. Nyssa, OR 97913	Shana Franklin	
Sarah Martin	79 Owyhee Ave Nyssa OR 97913	Sarah Martin	
Krissy Walker	813 Peep Ave Nyssa OR 97913	Krissy Walker	
Calli Wynn	2345 Kingman Rd. Nyssa, OR 97913 OR	Calli Wynn	
Brandi Bennett	653 Overstreet Rd. Nyssa Rd. 97913	Brandi Bennett	
Dendree Mann	20470 State Rd Kamoa Id 83640	Dendree Mann	
Phillip Gifford	571 Dunmore Ave Middleton, ID 83644	Phillip Gifford	
Vicki Heinz	4925 Canal Ln Fruitland Id	Vicki Heinz	

Michelle Barron

From: Geneva <gconvention@live.com>
Sent: Thursday, March 14, 2024 11:22 AM
To: Michelle Barron
Subject: [External] Case CU 2022-0024

Good morning,

I'm writing to oppose the proposed gravel pit being considered near Parma Ridge Winery.

We have dined there many times specifically because of the agriculture, the expansive views and serenity offered on the patio.

Allowing this beautiful land to be dug up for gravel would negatively affect the wineries business, as well as destroy natural habitat for all animals who rely on it.

Once the land is dug up, and then abandoned when the gravel is no longer wanted, it would be impossible to return to its original state.

Please do not allow this to happen to this peaceful land near Parma Ridge.

Sincerely,

Geneva Nelson

Get [Outlook for iOS](#)

From: Chris and Nikki Dale <dalesnails6@gmail.com>
Sent: Thursday, March 7, 2024 11:40 AM
To: Michelle Barron
Cc: BOCC
Subject: [External] Bid Ilc CU 2022-0024

Follow Up Flag: Follow up
Flag Status: Flagged

To Whom it May Concern,

We are Parma residents living a few miles from this proposed gravel pit.

We have so many gravel trucks on our stretch of 20/26, the main thoroughfare this gravel pit will utilize for transportation. We don't think we need more. We have to replace most of our vehicle windshields yearly because of the rocks falling from trucks. Even with covers on loads, many rocks escape and find their way to patrons' vehicles on this Highway.

Besides the rock damage, there's just SO MUCH heavy truck traffic on our stretch of 20/26 from Parma to the freeway east! (There's a lot going west, too) We have lots of farm trucks in our area, as well. It makes for slow going and dangerous passing situations. We have a lot of accidents on this corridor every year. Many are fatal. Frustrated drivers trying to pass slower moving vehicles is a main culprit.

What about the beauty of our area right next to the Boise River? The noise, dust and large piles will surely take away from this pristine and serene place. Many families from all over enjoy this area for fishing, hunting and recreating. There's a boat dock not too far from this area.

Thank you for considering Parma residents' views.

Chris and Nikki Dale Family
Parma, Idaho

**April 4, 2024
at 6:30 P.M.**

AGENDA

Bid, LLC
CU2022-0024

R39054, R39054010, R39070010 &
R39070010B025706 Boise River R

APPLICATION

PRELIMINARY HEARING MATER

**P&Z STAFF
REPORT**

COMMENT DEADLINE: March 17,
PLANNER INFO: Michelle Barron
michelle.barron@canyoncounty.i

P&Z ACTION

Canyon County Development Service, Michelle Barron, and to anyone this may concern:

This is my opinion, and questions I have, to the currently proposed Case # CU2022-0024 for the gravel pits proposed south of the Boise River on Highway 95.

Since the pits were put in, and high production mining began, on highway 20/26 between Notus and I84, that stretch of road has become more dangerous, more congested, and had significant wear and tear use from the amount of heavy load trucks. Not to mention the amount of windshields sacrificed. I don't know much about that project, or if there were impact fees paid to the county or ITD to maintain, repair, or replace these roads more frequently for the introduced heavy use front those pits, but if all that road repair is going to fall on the tax payer, someone is definitely laughing all the way to the bank. This falls on the development services of Canyon County to make sure our tax dollars aren't just getting transferred into developer pockets. I skimmed through the proposal and I haven't seen anything from ITD or Canyon county about a plan for this introduced wear and tear on Highway 95, a main highway corridor, or proposed exiting lanes, merge lanes, or acceleration lanes, or even widening the highway to accommodate the new heavier, larger, and slower traffic. Also, being so close to the river, and on both sides of the highway, where would they even propose exiting lanes, merge lanes, or acceleration lanes? Furthermore, something will need to be done about the highway intersection at 95 and 20/26. 20/26 is a heavily used road these days, and to have slow single and double load gravel trucks piling up at that intersection is going to be a total mess.

I'm not even sure how the one on the north side of Boise road got approved. Did that have impact fees? Is there money from that project that's going to go to repairing, maintaining, replacing, the accelerated deterioration of highway 95 from that pit? How much money is accumulating for this road impact?

I see a couple different numbers on different pages, but is this taking out 159 acres of farm ground, or 238, or how much? How big is this project and how much ground is involved in the total project? Are they mining 159 on 238 acres, or? This being said, this is on Class 2 soil, on a 1-8 scale, 1 being the best and 8 being the worst. This being why Canyon County Soil Conservation District opposes the plan.

Are there environmental studies available, for wildlife, plants, wetlands, etc? I did see the water district had a long list of items, but haven't read them yet, but I imagine it's really just a wash for them, since they wouldn't technically be losing water. I will have read their conditions by the time of the meeting.

I also saw that the flood control district is opposed to this plan as well.

The proposal says 4-5 months of the year, 7am-7pm, 45 trucks a day. I haven't seen the pits on 20/26 operate that way, but let's look at these assumptions. If they operate 7am to 7 pm for 5 days a week, that's 260 days a year. That's over 8 and a half months of the year. I'm assuming that's what they're trying to speculate they will be running, but also downplaying the actual amount of trucks and use for the year. 7 am to 7 pm is also a bit of an obnoxious sound impact for the current homes around there and the businesses. Not to mention the air particulate that will be produced by these pits. I digress. 45 trucks a day from 7 am to 7 pm is 3.75 trucks an hour, and I'm assuming there would be an inflow of trucks to be filled as well, which would double the amount of gravel truck traffic on, at least 95, and partly on 20/26, assuming trucks go North and South, out of the pits.

This just seems rushed and not thought thoroughly through, currently.

I'm sure I'm leaving out a few concerns that will surface by the time of the meeting, but I wanted to get my opinion to the development council before they did their review report.

Thanks,

Jody Hilliard

Michelle Barron

From: Dove Spangler <dove@morrowfischer.com>
Sent: Monday, March 18, 2024 4:55 PM
To: Michelle Barron
Cc: Julie Fischer
Subject: [External] Case No. CU2022-0024
Attachments: Exhibit B.pdf; Exhibit A.pdf; LTR to CCDS re Opposition to CU2022-0024.pdf

Importance: High

Michelle,

Please find the attached letter of opposition regarding the above referenced matter.

Thank you.

Dove Spangler
Paralegal



ATTORNEYS AT LAW

4 Ogden Ave.
Nampa, Idaho 83651

Tel. (208) 475-2200

dove@morrowfischer.com

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MORROW & FISCHER

ATTORNEYS AT LAW

4 Ogden Ave.
Nampa, Idaho 83651
208-475-2200
Fax 208-475-2201
www.morrowfischer.com

March 18, 2024

Sent via Email: michelle.barron@canyoncounty.id.gov

Canyon County Commissioners
Canyon County Development Services
111 North 11th Avenue
Caldwell, Idaho 83605

Re: Case No. CU2022-0024

Dear Commissioners:

We are counsel for Greg Obendorf and are submitting the following comments in opposition to the above-referenced application. Specifically, Mr. Obendorf opposes BID, LLC and Premier, LLC's (collectively "Applicant") request for a conditional use permit for mineral extraction on Canyon County Parcel Nos. 390701101 and 39054010 (the "Subject Property").

By way of background, our client lives at 26496 Deb Lane in Parma, Idaho (the "Obendorf Property"). The Obendorf Property is north of the Subject Property. Applicant, BID, LLC also owns real property adjacent to and west of the Obendorf Property located at 26237 Deb Lane (Parcel No. 3902900). In 2019 the County issued a conditional use permit to Applicant allowing for mineral extraction (gravel operations) on BID's Deb Lane property (CU2018-0014). For ease of reference, a copy of the County's *Findings of Fact, Conclusions of Law, Conditions of Approval and Order* for CU2018-0014 is attached hereto as Exhibit A (the "Order").

There are a number of reasons Mr. Obendorf opposes the present application. However, for the purposes of this letter, Mr. Obendorf simply wishes to apprise the County of certain issues he has encountered as a neighboring property owner to Applicant's Deb Lane Gravel Pit. The point being, Applicant's management of the Deb Lane project is likely informative of how similar projects will be handled by BID, LLC and Premier, LLC.

More precisely, condition #5 in the Order states that the operator "shall maintain a 50 foot undisturbed perimeter along the external property boundaries...and 100 feet from any wetlands." The wetlands are in reference to a pond located east of the Applicant's Deb Lane property. Condition 5 further states that "Berms shall be constructed and maintained around all mineral extraction operations..."

Despite the County's directive, the Applicant did not leave an undisturbed perimeter around its mining operations and instead created berms in the area designated as the "undisturbed perimeter." The berms are not maintained, and instead are weedy and unattractive mounds of dirt surrounding the Subject Property.

On May 4, 2020, Mr. Obendorf caused our office to report the perceived violation to the County. A copy of the Public Complaint Form submitted on his behalf is attached hereto as Exhibit B. Although we do not know whether the County contacted the Applicant, no corrective action was ever taken by BID, LLC.


Additionally, and although not directly related to the Deb Lane mining operations, BID, LLC began draining its wintertime water right (No. 63-11617) through Mr. Obendorf's property thereby increasing the burden on his drains. Our review of the matter suggests that BID, LLC represented to the Department of Water Resources it would discharge back into the Boise River rather than through drains on Mr. Obendorf's property. Nonetheless, and despite Mr. Obendorf's repeated request that BID, LLC redirect the drainage, it has refused to do so.

In sum, Mr. Obendorf's experience with the Applicant (and its neighboring operations) has been less than positive. The Applicant has shown little interest in addressing Mr. Obendorf's concerns and appears to have flatly ignored conditions in the County's Order. Again, we believe the Applicant's conduct is informative regarding what can be expected if Applicant is allowed to conduct additional mining operations in Canyon County. Accordingly, Mr. Obendorf respectfully requests the present application be denied.

Thank you for considering Mr. Obendorf's position.

Sincerely,

MORROW & FISCHER, PLLC



Julie Klein Fischer

Enclosures
C: Greg Obendorf

Canyon County Planning and Zoning Commission

Premier LLC, CU2018-0014 FCO's

Development Services Department

April 4, 2019



Findings of Fact, Conclusions of Law, Conditions of Approval, and Order

Premier LLC - Conditional Use Permit for Mineral Extraction Use

Findings of Fact

1. The applicant is requesting a long term mineral extraction permit to include mining, crushing, stock piling of materials and hauling on Parcel R39029.
2. The subject properties contain approximately 182 total acres.
3. The applicant is proposing to mine approximately 80 of 182 acres.
4. The duration of the mineral extraction operation is proposed for 20 years and this permit shall expire April 4, 2039.
5. The subject properties are located within the "AE" special flood hazard areas. Preliminary flood maps identify a large portion of the parcel to be located in an "AE Floodway" (Exhibit 3e).
6. The subject property is zoned "A" (Agricultural).
7. Mineral Extraction is allowed by conditional use permit in the "A" (Agricultural) zone. (CCZO §07-10-27)
8. The subject properties have access to Iest Road and Deb Lane, public roads.
9. The subject property is not located within a City Impact Area.
10. The subject property is located within the Notus- Parma Highway District, Parma Fire District, and Parma School District.
11. Notifications were made in accordance with CCZO §07-05-01. Notifications were mailed to the applicant and property owners 2/12/2019. The legal notice was published to the Idaho Press Tribune on 2/14/2019. Agencies were notified on 1/15/2019. The property was posted on 2/22/2019.
12. Reclamation Plan S602954 was approved October 16, 2018. An amendment to reduce the pit sizes was submitted to Department of Lands on February 15, 2019.
13. On March 7, 2019, the Planning and Zoning Commission tabled the hearing of this item to April 4, 2019.
14. The record includes all testimony, staff reports, exhibits, and documents in case file CU2018-0014.

Conclusions of Law

For this request the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for Conditional Use Permit (§07-07-05):

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

Conclusion: The subject property is zoned "A" (Agricultural). Long term mineral extraction and batch plants are allowed by conditional use permit (CUP) in the agricultural zone (CCZO §07-10-27).

Finding: Canyon County Zoning Ordinance, §07-10-27 allows the proposed use as a conditional use permit in accordance with Use Standards §07-14-19 Mineral Extraction Long Term in the "A" (Agricultural) zone. The subject property is zoned "A" (Agricultural).

2. What is the nature of the request?

The applicant is requesting to establish a sand and gravel mining operation to include crushing, hauling, scale/scalehouse and staging on the subject property in accordance with the site plan, reclamation plan S602958 (Exhibit 2), applicant's letter of intent and site plan (Attachment A & B). The applicant is proposing the following:

- Mining: 80 acres of 182 acres.

- Duration: 20 years
- Employees: 2-3 during non-crushing months; 5-7 during crushing months.
- Hours of operation: 7Am to 7PM, Monday through Saturday.
- Access: Iest Road will be the main ingress/egress to the operation.

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

Conclusion: The proposed use is consistent with multiple goals and policies of the 2020 Canyon County Comprehensive Plan.

Finding: The proposed use is consistent with multiple goals and policies of the Comprehensive Plan including but not limited to:

Property Rights Policy No. 1- *“No person shall be deprived of private property without due process of law.”*

Land Use Component Goal No. 2- *“To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surround area.”*

Land Use Component Goal No. 5- *“Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.”*

Natural Resources Component E. Mineral Resources No. 4- *“Consideration should be given, but not limited to the following impacts: economic value of the ground, access to the ground, compatibility with surroundings, noise, traffic, visual aesthetics and flooding.”*

Natural Resources Component E. Mineral Resources No. 5- *“Encourage sand and gravel extraction and associated uses to mitigate adverse impacts on surrounding land uses and natural resources.”*

Natural Resources Component E. Mineral Resources No. 6- *“Mineral extraction sites should be designed to facilitate their reclamation for future use.”*

Agriculture Component Policy No. 4- *“Development shall not be allowed to disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way.”*

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

Conclusion: The proposed use will not change the essential character of the area.

Finding: The immediate vicinity is comprised of agricultural uses. To the north, along Highway 20/26, are industrial zones with similar uses. The County Future Land Use map designates the area near Highway 20/26 designated for industrial and commercial uses (Exhibit 3c). Past approvals in the area include a propane distribution and storage operation (CU2006-67, R38914), manufacturing/production of hazardous chemicals (PH2016-71, R38904) and gravel pits (CU2004-564, R39028). City of Parma is in support of the use and hopes to work with the applicant to use the reclaimed property as a future phosphorous removal facility for the city.

To reduce potential impacts to the surrounding area, hours of operation will be Monday through Saturday, 7am to 7pm. Berms shall be constructed and maintained around all mineral extraction operations and crushing area to reduce potential noise impacts. Air quality and fugitive dust must comply with Idaho Department of Environmental Quality requirements.

The applicant initial requested 100 acres to be mined. However, the preliminary flood maps to be adopted on June 7, 2019 delineates half of the parcel as an ‘AE Floodway’ (Exhibit 3e). The applicant provided data from SPF Water Engineering (Exhibit 5) demonstrating the use would not impact the floodway. However, comments were provided from FEMA Region 10 (Exhibit 4d) and Water Resources (Exhibit 4c) requiring the data be submitted and approved by FEMA through a CLOMR (Conditional letter of Map Revision) prior to approval of the mineral extraction use. Instead, the applicant has reduced the pit size relocating all mineral extraction

uses to be completely outside of the “AE Floodway”. Therefore, as conditioned, the use will not be injurious or impact the surrounding vicinity.

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

Conclusion: Adequate facilities for sewer, irrigation, drainage and storm water drainage facilities, and utility systems will be required at the time of development.

Finding: The operation does not require septic system. Portable restrooms will be provided for employees. Existing groundwater and irrigation will be to maintain farmland outside of the extraction area and fugitive dust created by the use. The gravel pit will impact a privately-owned drainage ditch that runs through the parcel. The ditch is not identified as a wetland or waters of the US. Therefore, Army Corps. Of Engineers is not opposed to the use (Exhibit 4f). All other irrigation structures, ditches, drainages shall be in accordance with irrigation district permitting requirements and without disruption to water users.

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

Conclusion: Access currently exists to the parcel.

Finding: Access exist from Deb Lane and Iest Road, public roads. Notus-Parma Highway District did not submit a comment. However, the applicants did discuss the project with the Highway District. A commercial approach permit will be required once a traffic impact study is complete and mitigation measures are addressed. As conditioned, the applicant will provide a traffic impact study and completed all mitigation measures, improvements and permits required by ITD (Exhibit 4b) and Highway District.

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

Conclusion: As conditioned, the mining of the subject properties may not create undue interference with existing or future traffic patterns. Premier LLC shall comply with the requirements of Notus-Parma Highway District and Idaho Transportation Department as required for mitigation of operations on the public transportation system.

Finding: The proposed haul route is Iest Road to Highway 95. Idaho Transportation Department is concerned that the truck trip generation may create an impact to the road segment and a turning movement at Iest Road would be required. Therefore, a traffic impact study is necessary to address potential traffic impacts (Exhibit 4b). Mitigation measures and improvements will be required to be completed. Notus-Parma Highway District did not submit a comment letter, but through discussion with the applicant also requests the traffic impact study. The study is require to be completed prior to mineral extraction uses on the property.

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

Conclusion: Essential Services are available in the area and the proposed use of long term mineral extraction should not require additional public funding to accommodate the use.

Finding: Agencies were notified of the intended use. No comments were received indicating that services would not be provided or be negatively impacted by this application.

Additional Standards §07-14-19 Mineral Extraction Long Term:

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

1. The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses;

Conclusion: The use is compatible with the surrounding properties.

Finding: The immediate vicinity is comprised of agricultural uses. To the north, along Highway 20/26, are industrial zones with similar uses. The County Future Land Use map designates the area near Highway 20/26 designated for industrial and commercial uses. Past approvals in the area include a propane distribution and storage operation (CU2006-67, R38914), manufacturing/production of hazardous chemicals (PH2016-71, R38904) and gravel pits (CU2004-564, R39028). City of Parma is in support of the use (Exhibit 4e).

2. Duration of the proposed use;

Conclusion: The proposed duration of 20 years.

Finding: According to CCZO 07-07-23: Provisions for Land Use Time Limitations; “gravel pits are exempt from 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.” The applicant is requesting a permit to operate for a duration of 20 years on the subject property.

3. Setbacks from surrounding uses;

Conclusion: The applicant shall comply with CCZO §07-14-19 standards.

Finding: The project proposes a 50 foot minimum buffer between on the property boundaries and a 100 foot buffer from adjacent pond to the east which has been identified as a wetland. All ditches, canals, laterals and rights of ways shall not be disturbed, re-routed, changed without proper permitting and agreements with the appropriate irrigation company/associations.

4. Reclamation plan as approved by Idaho Department of Lands;

Conclusion: An approved reclamation plan is approved as S602958 dated October 16, 2018, amended February 15, 2019.

Finding: The applicant has submitted a reclamation plan and amended reclamation plan S602958 (Exhibit 2) approved by Idaho Department of Lands. A condition of approval has been applied to ensure all conditions required by Idaho Department of Lands are met.

5. The locations of all proposed pits and any accessory uses;

Conclusion: The applicant has provided a site plan showing locations of proposed pits and operations (Attachment B).

Finding: The applicant has submitted a reclamation plan S602958 (Exhibit 2) approved by the Department of Lands demonstrating pit locations. The proposed mining operations are located within mapped floodplain. The letter of intent and site plan demonstrates that all mineral extraction uses, including all operations included as part of the use, will be completely outside of the “AE Floodway” as delineated on the 2016 preliminary flood maps (Exhibit 3f).

6. Recommendation from applicable government agencies

- A traffic analysis is required by the Idaho Transportation Department (Exhibit 4b).
- The applicant shall comply with all development requirements in the floodplain (CCZO Section 07-10-29). If development is located in the “AE Floodway”, a CLOMR is required through FEMA (Exhibit 4c and 4d)

- Department of Environmental Quality standard letter of required compliance elements (Exhibit 4a).
- Department of Lands approved Reclamation Plan as conditioned (Exhibit 2).

Conditions of Approval CU2018-0014

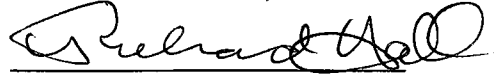
1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the subject property and the proposed use.
2. The operation permitted is for mineral extraction and processing on approximately 86 acres to include crushing, staging, and hauling operations. There will be employee and mining equipment parking and scales on the property. Mining and Reclamation shall be in substantial conformance with Plan S602958 (Exhibit 2), Letter of Intent (Attachment A) and Site Plan (Attachment B).
3. In accordance with Floodplain Development Permit DP2018-0058, the use must comply with all floodplain development standards in the Canyon County Zoning Ordinance. At the time of reclamation, evidence prepared by a licensed surveyor or engineer shall be submitted to Development Service demonstrating the use did not alter existing base flood elevation data provided by FEMA. If base flood elevation data was altered due to the mineral extraction use, the applicant shall submit to Development Services an approved LOMR (Letter of Map Revision) from FEMA.
4. As shown on the site plan (Attachment B), no mining, stockpiling, or equipment shall be located within the "AE Floodway" as delineated in the 2016 FIRM.
5. The operator shall maintain a minimum 50 foot undisturbed perimeter along the external property boundaries other than permitted approach to public roads and 100 feet from any wetlands. Berms shall be constructed and maintained around all mineral extraction operations and crushing area.
6. Alterations of irrigation structures located on the property shall be conducted with written approval from the irrigation company having jurisdiction. Alterations shall not impede or affect water delivery to adjacent properties/water users.
7. Development shall not impede, disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way.
8. Water-surface and groundwater, shall be discharged in accordance with state, federal, and local standards and/or regulations.
9. The duration of the proposed operations on the subject properties shall be 20 years not to exceed April 4, 2039.
10. Hours of operation shall be Monday through Saturday, 7:00 a.m. to 7:00 p.m.
11. The storage of diesel fuel, petroleum products, and any other hazardous materials must meet the standards set forth by the applicable agencies.
12. Noise emissions shall follow the regulations and standards of OSHA and MSHA.
13. Prior to commencement of mining operations a traffic impact study is required in accordance with Idaho Transportation Department (ITD) and Notus-Parma Highway District requirements. All required mitigation measures, improvements and permits shall be completed prior to commencement of use or by a schedule approved by ITD and/or Notus-Parma Highway District, as applicable.

Order

Based upon the Findings of Fact and Conclusions of Law, and Conditions of Approval contained herein, the Planning and Zoning Commission **approves** Case # CU2018-0014, a conditional use permit to allow a long term mineral extraction on approximately 80 acres of 182 acre on parcel R39029. The operation shall include mining, crushing, stockpiling, and hauling operations as conditioned herein.

APPROVED this 4th day of April, 2019.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO



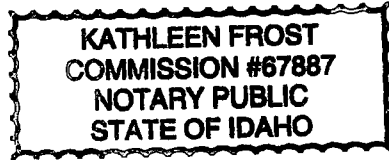
Richard Hall, Chairman

State of Idaho)

SS

County of Canyon County)

On this 4th day of April, in the year 2019, before me Kathleen Frost, a notary public, personally appeared Richard Hall, 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: K Frost

My Commission Expires: 6-3-2022

Public Complaint Form**Notice of Land Use or Building Complaint****Name**

Gregory Obendorf

Address

26496 Deb Lane
Parma, ID 83660
United States

Phone

(208) 573-3054

Emailjfischer@morrowfischer.com**Statement of Complaint****Address or location of subjected property:**

26237 Deb Lane, Parma, ID 83660

The subject property may be in violation for the following reason(s):

The Findings of Fact, Conclusions of Law, Conditions of Approval, and Order ("Permit") require the applicant to comply with CCZO § 07-14-19 standards. The applicant represented it would do so and maintain a 50-foot minimum buffer between the property boundaries; and a 100-foot buffer from adjacent pond to the east which has been identified as a wetland. See Additional Standards for Setbacks at paragraph 3, Permit at p. 4.

In addition, the County expressly conditioned approval of the Permit as follows: "The operator shall maintain a minimum 50-foot undisturbed perimeter along the external property boundaries other than permitted approach to public roads and 100 feet from any wetlands. Berms shall be constructed and maintained around all mineral extraction operations and crushing areas." See Condition of Approval No. 5, Permit at p. 5.

The applicant has not maintained a 50-foot perimeter along the external property boundary. In addition, berms are not complete (as required) around the extraction operations. Instead the berms are being constructed as extraction proceeds and are located within the area that is to remain undisturbed. The result is that the operations are adversely affecting the neighboring property owners.

The complaining party herein relied upon the representations of applicant and set back requirements imposed by the County (including CCZO § 07-14-19 in withdrawing his protest to the application. Under the current circumstances, the complainant is not being afforded the protections required of the County.

Please indicate the approximate date(s) that the violation(s) may have occurred:

Continuing

Do you wish to have a Code Enforcement Officer investigate this complaint?

Yes

Date

05/04/2020

From: Michelle Barron
Sent: Sunday, March 10, 2024 8:26 PM
To: 'Keri Smith'
Cc: Carl Anderson
Subject: RE: [External] BID, LLC

Keri,

The preliminary hearing materials is something that the department put in place to help people have the information that we had received prior to scheduling the hearing. It is complete, as it is preliminary materials. Case maps are items that are added to the Staff Report that will be put on the website 10 days prior to the hearing. The Preliminary Hearing Materials will not be updated, but the Staff Report will be posted at a later date.

I will have Carl respond to the process for identifying representatives. What I have experienced in the past is that some people want a representative, but they also want to speak. Sometimes there are 2 or more individuals that want to be considered the representatives and ask for more time. Typically, you may ask for more time from the hearing body at the time of the hearing. I would recommend writing it in your written comments and approaching the planner prior to the start of the hearing so that they may speak to the Chair.

A PowerPoint presentation may be brought to the hearing, but it is strongly recommended to provide the information prior to the deadline so that the hearing body has time to look at the information as with any other submitted comment. The acceptance of the PowerPoint information is up to the hearing body. It is spoken into the record, but to have it be part of the record other than what the recording secretary documents in the minutes, it would need to be accepted by them or provided before the deadline.

Again, Carl may have additional information on this topic.

Thanks,

Michelle Barron
Principal Planner
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605
Direct Line: 208-455-6033
DSD Office Phone: 208-454-7458
Email: Michelle.Barron@canyoncounty.id.gov
Website: www.canyoncounty.id.gov

From: Keri Smith <keri@tvpidah.com>
Sent: Saturday, March 9, 2024 9:20 AM
To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>

Cc: Carl Anderson <Carl.Anderson@canyoncounty.id.gov>

Subject: [External] BID, LLC

Good morning. I'm reviewing case files and need some follow-up regarding the BID, LLC (CU2022-0024) case.

Can you please confirm that the "preliminary hearing materials" document uploaded for this case is complete? I don't see any of the case maps. Is anything else missing?

Would you please let me know if you upload an update for this case online?

Please confirm your official process for identifying a representative for the opposition so that they may be afforded 10 minutes at the hearing.

And last, but not least, please confirm if a PowerPoint presentation may be brought to the hearing to help with/support their presentation.

Thank you,

Keri Smith
Treasure Valley Planning Idaho

Michelle Barron

From: Keri Smith <keri@tvpidaho.com>
Sent: Sunday, March 10, 2024 8:37 PM
To: Michelle Barron
Cc: Carl Anderson
Subject: Re: [External] Re: BID, LLC

Follow Up Flag: Follow up
Flag Status: Flagged

No. My intention was that you would try and answer the questions I had so that we can better evaluate impacts of the development. If you don't have any of the answers I will work from there on a "comment letter".

My only true statement was regarding the CLOMR. I will definitely consider submitting something about that. Thanks.

Keri

From: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Sent: Sunday, March 10, 2024 8:29 PM
To: Keri Smith <keri@tvpidaho.com>
Cc: Carl Anderson <Carl.Anderson@canyoncounty.id.gov>
Subject: RE: [External] Re: BID, LLC

Keri,

I appreciate your comments. If you would like to submit this as your written comments, I can add this to the file.

Thanks,

Michelle Barron
Principal Planner
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605
Direct Line: 208-455-6033
DSD Office Phone: 208-454-7458
Email: Michelle.Barron@canyoncounty.id.gov
Website: www.canyoncounty.id.gov

From: Keri Smith <keri@tvpidaho.com>
Sent: Saturday, March 9, 2024 9:53 AM
To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Cc: Carl Anderson <Carl.Anderson@canyoncounty.id.gov>
Subject: [External] Re: BID, LLC

Ok, a few more random question.

In the Master Application file... any ideas why a 2017 purchase sale agreement was included with the application? I'm not sure why that is applicable? It's no longer a valid agreement... Did the property close? Who owns the land?

From the maps included, please confirm that they are proposing to put the scales and scale house in the floodway?

I see that the State Floodplain Coordinator is requiring a CLOMR. This is the correct move, but I hope Canyon County is aware that changes to the floodplain can be allowed that impact adjacent properties with a CLOMR. For example, you can increase flood levels with a CLOMR legally, or move water onto adjacent property legally by proposed changes to another property. I would encourage Canyon County to require a condition that does not allow for any increase in Base Flood Elevations on the subject property or surrounding properties (upstream, downstream, or across). The boundaries of the floodplain on adjacent properties should also not be negatively impacted/changed.

Will the Canyon County Floodplain Administrator be recommending conditions of approval?

The application states that it is adjacent to other "gravel producing properties". Are these identified anywhere? Are there any approved gravel pits within ½ mile or 1 mile of the site?

Page 1 of the application posted on line... the "County Web Map" doesn't show all of the correct parcels, correct?

Only two parcels are listed on the master application page 1, is this correct?

For the neighborhood meeting, did the applicant need to disclose the equipment storage and the rock crushing in addition to the mineral extraction to the neighbors?

Okay, that's all my questions for now. Thank you,

Keri Smith

From: Keri Smith <keri@tvpidaho.com>

Date: Saturday, March 9, 2024 at 8:20 AM

To: michelle.barron@canyoncounty.id.gov <Michelle.Barron@canyoncounty.id.gov>

Cc: Carl Anderson <Carl.Anderson@canyoncounty.id.gov>

Subject: BID, LLC

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And last, but not least, please confirm if a PowerPoint presentation may be brought to the hearing to help with/support their presentation.

Thank you,

Keri Smith
Treasure Valley Planning Idaho

Michelle Barron

From: Keri Smith <keri@tvpidaho.com>
Sent: Sunday, March 10, 2024 9:58 PM
To: Michelle Barron; Carl Anderson
Cc: Jay Gibbons; Sabrina Minshall
Subject: Re: [External] BID, LLC
Attachments: APA Recomendend Hearing-Procedures-Resolution-final-version-with-edits.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Michelle and Carl (I added Sabrina and Jay as I'm sure my email will get forwarded up the chain anyways) ,

In the past, I feel like I remember case maps being included in at least some of the preliminary hearing materials. Either way, they are incredibly beneficial in reviewing the case and submitting comments that are factual and relevant. I would highly encourage the department to consider the inclusion of the case maps in the preliminary hearing materials.

Regarding the opposition representative. Please review the Hearing Procedure Guidelines that are read off by the Chairman of the P&Z and the BOCC. Especially the BOCC's, I know that they state that if a representative is identified at the beginning of the hearing, then they are afforded 10 minutes for a presentation. Please note that all applicant representatives are always afforded 10 minutes and are able to prepare for a 10 minute presentation. Other members of their team are also allowed 3 minutes of non-repetitive testimony in support of the application. "Experts" are allowed 5 minutes, but also need to be pre-identified. So I'm assuming that the hearing bodies and DSD do not want to give the applicant's an advantage of allowing more time to present a case than the general public that have concerns about development, correct? The opposition should be allowed the same opportunity with a representative and then other members of the public also providing public comments (that are non-repetitive), correct?

I understand when two or more people ask to be considered as representatives, that can and should be handled by the Board Chair and can be handled by managing/limiting repetitive testimony.

I'm not actually tracking your response regarding the powerpoint below. They are allowed at the public hearing, it can be presented, but then there is a chance that the Board won't actually accept it into the record? Is that a correct summation of your comments? Or am I missing something?

It's my understanding that in accordance with the "new 41-day process" that they have to be submitted by comment deadline to be included in the record, but in the Verhoek's case, I heard that the developer brought a powerpoint the day of the public hearing and it was allowed, with a video. Did the Board accept this late exhibit into the record? If this was out of the norm was that discussed on the record and an exception to the new process identified? Or am I overthinking it?

This entire comment deadline is extremely frustrating. The Department says that it's to "increase transparency", but actually it's reducing the opportunity to respond to development with relevant and factual information in a timely manner; the constraint is forcing the public to come to hearings with NO evidence (especially if I wasn't notified by mail and I just drove by a site and saw the hearing notice one day before the hearing) or even by the comment deadline, pulling together adequate evidence with Public Record Request timelines of the public agencies or hiring professional experts to gather sufficient evidence for a decision is just impossible within the time constraints being mandated. The developer's get more time to testify, they get more time to work on evidence that supports their case, they get full access to the file, and given more latitude during the hearing to submit "comments"/evidence with a "powerpoint". This is not fair due process.

I would highly encourage staff to review [State Statute § 67-6534](#) and Canyon County Zoning Ordinance 01-17-07 (3) that states hearing procedures "SHALL" be adopted that include the opportunity for the public to comment and submit supporting evidence AT the public hearing. You can also review the attached Idaho APA recommended "hearing procedures". This proposed ordinance recognizes the value of public input with the submission of evidence at a public hearing. It sets a deadline for the developer, but not the general public. See section 5.

Respectfully, I beg of you to please consider these comments and help advocate where you can. We are actively trying to help our public become better informed about the public hearing process and the limitations being placed on them is truly limiting the ability of Canyon County constituents to protect their own property rights, fight to reduce the burden on public services, and preserve the character of their areas. I know you are all working hard and doing the best you can and I hope you know how much I appreciate each of you. It's a tough job and incredibly thankless.

Thank you for responding and trying to help.

Sincerely,

Keri K. Smith

From: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Date: Sunday, March 10, 2024 at 8:26 PM
To: Keri Smith <keri@tvpidaho.com>
Cc: Carl Anderson <Carl.Anderson@canyoncounty.id.gov>
Subject: RE: [External] BID, LLC

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*Michelle Barron
Principal Planner
Canyon County Development Services Department*

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Sent: Saturday, March 9, 2024 9:20 AM

To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>

Cc: Carl Anderson <Carl.Anderson@canyoncounty.id.gov>

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And last, but not least, please confirm if a PowerPoint presentation may be brought to the hearing to help with/support their presentation.

Thank you,

Keri Smith

Treasure Valley Planning Idaho

RESOLUTION NO. _____
CITY OF RIVER CITY

TITLE: LAND USE PUBLIC HEARING PROCEDURES

WHEREAS: Idaho Code §67-6534 requires that cities maintain a regular set of procedures for public hearings held by the City of River City Planning and Zoning Commission and City Council in matters governed by the Local Land Use Planning Act; and

WHEREAS: From time to time it is beneficial to review and revise those hearing procedures to better facilitate input from the public and to promote a thorough and expeditious hearing;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council that the City of River City hereby adopts the following procedures to be applied in matters concerning land use-related public hearings:

Section 1. Public Notice

- a. If a public hearing is required by law or ordinance, the planning commission and, when applicable, the city council shall hold at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposal shall be published in the city's official newspaper. Notice of public hearing should only be published when an application is complete in a manner sufficient to address the requirements established by ordinance and application forms.
- b. In the case of annexations, conditional use permits, site-specific rezones, subdivisions, and variances, notice shall also be provided to property owners within the land being considered; those record owners of lands within three hundred feet (300') of the external boundaries of the land being considered; and, optionally, within any additional areas that may be substantially impacted by the proposal as determined by the planning and zoning commission or by decision of the community development department staff. Contents of the mailed notice must contain the information required by law and when practical should include information guided by this Resolution such as requirements of testimony, default time limits (or issue-specific time limits, if known), timing for allowing written submissions, and other significant conditions or restrictions on testifying.
- c. When mailed notices would be required to be sent to two hundred (200) or more property owners, a notice of public hearing, at least 2" x 4" in size, published in the city's official newspaper at least 15 days prior to the hearing, shall be considered adequate in lieu of otherwise required mailed notices.

- d. For site-specific matters, the subject property should be posted with signs describing the type of action to be considered, contact information for the Community Development Department, and the time, date and location of the hearing. Such signage shall be posted on the site as required by law.

Section 2. General Rules for Testimony in a Quasi-judicial or Annexation-related Public Hearing:

- a. At the commencement of the public hearing, the Commission/Council, or the Chairman/Mayor may establish a time limit to be observed by all speakers. This resolution provides the default time limits as follows: Applicant (to describe application and reasons that it meets requirements) – not to exceed fifteen (15) minutes. Staff explanation – not to exceed fifteen (15) minutes. Individual testimony – pro, neutral and con – three (3) minutes per person (up to fifteen (15) minutes for spokesman in cases where spokesmen are pre-authorized by the chairman). Rebuttal by the applicant (no new evidence – only information from the record to rebut assertions by contrary testimony) – as needed.
- b. No person shall be permitted to testify or speak before the hearing agency at a public hearing unless such person has signed his name and written his contact address on sign-up sheets to be provided by the city. This requirement shall not apply to staff or technical witnesses directed by the chairperson to give evidence or information to the hearing agency.
- c. The presiding officer, or the council/commission, is authorized to revise the default time frames and order of proceedings so long as due process rights are maintained. In the event of disagreement by governing board members with procedural rulings by the chairman, the governing board may suspend or amend any one or more of these rules by majority vote of members of the governing board then in attendance, provided that due process rights are preserved.
- d. Anyone who intends to appear as a representative of a group at a hearing where spokesmen will be allowed should contact the Community Development Department at least five days prior to the hearing. Staff may then apprise the representative of procedures for the hearing and any special limits or allowances concerning testimony.
- e. No person shall be permitted to speak before the council/commission at a public hearing until such person is recognized by the chairperson.
- f. Testimony should directly address the subject at hand.
- g. Testimony should not be repetitious with other entries into the record.
- h. Testimony should not be personally derogatory.
- i. Testimony should comply with time restrictions established by the hearing agency.

j. If oral testimony fails to comply with the aforementioned standards, the chairperson may declare such testimony out of order and require it to cease.

k. All public hearing proceedings shall be recorded electronically or stenographically and all persons speaking at such public hearings shall speak before a microphone in such a manner as will assure that the recorded testimony or remarks will be complete.

Section 3. Order for Quasi-Judicial Public Hearing:

Quasi-judicial hearings involve site-specific decisions (such as rezoning specific property) as opposed to legislative hearings which require decisions that have a broad application (such as a change in the text of a zoning or subdivision ordinance, which does not necessarily affect one specific parcel of land). Quasi-judicial Public hearings should follow the order of events set forth below:

- a. Brief introduction of the subject of the hearing by city staff.
- b. Presentation by applicant. (Decision makers should address their questions to the applicant at this time.)
- c. City staff report. (Decision makers should address their initial questions to staff at this time.)
- d. Open Public Hearing: Testimony from public in the following order: (Questions from the decision makers should be asked of the person testifying before they leave the podium whenever possible.)
 1. In favor of proposal
 2. Neutral respecting proposal
 3. Opposed to proposal
- e. Rebuttal testimony from applicant. (Decision makers should ask any final questions.) If new facts are elicited, the public must be given an opportunity to respond to the new facts.
- f. Close Public Hearing
- g. Discussion of hearing subject among governing board members. Questions may also be directed to city staff during this period. Any procedural rules requiring a motion prior to discussion are hereby suspended for purposes of such discussion. Decision makers may table the matter until later in the meeting if other public hearings are pending or to a later meeting for deliberations.
- h. The final decision should include 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 for rezoning requests, relevant ordinance and statutory provisions for other requests, pertinent constitutional principles and factual information contained in the record.

Section 4. Standards for Written Testimony:

Written testimony and exhibits from the public to be admitted at a public hearing shall comply with the following standards:

- a. Written testimony and exhibits must be submitted at least six (6) calendar days prior to the date of the pertinent public hearing. This provision may be varied through notice to potential hearing participants.
- b. Written testimony should include the signature and address of the submitter.
- c. Written testimony should address the issue at hand.
- d. Written testimony should not be personally derogatory.
- e. If written testimony or an exhibit fails to comply with the aforementioned standards, the chairperson or council/commission may declare such testimony inadmissible.

Section 5. Exhibits:

All exhibits, photographs, diagrams, maps, evidence and other material presented during the public hearing should be marked or otherwise identified and entered into the record. Exhibits from the Applicant must be submitted at least twenty (20) days prior to the hearing and shall be marked or identified prior to publication of any notice of public hearing. Original exhibits may be released to the presenting party if requested in writing, and if acceptable to the Community Development Director and legal counsel. If original exhibits are released, photocopies or reproducible photos of the originals should be maintained in the record.

Section 6. Records Maintained:

The City Clerk should maintain records of all public meetings in the following manner:

- a. Transcribable verbatim recordings of the proceedings should be maintained in conformance with Idaho Code §50-907 or its successor.
- b. Originals or accurate duplicates of written submittals to the hearing record and copies of applications should be maintained in conformance with Idaho Code §50-907 or its successor.
- c. Minutes which catalog the occurrences at the public hearing shall be maintained as required by applicable sections of the Idaho Code.

Section 7. Procedures for Legislative Public Hearings.

Public hearings on legislative matters brought pursuant to requirements established by the Local land Use Planning Act should take place after notice has been provided as required by law. Prior to publishing notice of legislative public hearing a draft of the legislative proposal should be prepared and be available for public inspection no later than the day the notice of public hearing is published. Procedural limits on duration of testimony may be established by the chairman, subject to approval by the governing board. Legislative public hearings do not require final decisions in a manner comparable to those for quasi-judicial proceedings.

This resolution shall be in full force from the date of its adoption until superseded by a resolution addressing the same subject matter.

Adopted this _____ day of _____, 2011.

Mayor

ATTEST:

City Clerk

Michelle Barron

From: O'Shea, Maureen <Maureen.OShea@idwr.idaho.gov>
Sent: Monday, June 13, 2022 10:14 AM
To: ZoningInfo
Cc: Devin Krasowski; Stephanie Hailey; Stephen Fultz
Subject: [External] FW: Agency Notification BID, LLC / CU2022-0024
Attachments: CU2022-0024.pdf; 25706 Boise River Road Parma State NFIP Coordinator Comments FW gravel extraction 6-13-2022.pdf

Devin,

Please see attached comments regarding 25706 Boise River Road, Parma for the gravel extraction CUP.

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

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Sent: Thursday, June 9, 2022 4:11 PM
To: 'tkelly@parmaschools.org' <tkelly@parmaschools.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'jack.nygarrd@phd3.idaho.gov' <jack.nygarrd@phd3.idaho.gov>; Parma Fire District <pfdchief33@gmail.com>; 'ParmaRuralFire@gmail.com' <ParmaRuralFire@gmail.com>; 'gwatkins@nphd.net' <gwatkins@nphd.net>; Idaho Power <easements@idahopower.com>; Megan Kelly <mkelly@idahopower.com>; 'JESSICA.MANSELL@INTGAS.COM' <JESSICA.MANSELL@INTGAS.COM>; 'MONICA.TAYLOR@INTGAS.COM' <MONICA.TAYLOR@INTGAS.COM>; 'aflavel.bkirrdist@gmail.com' <aflavel.bkirrdist@gmail.com>; Stephanie Hailey <Stephanie.Hailey@canyoncounty.id.gov>; 'mack@settlersirrigation.org' <mack@settlersirrigation.org>; 'projectmgr@boiseriver.org' <projectmgr@boiseriver.org>; 'scott_sbi@outlook.com' <scott_sbi@outlook.com>; 'jlucas@achdidaho.org' <jlucas@achdidaho.org>; 'clittle@achdidaho.org' <clittle@achdidaho.org>; 'd3development.services@itd.idaho.gov' <d3development.services@itd.idaho.gov>; 'CMILLER@COMPASSIDAHO.ORG' <CMILLER@COMPASSIDAHO.ORG>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; 'mstowell@ccparamedics.com' <mstowell@ccparamedics.com>; 'cenww-rd@usace.army.mil' <cenww-rd@usace.army.mil>; 'lori.kent@id.nacdnet.net' <lori.kent@id.nacdnet.net>; 'info@canyoncountyhistory.org' <info@canyoncountyhistory.org>; BRO Admin <BRO.Admin@deq.idaho.gov>; 'john.graves@fema.dhs.gov' <john.graves@fema.dhs.gov>; 'cdillon@usbr.gov' <cdillon@usbr.gov>; 'jshoemaker@blm.gov' <jshoemaker@blm.gov>; O'Shea, Maureen <Maureen.OShea@idwr.idaho.gov>; Western Info <westerninfo@idwr.idaho.gov>; Pozzanghera, Casey <casey.pozzanghera@idfg.idaho.gov>; 'tate.walters@id.usda.gov' <tate.walters@id.usda.gov>; Tricia Canaday <Tricia.Canaday@ishs.idaho.gov>
Subject: Agency Notification BID, LLC / CU2022-0024

Good afternoon;

Please see the attached agency notice. Please direct your comments or questions to the Canyon County Planning Department at zoninginfo@canyoncounty.id.gov.

Thank you,



Bonnie Puleo
Sr. Administrative Specialist
Canyon County Development Services
111 No 11th Ave. Suite 310
Caldwell, ID 83605
bonnie.puleo@canyoncounty.id.gov
(208) 454-6631 *direct*
(208) 454-6633 *fax*

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Governor Brad Little

Director Gary Spackman

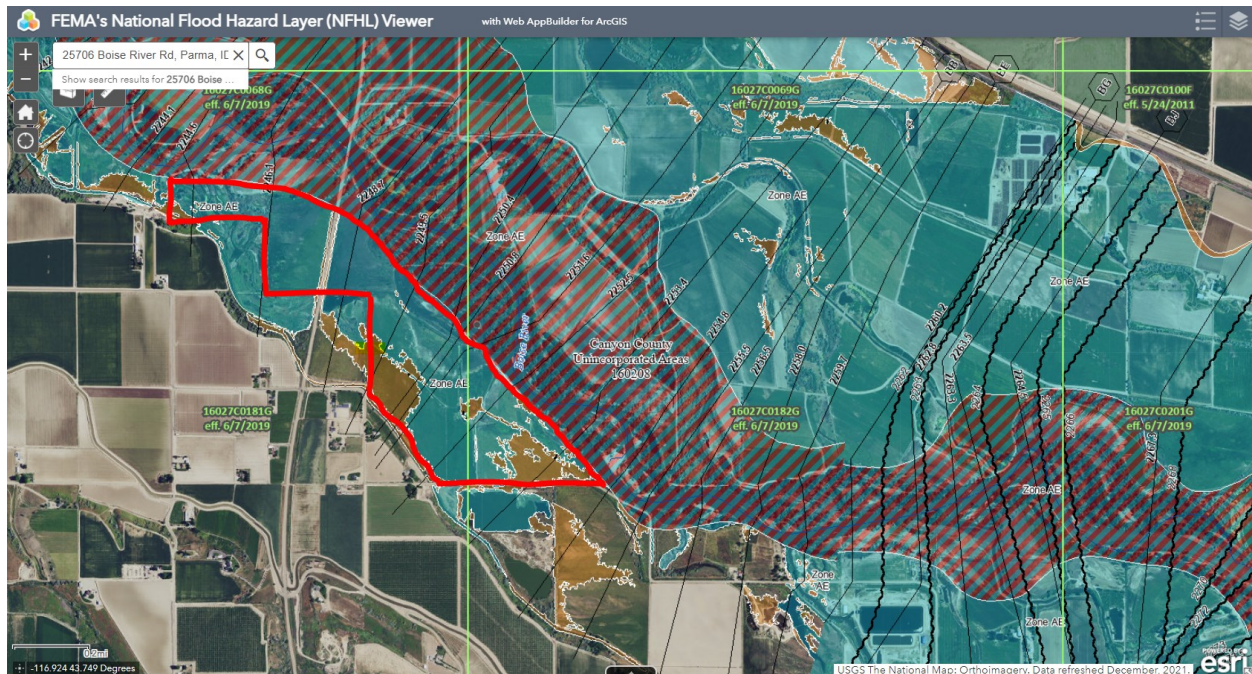
March 4, 2022

Devin Krasowski, County Engineer
Canyon County Development Services Dept.
111 N 11th Avenue #140
Caldwell, ID 83605

Re: CU2022-0019: 25706 Boise River Road, Parma; BID, LLC Gravel Pit (238-acres)

Dear Mr. Krasowski,

The long-term mineral extraction (gravel mining, crushing, washing, stockpiling operations, equipment storage facility, a scale with scale house, porta-potties, perimeter berms, etc.) proposed at 25706 Boise River Road, Parma on 238-acres much of which is in the floodplain and some which is in the floodway requires an approved Conditional Letter of Map Revision (CLOMR) from FEMA before ground may be broken. An approved Letter of Map Revision (LOMR) is required prior to abandonment of the mineral extraction project. Canyon County may choose to require a bond to ensure the LOMR prior to abandonment is obtained by the project applicant.



The following NFIP regulations apply to this proposed development:

Title 44 of the Code of Federal Regulations §60.3 Flood plain management criteria for flood-prone areas.

... Minimum standards for communities are as follows:

(a) ... the community shall:

(2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

(3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall

(i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,

(ii) be constructed with materials resistant to flood damage,

(iii) be constructed by methods and practices that minimize flood damages, and

(iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that

(i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area,

(ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and

(iii) adequate drainage is provided to reduce exposure to flood hazards;

(5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and

(6) Require within flood-prone areas

(i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and

(ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

(b) ... the community shall:

(1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the community's FHBM or FIRM;

(2) Require the application of the standards in paragraphs (a) (2), (3), (4), (5) and (6) of this section to development within Zone A on the community's FHBM or FIRM;

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administrator; (This is the CLOMR/LOMR process.)

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained; (*This is the Hydrologic & Hydraulic Analysis w/No-Rise Certification.*)

(8) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. (*This applies to construction trailers too.*)

(c) ... the community shall:

(1) Require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM;

(3) Require that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE, and AH zones on the community's firm

(i) have the lowest floor (including basement) elevated to or above the base flood level or,

(ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(4) Provide that where a non-residential structure is intended to be made watertight below the base flood level,

(i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(3)(ii) or (c)(8)(ii) of this section, and

(ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under §59.22(a)(9)(iii);

(5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,

- (ii) In a new manufactured home park or subdivision,
- (iii) In an expansion to an existing manufactured home park or subdivision, or
- (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement. (*This applies to construction trailers.*)

(10) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(13) Notwithstanding any other provisions of §60.3, a community may approve certain development in Zones A1-30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of §65.12, and receives the approval of the Federal Insurance Administrator.

(14) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either

- (i) Be on the site for fewer than 180 consecutive days,
- (ii) Be fully licensed and ready for highway use, or
- (iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for “manufactured homes” in paragraph (c)(6) of this section.

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

(d) ... the community shall designate its regulatory floodway, the community shall:

- (1) Meet the requirements of paragraphs (c) (1) through (14) of this section;
- (2) Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;
- (3) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;
- (4) Notwithstanding any other provisions of §60.3, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway

revision, fulfills the requirements for such revisions as established under the provisions of §65.12, and receives the approval of the Federal Insurance Administrator. (This is a CLOMR/LOMR.)

§ Title 44 of the Code of Federal Regulations 65.3 Requirement to submit new technical data.

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Administrator of the changes by submitting technical or scientific data in accordance with this part. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data. [51 FR 30313, Aug. 25, 1986]

Title 44 of the Code of Federal Regulations §65.8 Review of proposed projects.

A community, or an individual through the community, may request FEMA's comments on whether a proposed project, if built as proposed, would justify a map revision. FEMA's comments will be issued in the form of a letter, termed a Conditional Letter of Map Revision, in accordance with 44 CFR part 72. The data required to support such requests are the same as those required for final revisions under §§65.5, 65.6, and 65.7, except as-built certification is not required. All such requests shall be submitted to the FEMA Headquarters Office in Washington, DC, and shall be accompanied by the appropriate payment, in accordance with 44 CFR part 72. [62 FR 5736, Feb. 6, 1997]

Additionally, the gravel extraction company should provide Canyon County an evacuation plan which indicates where the stored equipment & porta-potties will be relocated to in the event of flooding.

Should you have any questions, please do not hesitate to contact me at (208) 287-4928, or through email at maureen.oshea@idwr.idaho.gov

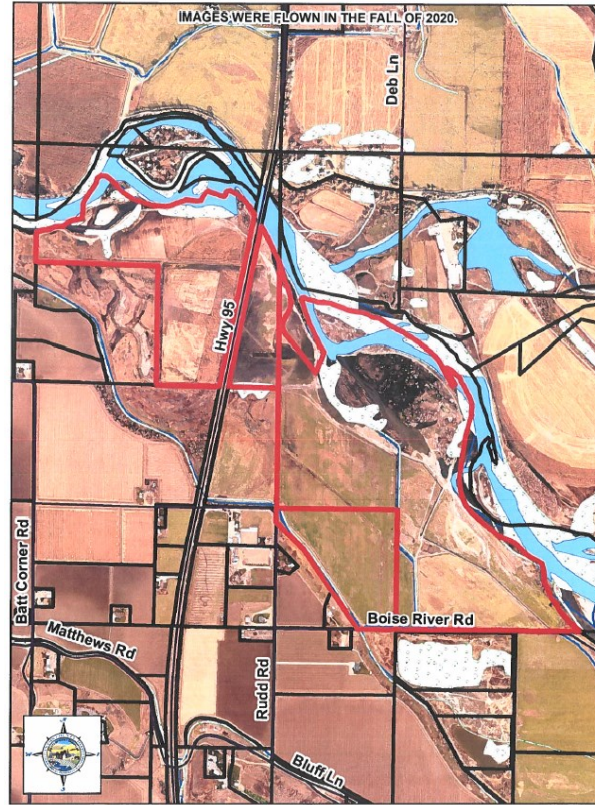
Thank you,

Maureen O'Shea

Maureen O'Shea, AICP, CFM
NFIP State Coordinator

Cc via email:

Steve Fultz, Development Services Director
Stephanie Hailey, Floodplain Administrator
File



Michelle Barron

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Monday, March 11, 2024 11:58 AM
To: dkraft@premierllc.net
Cc: Michelle Barron; Brian Duran; Chris Hopper
Subject: [External] FW: Project Inquiry
Attachments: Parma Source Site Plan.pdf; Middleton Source Site Plan.pdf

Hello Derek!

Thanks so much for getting back in touch with me so we can move forward with your projects. As we discussed on the phone ITD would like to review the following so we can

25706 Boise River Rd – Although ITD has no issues with the trips that the site will add to US-95 we are unsure where access will be taken onto our state facility. Please send a map so we can review access to US-95. The radii may need to be widened to ensure trucks (25ton) will not drag debris onto roadway.

14533 River Rd – We will forego our requirement of traffic generation numbers; however I am a bit concerned of the speed limit of SH-44 (55MPH) at the intersection of River Rd. I would like to see a Traffic Distribution Report and a Turn Lane Warrant document to see if an eastbound acceleration lane and/or a center turn lane will be needed. We also want to ensure the radii is the proper width to ensure trucks will not drag debris onto roadway.

Please let me know if you have any further questions.

Thanks!



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: Brian Duran <Brian.Duran@itd.idaho.gov>
Sent: Friday, February 23, 2024 5:01 PM
To: D3 Development Services <D3Development.Services@itd.idaho.gov>
Subject: Fw: Project Inquiry

Please reach out and assist Derek.

Thanks,

Brian Duran | Development Services Manager

Idaho Transportation Department | District 3

Work: (208) 334-8375 Cell: (208) 871-2842

Email: Brian.Duran@itd.idaho.gov | itd.idaho.gov

Enhancing quality of life through transportation

From: Derek Kraft <dkraft@premierllc.net>
Sent: Wednesday, February 14, 2024 12:49 PM
To: Brian Duran <Brian.Duran@itd.idaho.gov>
Cc: Mike Buck <mbuck@premierllc.net>; Connor MacMahon <cmacmahon@premierllc.net>
Subject: RE: Project Inquiry

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.

Hi Brian,

Here is a little more info regarding the two projects I was referring to:

Parma Source:

This would be a long term gravel source located along the Boise River just south of Parma, ID. The proposed access point into the source would be via Highway 95. I have attached a site plan of the proposed operation indicating the access points. This would be a phased operation with a duration in excess of 10 years.

Middleton Source:

This would be a temporary gravel source lasting approximately 3 years and located along the Boise River along River Road in Caldwell, ID. We have already reached out to CCHD4 and they provided a recommended route via River Road and Highway 44. I have attached the recommendation letter from CCHD4 and a site plan of the proposed project. We are looking for any feedback that ITD can provide or anything that ITD may require of us to move forward with the permitting process for these sources.

Appreciate your help with this.

Thanks,

DEREK KRAFT

RESOURCE DEVELOPMENT

Mobile: 208-249-7468

Email: dkraft@premierllc.net

Web: www.premierllc.net



Quality Products.

Superior Service.

From: Jason Brinkman <Jason.Brinkman@itd.idaho.gov>

Sent: Wednesday, February 14, 2024 10:48 AM

To: Derek Kraft <dkraft@premierllc.net>; Brian Duran <Brian.Duran@itd.idaho.gov>
Cc: Mike Buck <mbuck@premierllc.net>; Connor MacMahon <cmacmahon@premierllc.net>
Subject: RE: Project Inquiry

Derek,

Brian Duran and his team can assist you with this effort. I have copied him on this response.

Thanks,

Jason Brinkman

District Engineer

ITD District 3 – SW Idaho

From: Derek Kraft <dkraft@premierllc.net>

Sent: Wednesday, February 14, 2024 10:42 AM

To: Jason Brinkman <Jason.Brinkman@itd.idaho.gov>

Cc: Mike Buck <mbuck@premierllc.net>; Connor MacMahon <cmacmahon@premierllc.net>

Subject: Project Inquiry

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.

Hello Jason,

My company is looking into developing two new aggregate sources within Canyon County and looking for some guidance with the access points onto State Highway 95 in Parma and State Highway 44 in Middleton/Caldwell area.

Is this something that you or one of your team members could assist us with?

Any info would be appreciated.

Thanks,

DEREK KRAFT

RESOURCE DEVELOPMENT

Mobile: 208-249-7468

Email: dkraft@premierllc.net

Web: www.premierllc.net



Quality Products.

Superior Service.

Michelle Barron

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Friday, March 8, 2024 8:49 AM
To: Michelle Barron
Subject: [External] FW: Agency Notice BID, LLC CU2022-0024

Good Morning, Michelle –

After careful review of the transmittal submitted to ITD on February 21, 2024, regarding BID, LLC CU2022-2024, the Department has no comments or concerns to make at this time. Based on the limited amount of trips that were provided in the application and the of the location of the parcel which provides multiple accesses to US-95, minimal impact can be anticipated.

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: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Sent: Wednesday, February 21, 2024 2:00 PM
To: 'tkelly@parmaschools.org' <tkelly@parmaschools.org>; 'pfdchief33@gmail.com' <pfdchief33@gmail.com>; 'parmaruralfire@gmail.com' <parmaruralfire@gmail.com>; 'gwatkins@nphd.net' <gwatkins@nphd.net>; 'fcdc1875@gmail.com' <fcdc1875@gmail.com>; 'projectmgr@boiseriver.org' <projectmgr@boiseriver.org>; 'scott_sbi@outlook.com' <scott_sbi@outlook.com>; 'jlucas@achdidaho.org' <jlucas@achdidaho.org>; 'clittle@achdidaho.org' <clittle@achdidaho.org>; 'gis@compassidaho.org' <gis@compassidaho.org>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; 'lori.kent@id.nacdnet.net' <lori.kent@id.nacdnet.net>; Stephanie Hailey <Stephanie.Hailey@canyoncounty.id.gov>; 'jlunders@2cmad.org' <jlunders@2cmad.org>; 'jshoemaker@blm.gov' <jshoemaker@blm.gov>; 'mgrodriguez@usbr.gov' <mgrodriguez@usbr.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'westerninfo@idwr.idaho.gov' <westerninfo@idwr.idaho.gov>; 'brandon.flack@idfg.idaho.gov' <brandon.flack@idfg.idaho.gov>; 'john.graves@fema.dhs.gov' <john.graves@fema.dhs.gov>; 'tate.walters@id.usda.gov' <tate.walters@id.usda.gov>; 'CENWW-RD-BOI-TV@usace.army.mil' <CENWW-RD-BOI-TV@usace.army.mil>
Subject: RE: Agency Notice BID, LLC CU2022-0024

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.

Dear Agencies,

It has been brought to my attention that the address was not listed on the legal correctly. The address is 0 Boise River Rd. If you have any questions please contact the Planner Michelle Barron.

Thank you,

Amber Lewter

From: Amber Lewter

Sent: Wednesday, February 21, 2024 11:45 AM

To: 'tkelly@parmaschools.org' <tkelly@parmaschools.org>; 'pfdchief33@gmail.com' <pfdchief33@gmail.com>; 'parmaruralfire@gmail.com' <parmaruralfire@gmail.com>; 'g Watkins@nphd.net' <g Watkins@nphd.net>; 'fcdc1875@gmail.com' <fcdc1875@gmail.com>; 'projectmgr@boiseriver.org' <projectmgr@boiseriver.org>; 'scott_sbi@outlook.com' <scott_sbi@outlook.com>; 'jlucas@achdidaho.org' <jlucas@achdidaho.org>; 'clittle@achdidaho.org' <clittle@achdidaho.org>; 'gis@compassidaho.org' <gis@compassidaho.org>; 'D3Development.services@itd.idaho.gov' <D3Development.services@itd.idaho.gov>; 'niki.benyakhlef@itd.idaho.gov' <niki.benyakhlef@itd.idaho.gov>; Brian Crawford <Brian.Crawford@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; 'lori.kent@id.nacdnet.net' <lori.kent@id.nacdnet.net>; Stephanie Hailey <Stephanie.Hailey@canyoncounty.id.gov>; 'jlunders@2cmad.org' <jlunders@2cmad.org>; 'jshoemaker@blm.gov' <jshoemaker@blm.gov>; 'mgrodriguez@usbr.gov' <mgrodriguez@usbr.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'westerninfo@idwr.idaho.gov' <westerninfo@idwr.idaho.gov>; 'brandon.flack@idfg.idaho.gov' <brandon.flack@idfg.idaho.gov>; 'john.graves@fema.dhs.gov' <john.graves@fema.dhs.gov>; 'tate.walters@id.usda.gov' <tate.walters@id.usda.gov>; 'cenww.rd-boi-tv@usace.army.mil' <cenww.rd-boi-tv@usace.army.mil>

Subject: Agency Notice BID, LLC CU2022-0024

Dear Agencies,

Please see the attached agency notice regarding the scheduled Planning and Zoning Commission hearing on this project. We had previously requested your agency provide comments for the noticed land use application and if any agency comments were received, they were included in the Staff report. No response is required unless there is an update to your original comments.

This is the notification that a hearing date of **April 4, 2024** at 6:30 pm has been set for this case along with a final deadline of **March 17, 2024** for agency comments.

Please direct your comments or questions to Planner **Michelle Barron** at michelle.barron@canyoncounty.id.gov

Thank you,



Amber Lewter

Hearing Specialist

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-454-6631

Fax: 208-454-6633

Email: amber.lewter@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

Development Services Department (DSD)

NEW public office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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

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

Archived: Tuesday, January 30, 2024 11:14:43 AM
From: [Bonnie Puleo](#)
Mail received time: Mon, 13 Jun 2022 08:13:48
Sent: Mon, 13 Jun 2022 08:13:48
To: [Dan Lister](#)
Subject: FW: [EXTERNAL] Agency Notification BID, LLC / CU2022-0024
Importance: Normal
Sensitivity: None

Dan:

I'm not sure you received this email.....it appears she just sent it back to me.\~



Bonnie Puleo

Sr. Administrative Specialist

Canyon County\~Development Services \~
111 No 11th Ave. Suite 310

Caldwell, ID 83605
bonnie.puleo@canyoncounty.id.gov

(208) 454-6631 *direct*
(208) 454-6633 *fax*

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From: Sarah Arjona <Sarah.Arjona@itd.idaho.gov>
Sent: Friday, June 10, 2022 12:56 PM
To: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Subject: RE: [EXTERNAL] Agency Notification BID, LLC / CU2022-0024

Dan,

From what I understand a planner has not yet been assigned to project. The application did not indicate specifics for the site plan (access, internal circulation). I would like to reach out to the applicant to discuss those topics so that they are not surprised by ITD's comments. Could you please provide contact information for the applicant so that I can reach out?

Thank you,

Sarah Arjona

Development Services Coordinator

ITD District 3

(208) 334-8338

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>

Sent: Thursday, June 9, 2022 4:11 PM

To: 'tkelly@parmaschools.org' <tkelly@parmaschools.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'jack.nygarrd@phd3.idaho.gov' <jack.nygarrd@phd3.idaho.gov>; Parma Fire District <pdfchief33@gmail.com>; 'ParmaRuralFire@gmail.com' <ParmaRuralFire@gmail.com>; 'gwatkins@nphd.net' <gwatkins@nphd.net>; Idaho Power <easements@idahopower.com>; Megan Kelly <mkelly@idahopower.com>; 'JESSICA.MANSELL@INTGAS.COM' <JESSICA.MANSELL@INTGAS.COM>; 'MONICA.TAYLOR@INTGAS.COM' <MONICA.TAYLOR@INTGAS.COM>; 'aflavel.bkirrdist@gmail.com' <aflavel.bkirrdist@gmail.com>; Stephanie Hailey <Stephanie.Hailey@canyoncounty.id.gov>; 'mack@settlersirrigation.org' <mack@settlersirrigation.org>; 'projectmgr@boiseriver.org' <projectmgr@boiseriver.org>; 'scott_sbi@outlook.com' <scott_sbi@outlook.com>; 'jlucas@achdidaho.org' <jlucas@achdidaho.org>; 'clittle@achdidaho.org' <clittle@achdidaho.org>; D3 Development Services <D3Development.Services@itd.idaho.gov>; 'CMILLER@COMPASSIDAHO.ORG' <CMILLER@COMPASSIDAHO.ORG>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; 'mstowell@ccparamedics.com' <mstowell@ccparamedics.com>; 'cenww-rd@usace.army.mil' <cenww-rd@usace.army.mil>; 'lori.kent@id.nacdnet.net' <lori.kent@id.nacdnet.net>; 'info@canyoncountyhistory.org' <info@canyoncountyhistory.org>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'john.graves@fema.dhs.gov' <john.graves@fema.dhs.gov>; 'cdillon@usbr.gov' <cdillon@usbr.gov>; 'jshoemaker@blm.gov' <jshoemaker@blm.gov>; 'maureen.oshea@idwr.idaho.gov' <maureen.oshea@idwr.idaho.gov>; 'westerninfo@idwr.idaho.gov' <westerninfo@idwr.idaho.gov>; 'casey.pozzanghera@idfg.idaho.gov' <casey.pozzanghera@idfg.idaho.gov>; 'tate.walters@id.usda.gov' <tate.walters@id.usda.gov>; 'tricia.canaday@ishs.idaho.gov' <tricia.canaday@ishs.idaho.gov>

Subject: [EXTERNAL] Agency Notification BID, LLC / CU2022-0024

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown. ---

Good afternoon;

Please see the attached agency notice.~ Please direct your comments or questions to the Canyon County Planning Department at zoninginfo@canyoncounty.id.gov.

Thank you,



Bonnie Puleo

Sr. Administrative Specialist

Canyon County~Development Services ~
111 No 11th Ave. Suite 310

Caldwell, ID 83605
bonnie.puleo@canyoncounty.id.gov

(208) 454-6631 *direct*
(208) 454-6633 *fax*

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CANYON SOIL CONSERVATION DISTRICT

Exhibit 5c



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

SUPERVISORS: Mike Swartz, Chairman; Robert McKellip Vice Chairman;
Dave Dixon, Secretary/Treasurer; Mike Somerville, Supervisor; & Rex Runkle, Supervisor
ASSOCIATE SUPERVISORS: Tom Johnston, Rich Sims & Matt Livengood

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

June 29, 2022

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

From: Canyon Soil Conservation District (Canyon SCD)

Subject: Notification to Canyon pursuant to the local use Planning Act

Thank you for sending Canyon Soil Conservation District (SCD) several zoning request. They are: CR2022-0014-Donald Gullede, CR2022-0024-Bid LLC and CU2022-0025.

Comments from Canyon Soil Conservation District:

All acres on the soil maps are approximations.

We are going to include irrigated capability class for the soil types. This is a new addition to planning and zoning requests. Soil types in Idaho are organized into 8 classes. 1 is the best and 8 is the worst for irrigation management. Our goal is to provide you with the best information related to the soil properties and if farmed using best management practices can be highly productive. There could be a difference between the prime farmland percentage and irrigated capability class. See attachment for irrigated capability class definitions.

CU2022-0025, Lorinda Norton is 100% Prime Farmland if irrigated. It has 97 % Class 2 Irrigated Capability Class.

The Soil Conservation District does NOT recommend a land use change. These soils have the physical properties to be the most productive soils in Canyon County.

CR2022-0014, Donald Gullede is 65% Soils of Statewide importance if irrigated and 35 % not Prime Farmland. It has 66% irrigated capability class 4 and 34% irrigated capability class 6.

CU2022-0024, Bid LLC is 4.8% Prime Farmland if irrigated, 38.5% Prime Farmland if irrigated and drained, 16% Prime Farmland, if irrigated and reclaim excess salts and sodium. It has 1.4% Irrigated Capability Class 2, 27% Irrigated Capability Class 3, 38% Irrigated Capability Class 4, 12% Irrigated Capability Class 6 and 20% not rated which was water and river rock.

Continued Partnership and Conservation.

Sincerely,

Rich Sims acting for
Mike Swartz, Canyon SCD Chairman

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

Irrigated Land Classification Class

Land capability classification shows, in a general way, the suitability for most kinds of field crops. Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management.

Capability Class I: Class 1 soils have a few limitations that restrict their use.

Capability Class II: Class 2 soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices. Some conservation practices that could be used are: Reduced or No Till tillage, Irrigation Water Management (applying water according to soil type and crop need), Nutrient Management (applying fertilizer according to plant needs, take soil samples) and crop rotation (alternating crops on a yearly basis). Irrigation improvements (sprinkler irrigation, drip systems, improved flood irrigation systems).

Capability III: Class 3 soils have severe limitation that reduce the choice of plants or that require special conservation practices or both. Some conservation practices that could be used are: Reduced or No Till tillage, Irrigation Water Management (applying water according to soil type and crop need), Nutrient Management (applying fertilizer according to plant needs, take soil samples) and crop rotation (alternating crops on a yearly basis). Irrigation improvements (sprinkler irrigation, drip systems, improved flood irrigation systems). crop rotation (alternating crops on a yearly basis), contour farming on slopes.

Capability Class IV: Class 4 soils have very severe limitations that reduce the choice of plants or that require very careful management or both. Some conservation practices that could be used are: Reduced or No Till tillage, Irrigation Water Management (applying water according to soil type and crop need), Nutrient Management (applying fertilizer according to plant needs, take soil samples) and crop rotation (alternating crops on a yearly basis). Irrigation improvements (sprinkler irrigation, drip systems, improved flood irrigation systems), crop rotation (small grains with 4 to 5 years of grass/legumes), contour farming on slopes.

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

Capability Class VI: Class 6 soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland and wildlife habitat.

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

Capability Class VIII: Class 8 soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposed, wildlife habitat, watershed, or esthetic purposes.



United States
Department of
Agriculture

NRCS

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A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for Canyon Area, Idaho

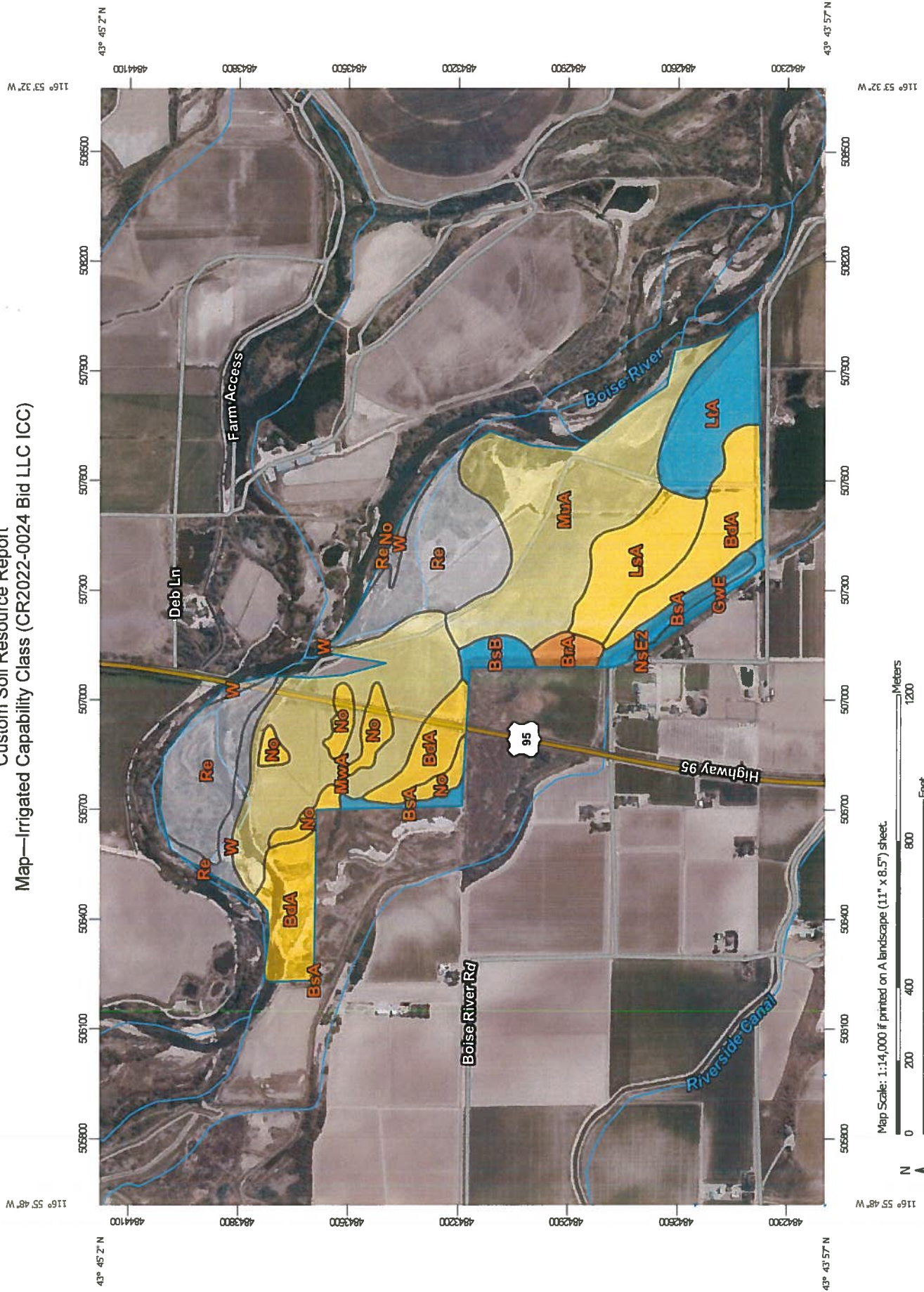
CR2024-0024 Bid LLC ICC



June 22, 2022

Exhibit 5c - Pg 3





































Custom Soil Resource Report
 Map—Irrigated Capability Class (CR2022-0024 Bid LLC ICC)



Map Scale: 1:14,000 if printed on A landscape (11" x 8.5") sheet.

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

MAP LEGEND

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

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Canyon Area, Idaho
Survey Area Data: Version 18, Sep 9, 2021

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

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

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Custom Soil Resource Report

Table—Irrigated Capability Class (CR2022-0024 Bid LLC ICC)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
BdA	Baldock loam, 0 to 1 percent slopes	3	39.7	15.0%
BrA	Bram silt loam, 0 to 1 percent slopes	2	3.7	1.4%
BsA	Bram silt loam, saline-alkali, 0 to 1 percent slopes	6	7.8	3.0%
BsB	Bram silt loam, saline-alkali, 1 to 3 percent slopes	6	3.8	1.4%
GwE	Greenleaf-Owyhee silt loams, 12 to 20 percent slopes	6	2.3	0.9%
LsA	Letha fine sandy loam, 0 to 1 percent slopes	3	18.2	6.9%
LtA	Letha fine sandy loam, strongly saline-alkali, 0 to 1 percent slopes	6	19.5	7.4%
MuA	Moulton fine sandy loam, saline, 0 to 1 percent slopes	4	56.4	21.3%
MwA	Moulton loam, saline, 0 to 1 percent slopes	4	45.2	17.1%
No	Notus soils	3	12.7	4.8%
NsE2	Nyssaton silt loam, 12 to 20 percent slopes, eroded	6	0.3	0.1%
Re	Riverwash		46.4	17.5%
W	Water		9.0	3.4%
Totals for Area of Interest			264.9	100.0%

Rating Options—Irrigated Capability Class (CR2022-0024 Bid LLC ICC)

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher



United States
Department of
Agriculture

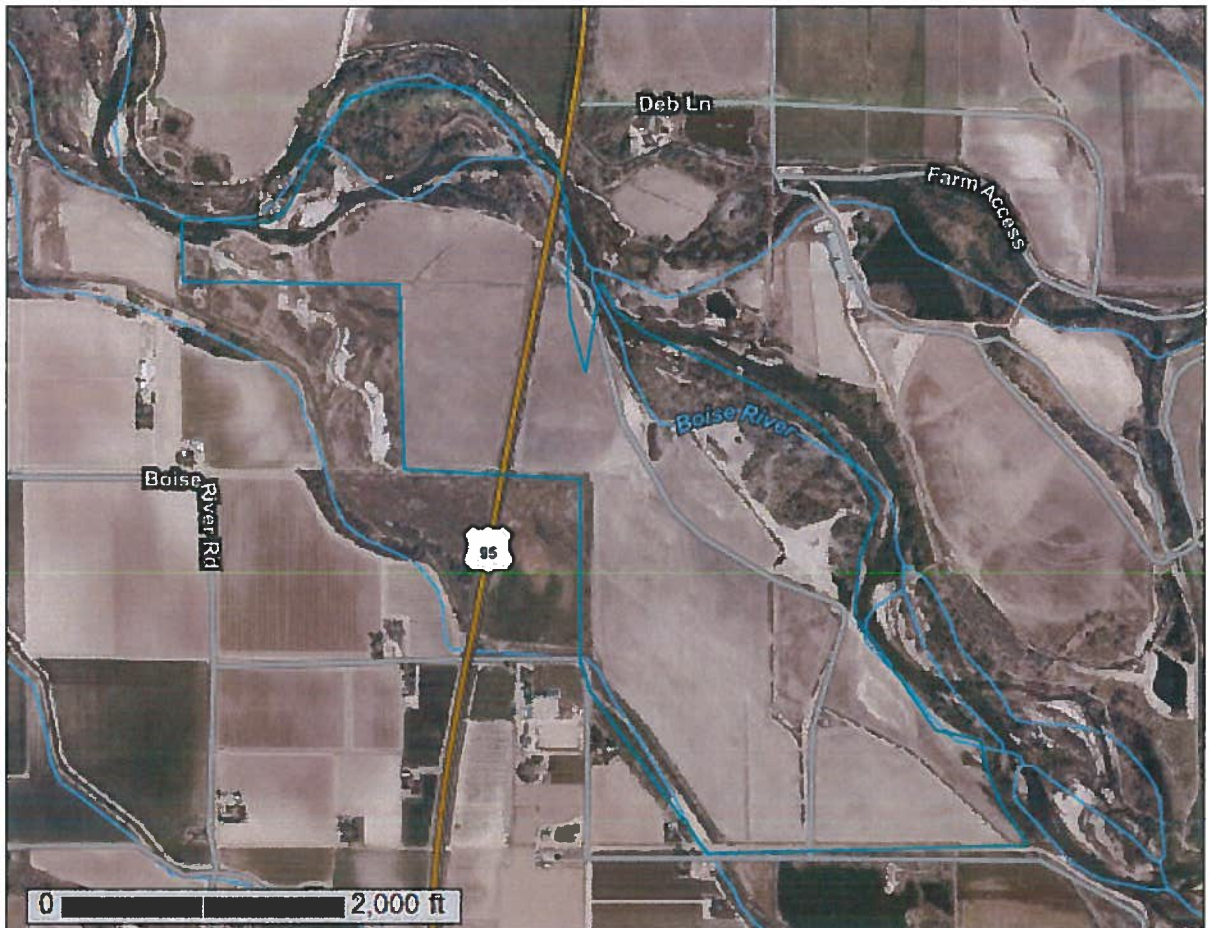
NRCS

Natural
Resources
Conservation
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A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

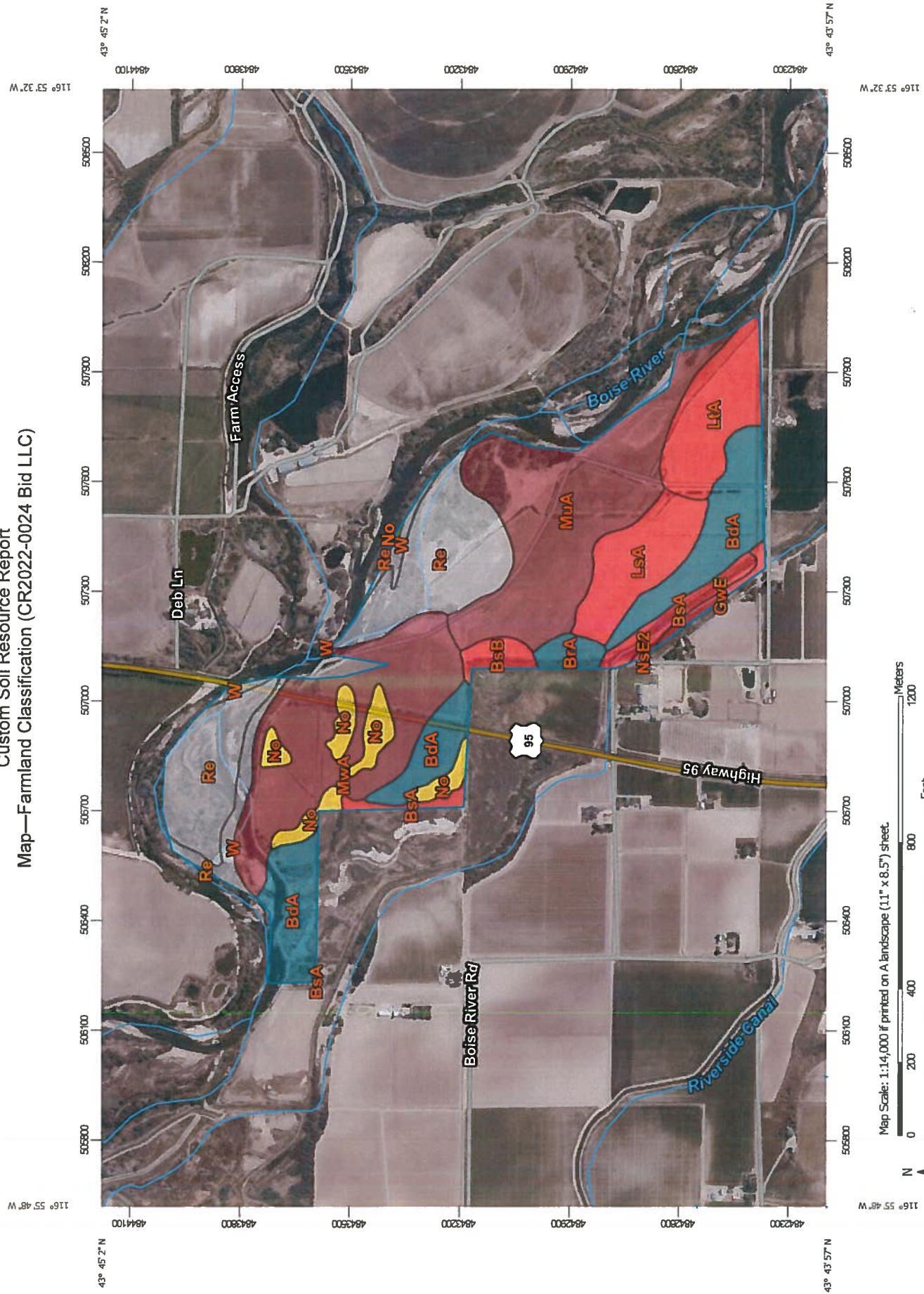
Custom Soil Resource Report for Canyon Area, Idaho

CR2024-0024 Bid LLC PF



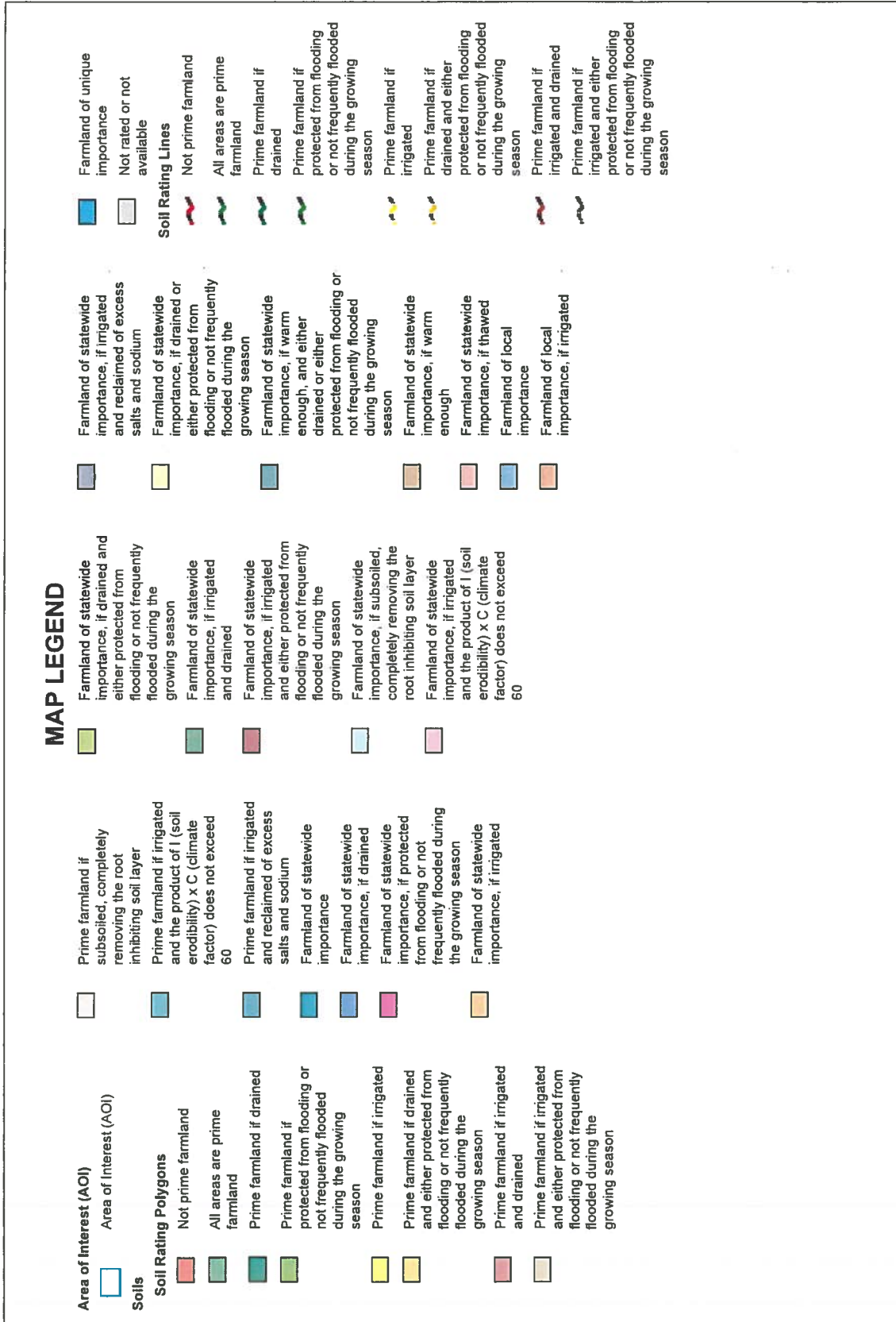
June 22, 2022

Custom Soil Resource Report
 Map—Farmland Classification (CR2022-0024 Bid LLC)







































Map Scale: 1:14,000 if printed on A landscape (11" x 8.5") sheet.

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



Custom Soil Resource Report

	Prime farmland if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season		Farmland of unique importance		Prime farmland if subsoiled, completely removing the root inhibiting soil layer
	Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season		Not rated or not available		Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
	Prime farmland if irrigated and reclaimed of excess salts and sodium		Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season		Farmland of unique importance		Prime farmland if irrigated and reclaimed of excess salts and sodium
	Farmland of statewide importance		Farmland of statewide importance		Farmland of unique importance		Farmland of statewide importance
	Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season		Prime farmland if irrigated		Prime farmland if irrigated and reclaimed of excess salts and sodium
	Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if warm enough		Prime farmland if irrigated		Farmland of statewide importance
	Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of statewide importance, if thawed		Prime farmland if irrigated and drained		Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
	Farmland of statewide importance, if irrigated		Farmland of local importance		Prime farmland if irrigated and drained		Farmland of statewide importance, if irrigated
	Farmland of local importance, if irrigated		Farmland of local importance, if irrigated		Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated

Custom Soil Resource Report

The soil surveys that comprise your AOI were mapped at 1:20,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

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This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Canyon Area, Idaho
 Survey Area Data: Version 18, Sep 9, 2021

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

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

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

	Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium		Farmland of unique importance
	Farmland of statewide importance, if irrigated and drained		Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season		Not rated or not available
	Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season		Water Features
	Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if warm enough		Transportation
	Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of statewide importance, if thawed		Rails
			Farmland of local importance		Interstate Highways
			Farmland of local importance, if irrigated		US Routes
					Major Roads
					Local Roads
					Background
					Aerial Photography

Custom Soil Resource Report

Table—Farmland Classification (CR2022-0024 Bid LLC)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
BdA	Baldock loam, 0 to 1 percent slopes	Prime farmland if irrigated and reclaimed of excess salts and sodium	39.7	15.0%
BrA	Bram silt loam, 0 to 1 percent slopes	Prime farmland if irrigated and reclaimed of excess salts and sodium	3.7	1.4%
BsA	Bram silt loam, saline-alkali, 0 to 1 percent slopes	Not prime farmland	7.8	3.0%
BsB	Bram silt loam, saline-alkali, 1 to 3 percent slopes	Not prime farmland	3.8	1.4%
GwE	Greenleaf-Owyhee silt loams, 12 to 20 percent slopes	Not prime farmland	2.3	0.9%
LsA	Letha fine sandy loam, 0 to 1 percent slopes	Not prime farmland	18.2	6.9%
LtA	Letha fine sandy loam, strongly saline-alkali, 0 to 1 percent slopes	Not prime farmland	19.5	7.4%
MuA	Moulton fine sandy loam, saline, 0 to 1 percent slopes	Prime farmland if irrigated and drained	56.4	21.3%
MwA	Moulton loam, saline, 0 to 1 percent slopes	Prime farmland if irrigated and drained	45.2	17.1%
No	Notus soils	Prime farmland if irrigated	12.7	4.8%
NsE2	Nyssaton silt loam, 12 to 20 percent slopes, eroded	Not prime farmland	0.3	0.1%
Re	Riverwash		46.4	17.5%
W	Water		9.0	3.4%
Totals for Area of Interest			264.9	100.0%

Rating Options—Farmland Classification (CR2022-0024 Bid LLC)

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



Development Services Department



Canyon County, 111 North 11th Avenue, #310, Caldwell, ID 83605
 (208) 454 7458 ▪ (208) 454 6633 Fax ▪ Engineering Division ▪ www.canyonco.org/dsd

July 1, 2022

Re: CU2022-0024 /25706 Boise River Road, Parma / Mineral Extraction
 Parcel No.'s R39070010 & R39054010
 Applicant: BID, LLC

Juli,

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

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

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

CCO 07-10A-03

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

Sincerely,







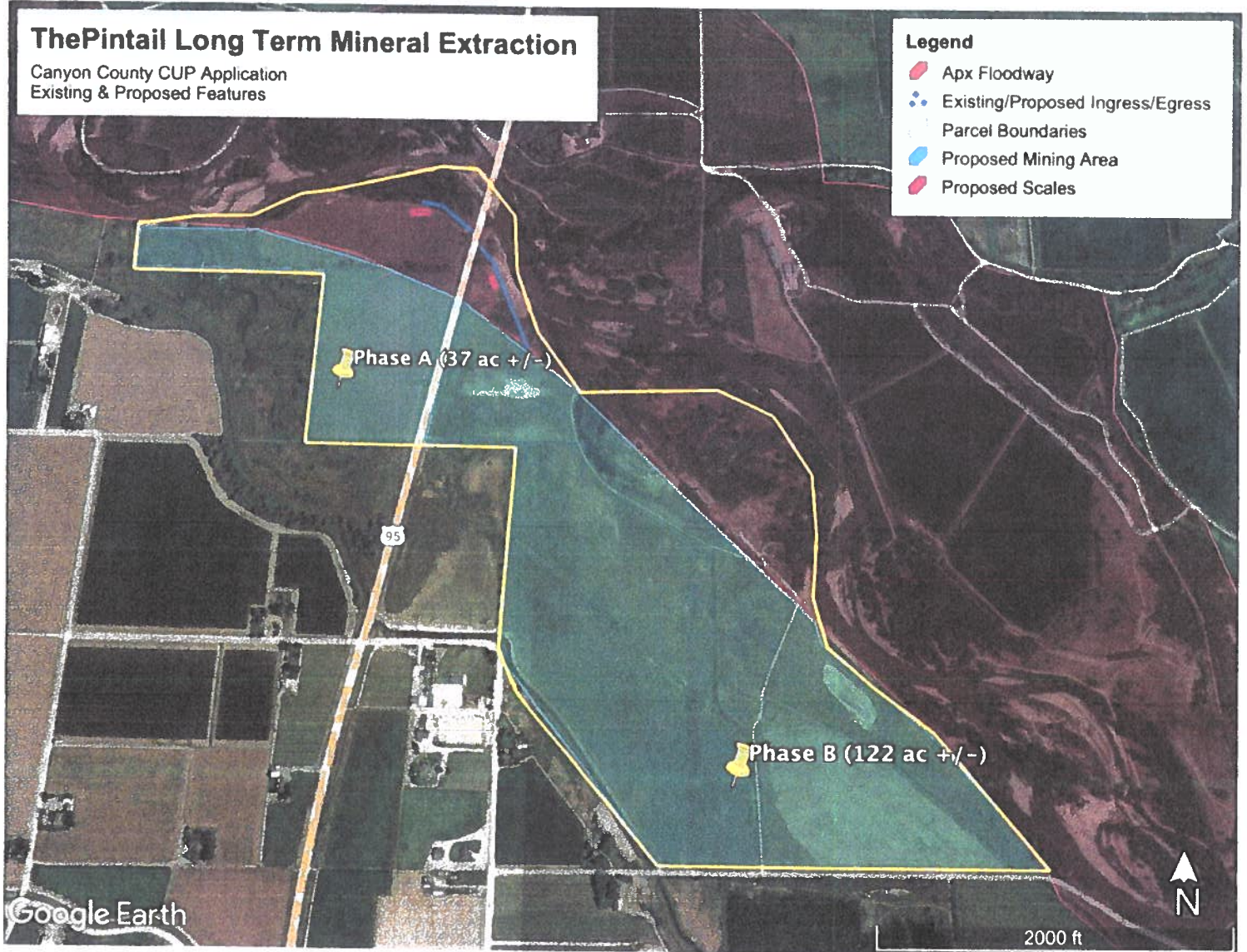
Stephanie Hailey, CFM
 Engineering Coordinator
 Floodplain Manager
 Canyon County Development Services
 P(208) 454-7254
 F(208) 454-6633
shailey@canyonco.org

ThePintail Long Term Mineral Extraction

Canyon County CUP Application
Existing & Proposed Features

Legend

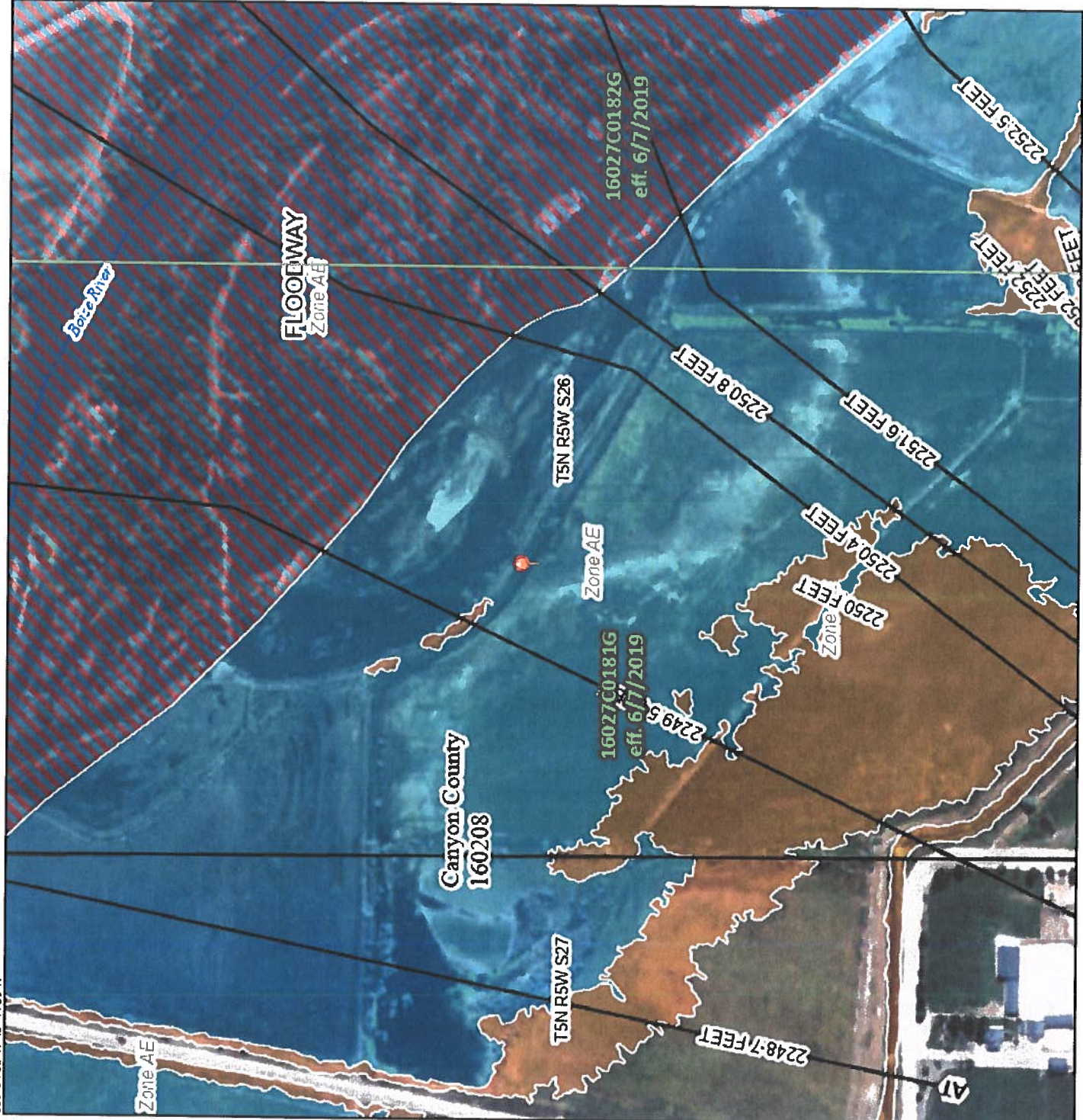
-  Apx Floodway
-  Existing/Proposed Ingress/Egress
-  Parcel Boundaries
-  Proposed Mining Area
-  Proposed Scales



National Flood Hazard Layer FIRMette



116°54'51"W 43°44'35"N



Legend

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

- SPECIAL FLOOD HAZARD AREAS**
 - Without Base Flood Elevation (BFE) Zone A, V, A199
 - With BFE or Depth Zone AE, AO, AH, VE, AR
 - Regulatory Floodway
- OTHER AREAS OF FLOOD HAZARD**
 - 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
 - Future Conditions 1% Annual Chance Flood Hazard Zone X
 - Area with Reduced Flood Risk due to Levee. See Notes. Zone X
 - Area with Flood Risk due to Levee Zone D
- OTHER AREAS**
 - NO SCREEN
 - Area of Minimal Flood Hazard Zone X
 - Effective LOMR
 - Area of Undetermined Flood Hazard Zone X
- GENERAL STRUCTURES**
 - Channel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall
- OTHER FEATURES**
 - Cross Sections with 1% Annual Chance Water Surface Elevation
 - Coastal Transsect
 - Base Flood Elevation Line (BFE)
 - Limit of Study
 - Jurisdiction Boundary
 - Coastal Transsect Baseline
 - Profile Baseline
 - Hydrographic Feature
- MAP PANELS**
 - Digital Data Available
 - No Digital Data Available
 - Unmapped



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

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

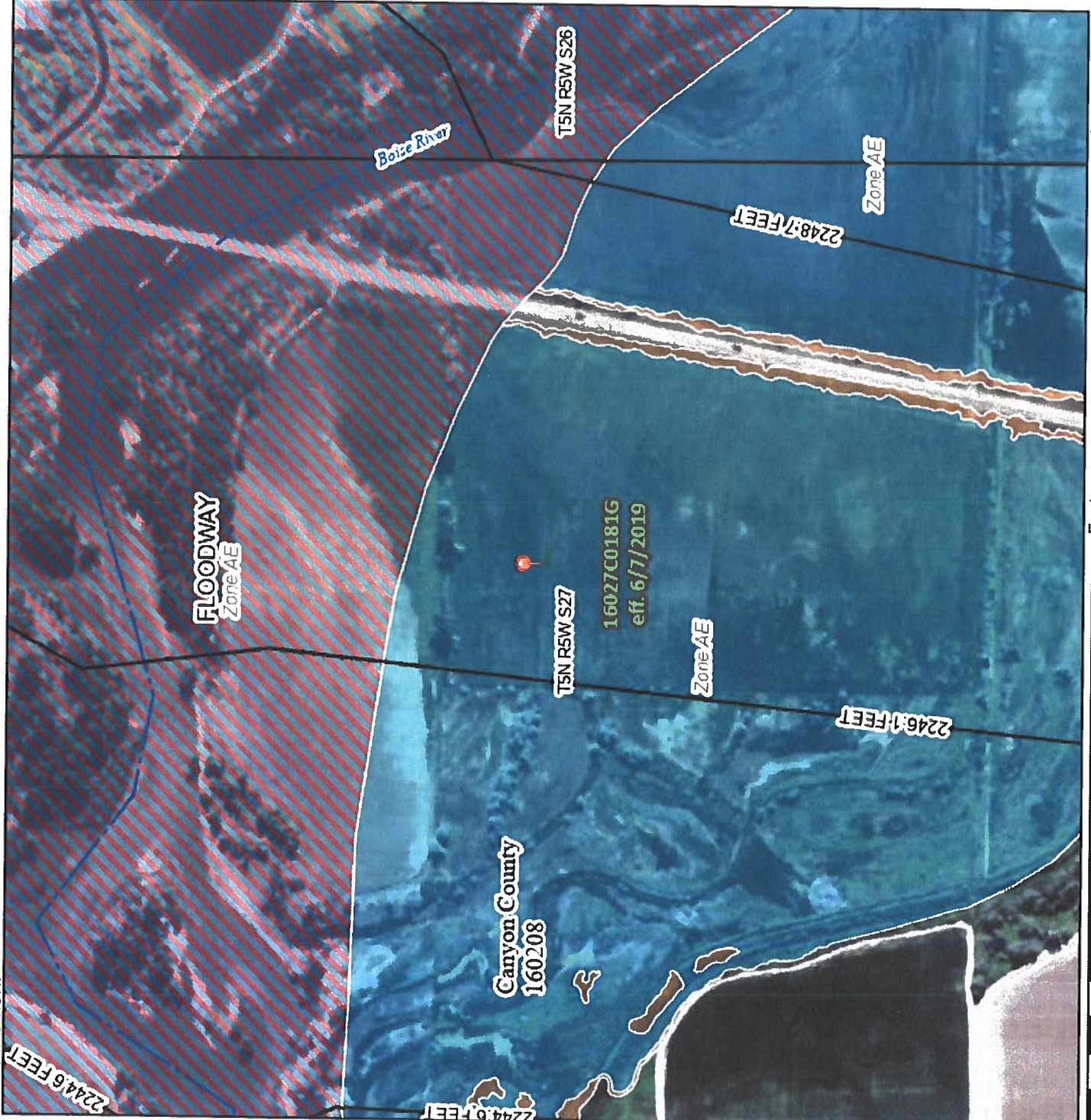
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 7/1/2022 at 12:41 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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

National Flood Hazard Layer FIRMette



116°55'15"W 43°44'54"N



116°54'37"W 43°44'28"N

Legend

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

- SPECIAL FLOOD HAZARD AREAS**
- Without Base Flood Elevation (BFE)
Zone A, V, A99
 - With BFE or Depth *Zone AE, AO, AH, VE, AR*
 - Regulatory Floodway
- 0.2% Annual Chance Flood Hazard. Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

- OTHER AREAS**
- NO SCREEN
 - Area of Minimal Flood Hazard *Zone X*
 - Effective LOMRMs
 - Area of Undetermined Flood Hazard *Zone X*
- GENERAL STRUCTURES**
- Channel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall

- CROSS SECTIONS WITH 1% ANNUAL CHANCE WATER SURFACE ELEVATION**
- 20.2
 - 17.5
 - 8
 - 50
- OTHER FEATURES**
- Cross Sections with 1% Annual Chance Water Surface Elevation
 - Coastal Transect
 - Base Flood Elevation Line (BFE)
 - Limit of Study
 - Jurisdiction Boundary
 - Coastal Transect Baseline
 - Profile Baseline
 - Hydrographic Feature

- MAP PANELS**
- Digital Data Available
 - No Digital Data Available
 - Unmapped

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

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 7/1/2022 at 12:39 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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

Michelle Barron

From: Scott Yekel <scott_sbi@outlook.com>
Sent: Wednesday, June 22, 2022 9:37 AM
To: Juli McCoy
Subject: [External] FW: Case No. CU2022-0024
Attachments: FCD11 Gravel Pits & Pit Capture.pdf

From: Scott Yekel
Sent: Wednesday, June 22, 2022 9:36 AM
To: Juli.mccoy@canyoncounty.id.gov
Subject: Case No. CU2022-0024

RE: Case No. CU2022-0024
Canyon County Planning Department

Hello Juli,

Please find attached Flood Control District No. 11's position regarding Gravel Pits and Pit Capture issues.

If you have any questions, please let us know and we will respond as quickly as we can.

Sincerely,

Scott Yekel
Secretary-Treasurer
Flood Control District No. 11
PO Box 729
215 E. Main St.
Parma, ID 83660
208-722-5044

Flood Control District #11

Position on Gravel Pits and Pit Capture Issues

Flood Control District #11 (FCD#11) is not in favor of a gravel pits located within the documented floodplain. If a gravel pit is located outside the floodplain, FCD #11 would recommend approval of the new pit to the permitting entity.

If a gravel pit must be located within the floodplain, FCD#11 recommends that a flood study be done to identify the potential paths the water could take when exiting the pit after a pit capture flood event occurs. FCD #11's goal is to make sure the water does not affect or damage public or private lands, roads and structures as it cuts a new path leaving the pit. Additionally, FCD #11 recommends any water entering a gravel pit must successfully be routed back to the Boise River after it exits the pit, within the same owner's property.

Creeks and canals are not an acceptable receiving source for exiting flood waters. During a flood event, the creeks and irrigation canals connecting to the Boise River will be also be swollen and thus unable to handle the additional water. Added waters would significantly damage these arteries and could lead to water leaving the system into undesirable paths.

Our recommendation is to use berms and ditches to force the exiting water back to the Boise River within the gravel pit owners' own property. It is our position that it would be acceptable to allow the gravel pit owners' own land to flood or pond up, provided it drains back to the Boise River.

Michelle Barron

From: Mark Zirschky <projectmgr@boiseriver.org>
Sent: Monday, February 26, 2024 8:55 AM
To: Michelle Barron
Subject: [External] Fwd: Agency Notice BID, LLC CU2022-0024
Attachments: 41 day AGENCY notice PZ hearing.pdf

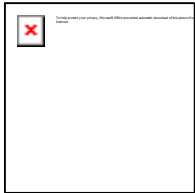
Michelle,

Thank you for providing this information and opportunity for comment.

All applicable flood zone requirements with Canyon County must be adhered to.

Regards,

Mark Zirschky
District Manager
Flood Control District 10
208-861-2766
www.boiseriver.org



----- Forwarded message -----

From: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Date: Wed, Feb 21, 2024 at 11:45 AM
Subject: Agency Notice BID, LLC CU2022-0024
To: tkelly@parmaschools.org <tkelly@parmaschools.org>, pfdchief33@gmail.com <pfdchief33@gmail.com>, parmaruralfire@gmail.com <parmaruralfire@gmail.com>, g Watkins@nphd.net <g Watkins@nphd.net>, fc dc1875@gmail.com <fc dc1875@gmail.com>, projectmgr@boiseriver.org <projectmgr@boiseriver.org>, scott_sbi@outlook.com <scott_sbi@outlook.com>, jlucas@achdidaho.org <jlucas@achdidaho.org>, clittle@achdidaho.org <clittle@achdidaho.org>, gis@compassidaho.org <gis@compassidaho.org>, D3Development.services@itd.idaho.gov <D3Development.services@itd.idaho.gov>, niki.benyakhlef@itd.idaho.gov <niki.benyakhlef@itd.idaho.gov>, Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>, Michael Stowell <mstowell@ccparamedics.com>, lori.kent@id.nacdnet.net <lori.kent@id.nacdnet.net>, Stephanie Hailey <Stephanie.Hailey@canyoncounty.id.gov>, jlunders@2cmad.org <jlunders@2cmad.org>, jshoemaker@blm.gov <jshoemaker@blm.gov>, mgrodriguez@usbr.gov <mgrodriguez@usbr.gov>, BRO.Admin@deq.idaho.gov <BRO.Admin@deq.idaho.gov>, westerninfo@idwr.idaho.gov <westerninfo@idwr.idaho.gov>, brandon.flack@idfg.idaho.gov <brandon.flack@idfg.idaho.gov>, john.graves@fema.dhs.gov <john.graves@fema.dhs.gov>, tate.walters@id.usda.gov <tate.walters@id.usda.gov>, cenww.rd-boi-tv@usace.army.mil <cenww.rd-boi-tv@usace.army.mil>

Dear Agencies,

Please see the attached agency notice regarding the scheduled Planning and Zoning Commission hearing on this project. We had previously requested your agency provide comments for the noticed land use application and if any agency comments were received, they were included in the Staff report. No response is required unless there is an update to your original comments.

This is the notification that a hearing date of **April 4, 2024** at 6:30 pm has been set for this case along with a final deadline of **March 17, 2024** for agency comments.

Please direct your comments or questions to Planner **Michelle Barron** at michelle.barron@canyoncounty.id.gov

Thank you,



Amber Lewter

Hearing Specialist

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-454-6631

Fax: 208-454-6633



Canyon County Planning and Zoning Commission

Premier LLC, CU2018-0014 FCO's

Development Services Department

April 4, 2019

Findings of Fact, Conclusions of Law, Conditions of Approval, and Order

Premier LLC - Conditional Use Permit for Mineral Extraction Use

Findings of Fact

1. The applicant is requesting a long term mineral extraction permit to include mining, crushing, stock piling of materials and hauling on Parcel R39029.
2. The subject properties contain approximately 182 total acres.
3. The applicant is proposing to mine approximately 80 of 182 acres.
4. The duration of the mineral extraction operation is proposed for 20 years and this permit shall expire April 4, 2039.
5. The subject properties are located within the "AE" special flood hazard areas. Preliminary flood maps identify a large portion of the parcel to be located in an "AE Floodway" (Exhibit 3e).
6. The subject property is zoned "A" (Agricultural).
7. Mineral Extraction is allowed by conditional use permit in the "A" (Agricultural) zone. (CCZO §07-10-27)
8. The subject properties have access to Iest Road and Deb Lane, public roads.
9. The subject property is not located within a City Impact Area.
10. The subject property is located within the Notus- Parma Highway District, Parma Fire District, and Parma School District.
11. Notifications were made in accordance with CCZO §07-05-01. Notifications were mailed to the applicant and property owners 2/12/2019. The legal notice was published to the Idaho Press Tribune on 2/14/2019. Agencies were notified on 1/15/2019. The property was posted on 2/22/2019.
12. Reclamation Plan S602954 was approved October 16, 2018. An amendment to reduce the pit sizes was submitted to Department of Lands on February 15, 2019.
13. On March 7, 2019, the Planning and Zoning Commission tabled the hearing of this item to April 4, 2019.
14. The record includes all testimony, staff reports, exhibits, and documents in case file CU2018-0014.

Conclusions of Law

For this request the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for Conditional Use Permit (§07-07-05):

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

Conclusion: The subject property is zoned "A" (Agricultural). Long term mineral extraction and batch plants are allowed by conditional use permit (CUP) in the agricultural zone (CCZO §07-10-27).

Finding: Canyon County Zoning Ordinance, §07-10-27 allows the proposed use as a conditional use permit in accordance with Use Standards §07-14-19 Mineral Extraction Long Term in the "A" (Agricultural) zone. The subject property is zoned "A" (Agricultural).

2. What is the nature of the request?

The applicant is requesting to establish a sand and gravel mining operation to include crushing, hauling, scale/scalehouse and staging on the subject property in accordance with the site plan, reclamation plan S602958 (Exhibit 2), applicant's letter of intent and site plan (Attachment A & B). The applicant is proposing the following:

- Mining: 80 acres of 182 acres.

- Duration: 20 years
- Employees: 2-3 during non-crushing months; 5-7 during crushing months.
- Hours of operation: 7Am to 7PM, Monday through Saturday.
- Access: Iest Road will be the main ingress/egress to the operation.

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

Conclusion: The proposed use is consistent with multiple goals and policies of the 2020 Canyon County Comprehensive Plan.

Finding: The proposed use is consistent with multiple goals and policies of the Comprehensive Plan including but not limited to:

Property Rights Policy No. 1- *“No person shall be deprived of private property without due process of law.”*

Land Use Component Goal No. 2- *“To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surround area.”*

Land Use Component Goal No. 5- *“Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.”*

Natural Resources Component E. Mineral Resources No. 4- *“Consideration should be given, but not limited to the following impacts: economic value of the ground, access to the ground, compatibility with surroundings, noise, traffic, visual aesthetics and flooding.”*

Natural Resources Component E. Mineral Resources No. 5- *“Encourage sand and gravel extraction and associated uses to mitigate adverse impacts on surrounding land uses and natural resources.”*

Natural Resources Component E. Mineral Resources No. 6- *“Mineral extraction sites should be designed to facilitate their reclamation for future use.”*

Agriculture Component Policy No. 4- *“Development shall not be allowed to disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way.”*

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

Conclusion: The proposed use will not change the essential character of the area.

Finding: The immediate vicinity is comprised of agricultural uses. To the north, along Highway 20/26, are industrial zones with similar uses. The County Future Land Use map designates the area near Highway 20/26 designated for industrial and commercial uses (Exhibit 3c). Past approvals in the area include a propane distribution and storage operation (CU2006-67, R38914), manufacturing/production of hazardous chemicals (PH2016-71, R38904) and gravel pits (CU2004-564, R39028). City of Parma is in support of the use and hopes to work with the applicant to use the reclaimed property as a future phosphorous removal facility for the city.

To reduce potential impacts to the surrounding area, hours of operation will be Monday through Saturday, 7am to 7pm. Berms shall be constructed and maintained around all mineral extraction operations and crushing area to reduce potential noise impacts. Air quality and fugitive dust must comply with Idaho Department of Environmental Quality requirements.

The applicant initial requested 100 acres to be mined. However, the preliminary flood maps to be adopted on June 7, 2019 delineates half of the parcel as an ‘AE Floodway’ (Exhibit 3e). The applicant provided data from SPF Water Engineering (Exhibit 5) demonstrating the use would not impact the floodway. However, comments were provided from FEMA Region 10 (Exhibit 4d) and Water Resources (Exhibit 4c) requiring the data be submitted and approved by FEMA through a CLOMR (Conditional letter of Map Revision) prior to approval of the mineral extraction use. Instead, the applicant has reduced the pit size relocating all mineral extraction

uses to be completely outside of the “AE Floodway”. Therefore, as conditioned, the use will not be injurious or impact the surrounding vicinity.

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

Conclusion: Adequate facilities for sewer, irrigation, drainage and storm water drainage facilities, and utility systems will be required at the time of development.

Finding: The operation does not require septic system. Portable restrooms will be provided for employees. Existing groundwater and irrigation will be to maintain farmland outside of the extraction area and fugitive dust created by the use. The gravel pit will impact a privately-owned drainage ditch that runs through the parcel. The ditch is not identified as a wetland or waters of the US. Therefore, Army Corps. Of Engineers is not opposed to the use (Exhibit 4f). All other irrigation structures, ditches, drainages shall be in accordance with irrigation district permitting requirements and without disruption to water users.

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

Conclusion: Access currently exists to the parcel.

Finding: Access exist from Deb Lane and Iest Road, public roads. Notus-Parma Highway District did not submit a comment. However, the applicants did discuss the project with the Highway District. A commercial approach permit will be required once a traffic impact study is complete and mitigation measures are addressed. As conditioned, the applicant will provide a traffic impact study and completed all mitigation measures, improvements and permits required by ITD (Exhibit 4b) and Highway District.

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

Conclusion: As conditioned, the mining of the subject properties may not create undue interference with existing or future traffic patterns. Premier LLC shall comply with the requirements of Notus-Parma Highway District and Idaho Transportation Department as required for mitigation of operations on the public transportation system.

Finding: The proposed haul route is Iest Road to Highway 95. Idaho Transportation Department is concerned that the truck trip generation may create an impact to the road segment and a turning movement at Iest Road would be required. Therefore, a traffic impact study is necessary to address potential traffic impacts (Exhibit 4b). Mitigation measures and improvements will be required to be completed. Notus-Parma Highway District did not submit a comment letter, but through discussion with the applicant also requests the traffic impact study. The study is require to be completed prior to mineral extraction uses on the property.

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

Conclusion: Essential Services are available in the area and the proposed use of long term mineral extraction should not require additional public funding to accommodate the use.

Finding: Agencies were notified of the intended use. No comments were received indicating that services would not be provided or be negatively impacted by this application.

Additional Standards §07-14-19 Mineral Extraction Long Term:

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

1. The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses;

Conclusion: The use is compatible with the surrounding properties.

Finding: The immediate vicinity is comprised of agricultural uses. To the north, along Highway 20/26, are industrial zones with similar uses. The County Future Land Use map designates the area near Highway 20/26 designated for industrial and commercial uses. Past approvals in the area include a propane distribution and storage operation (CU2006-67, R38914), manufacturing/production of hazardous chemicals (PH2016-71, R38904) and gravel pits (CU2004-564, R39028). City of Parma is in support of the use (Exhibit 4e).

2. Duration of the proposed use;

Conclusion: The proposed duration of 20 years.

Finding: According to CCZO 07-07-23: Provisions for Land Use Time Limitations; “gravel pits are exempt from 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.” The applicant is requesting a permit to operate for a duration of 20 years on the subject property.

3. Setbacks from surrounding uses;

Conclusion: The applicant shall comply with CCZO §07-14-19 standards.

Finding: The project proposes a 50 foot minimum buffer between on the property boundaries and a 100 foot buffer from adjacent pond to the east which has been identified as a wetland. All ditches, canals, laterals and rights of ways shall not be disturbed, re-routed, changed without proper permitting and agreements with the appropriate irrigation company/associations.

4. Reclamation plan as approved by Idaho Department of Lands;

Conclusion: An approved reclamation plan is approved as S602958 dated October 16, 2018, amended February 15, 2019.

Finding: The applicant has submitted a reclamation plan and amended reclamation plan S602958 (Exhibit 2) approved by Idaho Department of Lands. A condition of approval has been applied to ensure all conditions required by Idaho Department of Lands are met.

5. The locations of all proposed pits and any accessory uses;

Conclusion: The applicant has provided a site plan showing locations of proposed pits and operations (Attachment B).

Finding: The applicant has submitted a reclamation plan S602958 (Exhibit 2) approved by the Department of Lands demonstrating pit locations. The proposed mining operations are located within mapped floodplain. The letter of intent and site plan demonstrates that all mineral extraction uses, including all operations included as part of the use, will be completely outside of the “AE Floodway” as delineated on the 2016 preliminary flood maps (Exhibit 3f).

6. Recommendation from applicable government agencies

- A traffic analysis is required by the Idaho Transportation Department (Exhibit 4b).
- The applicant shall comply with all development requirements in the floodplain (CCZO Section 07-10-29). If development is located in the “AE Floodway”, a CLOMR is required through FEMA (Exhibit 4c and 4d)

- Department of Environmental Quality standard letter of required compliance elements (Exhibit 4a).
- Department of Lands approved Reclamation Plan as conditioned (Exhibit 2).

Conditions of Approval CU2018-0014

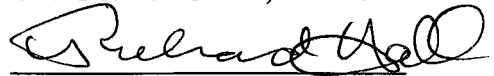
1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the subject property and the proposed use.
2. The operation permitted is for mineral extraction and processing on approximately 86 acres to include crushing, staging, and hauling operations. There will be employee and mining equipment parking and scales on the property. Mining and Reclamation shall be in substantial conformance with Plan S602958 (Exhibit 2), Letter of Intent (Attachment A) and Site Plan (Attachment B).
3. In accordance with Floodplain Development Permit DP2018-0058, the use must comply with all floodplain development standards in the Canyon County Zoning Ordinance. At the time of reclamation, evidence prepared by a licensed surveyor or engineer shall be submitted to Development Service demonstrating the use did not alter existing base flood elevation data provided by FEMA. If base flood elevation data was altered due to the mineral extraction use, the applicant shall submit to Development Services an approved LOMR (Letter of Map Revision) from FEMA.
4. As shown on the site plan (Attachment B), no mining, stockpiling, or equipment shall be located within the "AE Floodway" as delineated in the 2016 FIRM.
5. The operator shall maintain a minimum 50 foot undisturbed perimeter along the external property boundaries other than permitted approach to public roads and 100 feet from any wetlands. Berms shall be constructed and maintained around all mineral extraction operations and crushing area.
6. Alterations of irrigation structures located on the property shall be conducted with written approval from the irrigation company having jurisdiction. Alterations shall not impede or affect water delivery to adjacent properties/water users.
7. Development shall not impede, disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way.
8. Water-surface and groundwater, shall be discharged in accordance with state, federal, and local standards and/or regulations.
9. The duration of the proposed operations on the subject properties shall be 20 years not to exceed April 4, 2039.
10. Hours of operation shall be Monday through Saturday, 7:00 a.m. to 7:00 p.m.
11. The storage of diesel fuel, petroleum products, and any other hazardous materials must meet the standards set forth by the applicable agencies.
12. Noise emissions shall follow the regulations and standards of OSHA and MSHA.
13. Prior to commencement of mining operations a traffic impact study is required in accordance with Idaho Transportation Department (ITD) and Notus-Parma Highway District requirements. All required mitigation measures, improvements and permits shall be completed prior to commencement of use or by a schedule approved by ITD and/or Notus-Parma Highway District, as applicable.

Order

Based upon the Findings of Fact and Conclusions of Law, and Conditions of Approval contained herein, the Planning and Zoning Commission **approves** Case # CU2018-0014, a conditional use permit to allow a long term mineral extraction on approximately 80 acres of 182 acre on parcel R39029. The operation shall include mining, crushing, stockpiling, and hauling operations as conditioned herein.

APPROVED this 4th day of April, 2019.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO



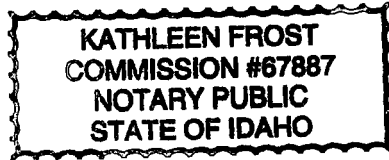
Richard Hall, Chairman

State of Idaho)

SS

County of Canyon County)

On this 4th day of April, in the year 2019, before me Kathleen Frost, a notary public, personally appeared Richard Hall, 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: K Frost

My Commission Expires: 6-3-2022

Canyon County Planning and Zoning Commission
Obendorf **CU2018-0010**
 Development Services Department February 21, 2019



Findings of Fact, Conclusions of Law, Conditions of Approval, and Order
 Obendorf – Conditional Use Permit: Mineral Extraction

Findings of Fact

1. The David Sterling of T-O Engineers, on behalf of Greg and Ann Obendorf, is requesting a Conditional Use Permit to allow long-term (15 year) mineral extraction use with crushing on parcel R39225-011. The 66.9 acre property is vacant (0 Boise River Road, Parma); further described as a portion of the NW¼ of Section 36, Township 5N, Range 5W, Boise-Meridian, Canyon County, Idaho.
2. The subject properties are currently zoned “A” (Agricultural).
3. The 66.9 acre parcel was created by division in 2011 (Instrument #2011-009964). The division was not processed in accordance with land division requirements (CCZO §07-18-01). Therefore, the parcel does not have a building permit available.
4. The parcel has an open code violation due to development (mineral extraction) within a mapped floodplain (CDEF2017-055). Since submittal of the conditional use permit, additional complaints were received regarding on-going extraction activities on the subject parcel. Approval of this conditional use permit will abate said violations.
5. The subject property fronts on Boise River Road, a collector road. Access to the road is under the jurisdiction of Golden Gate Highway District and Notus-Parma Highway District (Exhibit 5b).
6. The subject property is currently located within an “AE” flood hazard area.
7. The subject property is not located within an area of city impact.
8. The Planning and Zoning Commission has tabled the hearing of the item four time (September 6, 2018, October 4, 2018, November 15, 2018, and December 20, 2018).
9. In accordance with CCZO §07-05-01, notifications were mailed to the applicant and property owners on August 9, 2018 and December 31, 2018. The legal notice was published to the Idaho Press Tribune on August 27, 2018 and January 20, 2019. Agencies were notified on August 6, 2018 and December 31, 2018. The property was posted on August 28, 2018 and January 25, 2019.
10. The record includes all testimony, staff reports, exhibits, and documents in case file CU2018-0010. The Planning and Zoning Commission accepted Exhibits 8, 9, 10 and 11 during the hearing of this case on February 7, 2019.
11. On February 7, 2019, the applicant’s legal representative, Julie Kline Fischer of Morrow & Fischer Attorney at Law, requested the hearing of the conditional use permit be tabled until information regarding a traffic impact study, response letter from Idaho Department of Water Resources and third party engineering review of City of Boise’s concerns regarding water impacts can be submitted and adequately addressed. The applicant on record (David Sterling and Greg Obendorf) did not attend the hearing. Upon review, the Planning and Zoning Commission denied the request to table the hearing of CU2018-0010 and proceeded as noticed.

Conclusions of Law

For Case No. CU2018-0010, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for Conditional Use Permit (§07-07-05):

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

Conclusion: Mineral Extraction is allowed by conditional use permit (CUP) in the agricultural zone (CCZO §07-10-27).

Finding: The subject property is zoned “A” (Agricultural) and the use is permitted in the agricultural zone subject to conditional use permit approval.

2. What is the nature of the request?

Gravel operations will consist of three gravel pit with crushing on-site (Exhibit 2). The operation will take 15 years (5 years per pit). Hours of operation will be from 5am to 11pm, Monday through Saturday. Approximately 6-10 employees will be on-site at any given time. Crushing will occur in two shifts to shorten duration. Berms will be constructed around the perimeter of the site to reduce noise and visual impacts to the surrounding area. A reclamation plan has been approved by Department of Land (Plan No. S602952, Exhibit 3).

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

Conclusion: The proposed use is not consistent with multiple goals and policies of the 2020 Canyon County Comprehensive Plan.

Finding: The proposed use is not consistent with multiple goals and policies of the Comprehensive Plan including but not limited to:

- Property Rights Policy No. 11- *“Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.”*
 - See Sections 4, 5 and 7 for more information.
- Natural Resources Component E. Mineral Resources No. 4- *“Consideration should be given, but not limited to the following impacts: economic value of the ground, access to the ground, compatibility with surroundings, noise, traffic, visual aesthetics and flooding.”*
 - See Sections 4, 5 and 7 for more information.
- Natural Resources Component E. Mineral Resources No. 5- *“Encourage sand and gravel extraction and associated uses to mitigate adverse impacts on surrounding land uses and natural resources.”*
 - See Sections 4, 5 and 7 for more information.

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

Conclusion: The proposed use will be injurious to other properties or property owners in the immediate vicinity and change the essential character of the area.

Finding: The use has the potential to be injurious to other properties or property owners in the immediate vicinity, as follows:

- Letters of opposition from neighbors (Exhibit 6c, 6d and 6e) express concerns about the existing road system (inadequate size, previous flooding and quality of existing pavement) and use-related truck impacts on the existing road. Golden Gate Highway District, with review by Notus-Parma Highway District, has determined that the existing road system and road section is inadequate to support the requested use. Also, access from the parcel onto Boise River Road, a collector road, has not been approved for the use. Therefore, a Traffic Impact Study (TIS) is required to analyze potential impacts to the road system and provide mitigation measures. Golden-Gate Highway District recommends the Planning and Zoning Commission deny the application or table decision until a TIS is submitted, reviewed and conditions drafted related to the request. The applicant has known about the required TIS since August 29, 2018. To date, a TIS has not been completed or reviewed by the highway district. (See Finding 7 for more information)
- Letters of opposition from neighbors (Exhibit 6b, 6c & 6d) express concerns about related-use impacts to the groundwater and the City of Boise’s phosphorous removal facility located adjacent to the subject parcel. The City of Boise is recommending denial of the requested use due to the potential impact to the phosphorous removal facility adjacent to the subject parcel (Exhibit 6a). The facility was approved in 2014 (PH2014-33) to comply with the National

Pollutant Discharge Elimination System (NPDES) permit requirements under the Clean Water Act. Based on technical review submitted by the City of Boise, the requested use has the potential to reduce water volumes of the Dixie Slough; and therefore, affecting the facility's ability to remove phosphorous from the Dixie Slough before it enters the Boise River. Also, the use may have a negative impact to local water quality. The use would be dewatering potentially contaminated groundwater from gravel pits into an existing irrigation ditch that would bypass the phosphorous removal facility.

The City of Boise is requesting evidence be provided through a study with modeling that would demonstrate the use will not impact their facility or impact the City's ability to meet NPDES permit requirements. Additionally, the City of Boise requests that the proposed use be reviewed and approved by agencies such as Idaho Department of Environmental Quality and Idaho Department of Water Resources prior to approval. Since September 21, 2018, the applicant has reviewed the City of Boise's concerns. The applicant had not responded to the City of Boise's concerns at this time.

During the Planning and Zoning Commission hearing on February 7, 2019, a PowerPoint presentation was provided by Steve Burgos, Director of City of Boise's Public Work Department (Exhibit 11). Mr. Burgos stated that the City of Boise is opposed to the project. The Clean Water Act requires that the City remove a certain amount of phosphorus from the City's discharge to the Boise River. The City has upgraded their facilities to get an approximately 95% reduction in the total phosphorus. The City required an additional 3% to reach permit requirements. The phosphorous removal facility accounts for the 3% required by the permit. The proposed project has the potential to drawdown the water table impacting the phosphorus facility's ability to remove the required amount of phosphorous in accordance with the Clean Water Act permit. The result, the 21 million dollar investment would be lost and could cost the City of Boise 100 million dollars in improvements to existing facilities to replace the phosphorous removal facility. There are too many unaddressed issues on this project. Therefore, Mr. Burgos supports staff's recommendation to deny the requested use.

- Letters of opposition from neighbors (Exhibit 6c, 6d and 6e) express concerns regarding use-related impacts (noise, dust, vibrations and traffic) to the rural setting and existing enjoyment of the property and surroundings.

Although, majority of the area consists of farmlands with sparse residential uses (total of eight houses within the immediate area), the subject parcel is not considered prime farmland (Exhibit 4f). The general area is surrounded by mineral extraction uses. Two miles north of the subject parcel are three existing gravel pit operations owned by the applicant. (Parcel R39026, R39030 and R39039, Case#975524L23). Approximately 2.5 miles east is the Sunroc gravel pit and batch plant use (CU2006-180 and PH2016-67). Approximately 5 miles east is many existing gravel pit operations which continue east and south towards the City of Greenleaf. Therefore, the use is not out of character to the area.

The application proposes landscape berms and shortened crushing timeframes to minimize noise to the surrounding neighbors. Air quality would require permitting and monitoring by DEQ (Idaho Department of Environmental Quality). Hours of operations can be conditioned to limit operations to a specific time of day. If conditioned appropriately, use-related impacts could be minimized to a level less than significant.

However, neighbors Richard and Paula Heatley (Exhibit 6d) are concerned that the applicant will not comply with conditions of approval if the use were approved. The parcel currently has an open code violation due to development (mineral extraction) within a mapped floodplain (CDEF2017-055). Since submittal of this conditional use permit, additional complaints were received regarding on-going extraction activities on the subject parcel. If the use was approved and the applicant does not comply, the use would not only be injurious to other properties or property owners in the immediate vicinity but would also change the

essential character of the area. On February 7, 2019, the Planning and Zoning Commission expressed concerns regarding potential future code and condition of approval enforcement due to on-going code enforcement related to the subject parcel that has yet to be abated (CDEF2017-055).

- The subject property is located within an “AE” flood hazard area approximately 346 feet from the floodway of the Boise River. Zone “AE” is defined as “*areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.*”

Upon review by IDWR (Exhibit 5c) and Flood District #10 (Exhibit 5d), the use has the potential to create pit capture due to proximity to the Boise River and may impact base flood elevation data. Therefore, the agencies recommend a study and CLOMR (Conditional Letter of Map Amendment) approval by FEMA.

New FIRMs (Flood Insurance Rate Maps) to be adopted later this year demonstrate that most of the parcel will be located outside of the floodplain (Exhibit 4h). Once adopted, compliance with floodplain development requirements will only be necessary for portions of the development still within a mapped floodplain. The applicant submitted a Floodplain Development Permit related to the conditional use permit (DP2018-0030). If the use is approved, flood-related conditions will be applied to the development permit.

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

Conclusion: The use does not require wastewater facility. However, the use may impact existing facilities.

Finding: The use, as proposed, would not require use of a well, septic system or other facilities. The use does propose a dewater pond to remove sediment prior to drainage into the existing irrigation ditch that runs through the parcel. The irrigation ditch begins from the Dixie Slough and continues northwest into the Boise River. Southwest District Health does not oppose the use unless the use impacts adjacent wastewater systems (Exhibit 5f). Idaho Department of Environmental Quality (Exhibit 5e) requires an air quality permit for crushing on-site and fugitive dust control. The standard comment letter from DEQ includes request for review of the project to determine if a short-term activity exemption (STAE) and/or National Pollution Discharge Elimination System permit is required.

The City of Boise is recommending denial of the requested use due to the potential impact to the phosphorous removal facility adjacent to the subject parcel (Exhibit 6a). The facility was approved in 2014 (PH2014-33) in compliance with the National Pollutant Discharge Elimination System (NPDES) permit under the Clean Water Act. The requested use has the potential to reduce water volumes of the Dixie Slough; and therefore, affecting the facility’s ability to remove phosphorous from the water before it enter the Boise River. Also, the use may have a negative impact to local water quality. The use would be dewatering groundwater from pits into an irrigation ditch that would bypass the phosphorous facility. The City of Boise is asking the applicant to provide evidence through a study with modeling that would demonstrate the use will not impact their facility and also receive review and approval from agencies such as Idaho Department of Environmental Quality and Idaho Department of Water Resources.

The applicant provided a letter from IDWR (Department of Water Resources) stating a water rights permit was not required until the pond is established and contains water (Exhibit 5a). However, upon discussions with Nick Miller at IDWR, the letter was in response to pond construction, not a mineral extraction use where pits would collect groundwater which requires dewatering. According to IDWR, the property does not have any water rights. Therefore, any dewatering currently occurring on-site is in violation. Therefore, a water rights permit is required prior to any dewatering of pits during the mineral extraction use.

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

Conclusion: The parcel does not have legal access to Boise River Road, a collector road.

Finding: The parcel fronts on Boise River Road, a collector road. Golden Gate Highway District, with review by Notus-Parma Highway District, has determined that the existing road system and road section is inadequate to support the requested use. Also, access from the parcel onto Boise River Road has not been approved for the requested use. Therefore, a Traffic Impact Study (TIS) is required to analyze potential impacts to the road system and provide mitigation measures. Golden-Gate Highway District recommends denial until the TIS is submitted, reviewed and conditions drafted related to the request.

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

Conclusion: The requested mining operation will impact existing or future traffic patterns.

Finding: The parcel fronts on Boise River Road. Golden Gate Highway District #3 classifies the road as a collector road. A portion of Boise River Road is located in the jurisdiction of Notus-Parma Highway District #2 who classify the road as a major collector road. The 2020 Comprehensive Plan defines a collector road as “a roadway corridor used primarily for carrying traffic from local roads to arterial roads.”

Golden Gate Highway District, with review by Notus-Parma Highway District, has determined that the existing road system and road section is inadequate to support the requested use and access from the parcel onto Boise River Road has not been approved for the requested use. Therefore, a Traffic Impact Study (TIS) is required to analyze potential impacts to the road system and provide mitigation measures. Golden-Gate Highway District recommends denial or continuance until the TIS is submitted, reviewed and conditions drafted related to the request. The applicant has known about the required TIS since August 29, 2018. To date, a TIS has not been completed or reviewed by the highway district.

On February 7, 2019, Gordon Bates from Golden Gate Highway District testified during the Planning and Zoning Commission hearing. Mr. Bates stated that the highway district is neutral on land use and is solely interested in traffic impact related to the use. Mr. Bates stated Boise River Road is not currently safe for the proposed operation and it is not designed for a mining operation. Therefore, loaded gravel trucks will have a significant impact on the highway. The applicant has decided to not submit a traffic study. Therefore, Mr. Bates concur with staff’s recommendation that the application should be denied.

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

Conclusion: Essential Services may be impacted by the requested use.

Finding: Agencies were notified of the intended use. Based on concerns by Golden-Gate Highway District (Exhibit 5b) and concerns by neighbors regarding existing road conditions (Exhibit 6c & 6d), the roads are inadequate for the proposed use. Without an impact study and mitigation measures (which has not been completed or provided), the use could potentially impact essential services.

Order

Based upon the Findings of Fact and Conclusions of Law, and Conditions of Approval contained herein, the decision by the Planning and Zoning Commission is to **deny** Case #CU2018-0010, a request to establish and operate a long-term mineral extraction use with crushing on parcel, R39225011.

Pursuant to Idaho Code §67-6519(4), the following actions may be taken to obtain approval:

- 1) Demonstrate water rights for the proposed use through permit by Idaho Department of Water Resources.
- 2) Demonstrate how the mineral extraction use will not impact or can mitigate impacts to the phosphorus removal facility adjacent to the subject parcel through engineered study and model.
- 3) Provide a Traffic Impact Study as requested by Golden Gate Highway District #3.
- 4) Demonstrate that the proposed use is consistent with the Comprehensive Plan.

APPROVED this 21st day of February, 2019.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

Richard Hall
Richard Hall, Chairman

State of Idaho)

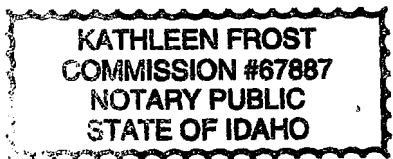
SS

County of Canyon County)

On this 21st day of February, in the year 2019, before me Kathleen Frost, a notary public, personally appeared Richard Hall, 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: *K Frost*

My Commission Expires: 6-3-2019





Canyon County Planning and Zoning Commission City of Boise, PH2014-33 FCO's

Development Services Department

September 18, 2014

Findings of Fact, Conclusions of Law, Conditions of Approval and Order

Findings of Fact

1. The request is to conduct Phosphorus removal on the Dixie Drain and mineral extraction including stockpiling of excavated minerals.
2. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on 7/9/14, Newspaper notice was provided on 8/18/14, property owners within 300' were notified by mail on 8/18/14, and the property was posted on 8/28/14.
3. The subject properties (R39227 & R39222010A) are located on the south and west side of Boise River Road, Parma, Idaho, in a portion of the NW and SW ¼ of Section 36, T5N, R5W, BM.
4. The subject property is currently zoned "A" (Agricultural).
5. A public/quasi-public use and mineral extraction is allowed by conditional use permit in the agricultural zone. (CCZO §07-10-27)
6. The subject properties, R39227 and 39222010 total approximately 46 acres.
7. The subject property is not located within an Area of City Impact.
8. The subject property is located within the Golden-Gate Highway District, Parma School District, and Wilder Fire District.

Conclusions of Law

For this request the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for a Conditional Use Permit (§07-07-05):

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

Conclusion: Yes, the proposed use is permitted in the zone by conditional use. CCZO §07-10-27

Finding: A public/ quasi-public use and mineral extraction is allowed in the agricultural zone by conditional use permit.

2. What is the nature of the request?

The applicant is requesting to conduct Phosphorus removal on the Dixie Drain and also mineral extraction including stockpiling of excavated minerals.

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

Conclusion: Yes, the proposed use is consistent with the comprehensive plan.

Finding: The use is consistent with the Canyon County Comprehensive Plan policies including but not limited to:

- Property Rights Policy No. 1 - *"No person shall be deprived of private property without due process of law"*.
- Public Services, Facilities and Utilities Policy No. 1 - *"Continue to evaluate and improve the delivery of the public services it provides."* Phosphorus removal on the Dixie Drain will assist the City of Boise meeting Environmental Protection Agency requirements.
- Public Services, Facilities and Utilities Policy No. 3- *"Encourage the establishment of new development to be located within the boundaries of a rural fire protection district."* The property is located within the Wilder Fire District.

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: No, the proposed use will not be injurious to other property in the immediate vicinity. Nor will it negatively change the essential character of the area.

Finding: The proposed use will not be injurious to other properties or property owners in the immediate vicinity. The area is primarily agricultural in nature with sporadic housing. The phosphorus removal facility & mineral extraction would introduce a use that is not currently established in the area, however, introduction of this use would not have a negative impact to the essential character of the area.

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

Conclusion: Utilities will be provided to accommodate the use.

Finding: The applicant is proposing an individual septic system and an individual domestic well for the site. Adequate irrigation, drainage and storm water drainage facilities will be provided as required for the use.

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

Conclusion: Legal access currently exists to the property.

Finding: Legal access to the site exists via Boise River Road, a public road. Legal access to the site exists via Boise River Road, a public road. Golden Gate Highway District has required a 50 ft. right-of-way dedication (measured from the centerline of existing roadway) and that both accesses shall be improved to ACCHD's commercial driveway standards (Exhibit 18).

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

Conclusion: There will not be undue interference with the existing or future traffic patterns for the proposed use.

Finding: There will not be a significant change in existing or future traffic patterns for the proposed use. The applicant has indicated that traffic will be generated from employees, supply deliveries, vendors/maintenance personnel, and occasional visitors. The anticipated maximum daily vehicle trips per day would be 25-29 during the operating season and 20-24 during the non-operating season (Exhibit 2 & 7).

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: Services will be provided to the location and will not be negatively impacted by the use.

Finding: Parma School District, Canyon County Sheriff's Office, Wilder Fire District, Canyon County Ambulance, and Boise Project Board of Control were notified of this request and did not provide responses to indicate that the proposed use would have a negative impact. Therefore, the proposed conditional use permit will not impact essential public services and facilities, and no measures are proposed to mitigate impacts.

Additional Standards for Mineral Extraction (Long Term) 07-07-11: The decision making body shall also consider the following:

1. The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses;
 - Surrounding land uses are agricultural, sporadic residential.
2. Duration of the proposed use;
 - Phase I – Includes the initial construction & material haul off, is anticipated to be complete within two (2) years.
 - Phase II – would consist of the construction of the second settling lagoon is anticipated to take approximately a year and would likely occur (if needed) in 2018-2020.
3. Setbacks from surrounding uses;
 - The applicant is required to meet CCZO §07-10-21 (1) C standards of a 30 foot extraction setback from all property boundaries.
4. Reclamation plan as approved by Idaho Department of Lands;
 - Idaho Department of Lands has indicated that a reclamation plan would not be required unless the extracted material is traded or sold. The City of Boise has indicated that at this point in time it is unknown whether the material would be donated or sold (Exhibit 8). In the event that the decision is made to trade or sell extracted materials a reclamation plan would be required and a copy received by Development Services prior to commencement of sale/trade of materials.

5. The locations of all proposed pits and any accessory uses; and
 - The proposed extraction for the construction of the ponds is shown on the site plan and described in letter of intent (Exhibits 2 & 3).
6. Recommendations from applicable government agencies.
 - CCZO §07-07-23: Provisions for Land Use Time Limitations; “gravel pits are excepted from 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.”

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. Phase I of the initial construction and material haul off shall be completed within five (5) years of the commencement of construction. Phase II shall be completed within five (5) years of the commencement of construction. The applicant shall notify Development Services Department, in writing, when commencement is anticipated to begin for each Phase of the project.
3. The applicant shall meet all requirements of Canyon County Zoning Ordinance and FEMA requirements in regard to development within the floodplain.
4. The applicant shall submit a final site plan that is in general conformance with the application site plan (Exhibit 3). The final site plan shall be deemed in general conformance with the application site plan by showing no change to the location and height of the proposed berms adjacent to Boise River Road, no change to the location or width of the landscape buffers, no change to the location of the access to public streets and no change to the location of diversion and discharge areas. The final site plan shall be submitted to the Canyon County Development Services Department upon commencement of Phase I of the project by applying for a floodplain development permit and/or the application for a building permit for the operations building.
5. The applicant shall meet the requirements of Golden Gate Highway District #3.

Order

Based upon the Findings of Fact, Conclusions of Law and Conditions of Approval contained herein the Planning and Zoning Commission **approves** Case # PH2014-33, a conditional use permit for the City of Boise to conduct Phosphorus removal on the Dixie Drain and mineral extraction including stockpiling of excavated minerals on Parcel No. R39227 and R39222-010A.

APPROVED this 8 day of November, 2014.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

Shannon Carrell
Shannon Carrell, Chairman



State of Idaho

SS

County of Canyon County)

On this 8th day of November, in the year 2014, before me Stephanie Halley, a notary public, personally appeared Shannon Carrell, 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: Stephanie Halley
My Commission Expires: June 19, 2019



BEFORE THE CANYON COUNTY HEARING EXAMINER

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

COPY

IN THE MATTER OF AN APPLICATION BY:)
B. G. DICKSTEIN)
FOR A CONDITIONAL USE PERMIT)

CASE # 009502L35-5N-5W

I. APPLICATION PROCESS (CCCO 07-06-03)

1.1 LEGAL

A request by B. G. Dickstein for a Conditional Use Permit to operate a winery on approximately 7.0 acres in an "A" (Agricultural) Zone. The subject property is located at 24509 Rudd Road, Parma, Idaho, at the south side of the intersection of Rudd Road and Bluff Lane, in a portion of the Northwest Quarter of Section 35, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

1.2 NOTIFICATION

A summary of the request was published in the Idaho Press Tribune and property owners and purchasers of record within 300' of the subject property were notified by mail of the hearing. [CCCO 07-05-06(1)].

II. PROPERTY REVIEW

2.1 PROPERTY HISTORY

The property is currently being used as a vineyard and for a residence.

2.2 VIEWING REPORT

There is one existing home on the subject property.

III. STANDARDS THAT MAY APPLY

3.1 IDAHO CODE

3.1.1 I. C. 67-6512, I. C. 67-6519 [CONDITIONAL USE PERMITS]

3.2 CANYON COUNTY COMPREHENSIVE PLAN

3.3 CANYON COUNTY CODE

3.3.1 07-06 [CONDITIONAL USE PERMITS]

3.3.2 07-12-07(3)(Q) [PERMITTED USES IN THE AGRICULTURAL ZONE (WINERY)]

3.4 ALL OTHER APPLICABLE STATE AND FEDERAL REGULATIONS

IV. PUBLIC HEARING TESTIMONY

4.1 Zoning Administrator, Paul Kester reviewed the Staff Report for the record.

Hearing Examiner, M. Jerome Mapp opened the public testimony.

4.2 WITNESSES IN FAVOR

4.2.1 B. G. Dickstein, 24509 Rudd Road, Parma, Idaho 83660 (Applicant).

Mr. Dickstein stated they bought the property about 3 ½ years ago. It was an apple orchard and then the trees were cut down and it was a cattle operation.

When they bought the property, they took down and removed all of the corrals and such, and planted vines.

About 2 ½ years ago, he purchased an additional 4-½ acres from the neighbor, which is also planted with vines. They now have about 9 acres of grapes.

The grapes are maturing now, and he needs a winery to process the grapes into wine. They feel that it's well within the agricultural guidelines, the same as a dairy would be, or anything else in which you are processing the product that you are growing on the property.

None of his neighbors have any objections to this, and it does not impact the area at all. They do not plan on having any public

access to the winery. Marketing will be done through restaurants and specialty wine stores, possibly through the Internet.

Basically, it's a wine operation that falls within the agricultural guidelines.

4.3 WITNESSES IN OPPOSITION

4.3.1 There were no witnesses in opposition.

Hearing Examiner, M. Jerome Mapp closed the public testimony.

V. FINDINGS OF FACT (CCCO 07-06-05 (3))

5.1 Whether the request is permitted by a Conditional Use Permit.

The request is permitted.

5.2 Reasons for the application.

The applicant's request is to allow him to build a small winery, approximately 920 square feet, to process the grapes being grown on his property.

5.3 Whether the proposed use is harmonious with and in accordance with the Comprehensive Plan.

The proposed use is harmonious with and in accordance.

5.4 Whether the proposed use will be injurious to other property in the immediate vicinity and/or will change the essential character of the area.

It will not be injurious and is essential to maintain the character of the area.

5.5 Whether adequate sewer, water and drainage facilities, and utility systems are to be provided to accommodate said use.

Adequate systems are provided.

5.6 Whether measures will be taken to provide adequate access to and from subject property so that there will be no undue interference with existing or future traffic patterns.

There will be no undue interference with existing or future traffic patterns. The applicant is not requesting additional access to the property.

5.7 Whether essential public services will be negatively impacted by such use or will additional public funding be required in order to meet the needs created by the request.

They will not be negatively impacted by such use and no additional public funding will be required.

5.8 Whether the proposed use is essential or desirable to the public convenience and welfare.

The proposed use is essential and desirable to the public convenience and welfare.


VI. CONCLUSIONS OF LAW

The Canyon County Hearing Examiner is authorized to hear this case and to make a decision. Standards noted under Section III of the Staff Report were followed, which allowed for the procedures and processes of this hearing to be conducted.


VII. ORDER OF DECISION

Based on the Findings of Fact, Conclusions of Law and the reasons stated, the Canyon County Hearing Examiner orders that **Case # 009502L35-5N-5W**, a request by B. G. Dickstein for a **Conditional Use Permit** is **approved**.

WRITTEN FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER WAS APPROVED BY THE CANYON COUNTY HEARING EXAMINER AT A SCHEDULED MEETING HELD SEPTEMBER 28, 2000.


M. Jerome Mapp
Canyon County Hearing Examiner

ATTEST:


Shirley Y. Driskell
Recording Secretary



Canyon County Planning and Zoning Commission

Modification of CU2003-454, CU2019-0011 FCCO's

Development Services Department

June 20, 2019

Findings of Fact, Conclusions of Law, Conditions of Approval, and Order

Findings of Fact

1. The applicant is requesting to amend CU2003-454 Condition #3 which states, "All access shall be from Boise River Road," to allow for the subject property, R39065010, to take access from State Highway 95 (US95).
2. US 95 is a state highway under the jurisdiction of the Idaho Transportation Department.
3. The applicant has obtained an access permit to construct a residential access for one single family residence in accordance with ITD Permit #: 3-19-341. (Exhibit 10)
4. The subject property is identified as parcel 1 of 4 approved by CU2003-454 and recorded on record of survey (ROS) instruments #200343212 and ROS#200574548. (Exhibits 4 & 5)
5. The subject property, R39065010, does not have an easement or road frontage to Boise River Road.
6. The subject property is zoned "A" (Agricultural).
7. The subject property is not located within an area of city impact.
8. The subject property is located within the Notus Parma Highway District, Parma Fire District, Parma School District and the Riverside Irrigation District LTD and the jurisdiction of Idaho Transportation Department.
9. Canyon County Zoning Ordinance §07-07-01 allows for the hearing body to modify the conditional use permit in accordance with Article 5 Notice, Hearing and Appeal Procedures.
10. Notifications were made in accordance with CCZO §07-05-01. Notifications were mailed to the applicant and property owners 6/5/19. The legal notice was published to the Idaho Press Tribune on 6/4/19. Agencies were notified on 5/22/19. The property was posted on or before 06/13/19.
11. The record includes all testimony, staff reports, exhibits, and documents in case file CU2019-0011.

Conclusions of Law

Canyon County Zoning Ordinance §07-07-01 allows for the Planning and Zoning Commission to modify the conditional use permit in accordance with Article 5 Notice, Hearing and Appeal Procedures.

1. What is the nature of the request?

Mark Barber is requesting to modify condition #3 of CU2003-454 which restricts access to the subject property, R39065010, to Boise River Road (Exhibit 3). Currently the subject property does not have road frontage or an easement to Boise River Road. The applicant is not able to obtain a residential building permit without modifying Condition #3 to allow the subject property to take access to State Highway 95. The subject property has road frontage on State Highway 95. The applicant has obtained an access permit to State Highway 95 from the Idaho Transportation Department in accordance with Permit #3-19-341(Exhibit 10).

2. Is the proposed use consistent with the Comprehensive Plan?

Conclusion: The proposed use is consistent with multiple goals and policies of the 2020 Canyon County Comprehensive Plan.

Finding: The proposed use is consistent with multiple goals and policies of the Comprehensive Plan including but not limited to:

- Property Rights Policy No. 1- "No person shall be deprived of private property without due process of law."
- Land Use Component Goal No. 2- "To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area."

- Agriculture Component Policy No. 4- “Development shall not be allowed to disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way.”

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

Conclusion: The proposed modification of the location of the access to parcel R39065010 will not change the essential character of the area. The primary land uses in the area is rural residential and agriculture. The proposed use (single family residential homesite) is currently approved and will not have a negative impact on properties in the immediate vicinity and will not change the character of the area.

Finding: The immediate vicinity is comprised of agricultural and rural residential uses (Exhibit 2). CU2003-454 allowed for the legal creation of the subject property with a residential building permit to be available (Exhibit 7). Subsequent land transactions eliminated the road frontage to Boise River Road from the subject property and an easement from Boise River Road was not provided for by the property owners. Condition #3 must be modified to allow the 8.76 acre subject property to be accessed from State Highway 95.

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

Conclusion: Adequate facilities for sewer, irrigation, drainage and storm water drainage facilities, and utility systems will be required at the time of development.

Finding: Modifications of any irrigation structures, ditches, drainages shall be in accordance with irrigation district permitting requirements and without disruption to water users. The applicant and/or future owners shall comply with all federal, state and local requirements for development of the property at time of development of the property for residential use.

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

Conclusion: A residential access permit, ITD Permit# 3-19-341, at mile point 43.164, has been approved for construction per Ken Couch, ITD. The approach permit is approved for ONE single family residence. Any change of use will require submittal of a new permit application (Exhibit 10).

Finding: ITD has indicated that a residential approach permit has been tentatively approved for construction from US 95 to the subject property. The approach is restricted for access to one single family residence.

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

Conclusion: A variance for a residential access for one single family residence was approved by the Idaho Transportation Department (ITD) for access to the subject property, R39065010. There will not be undue interference with existing or future traffic patterns.

Finding: The development of the property will not significantly increase the traffic to US 95 or interfere with the existing or future traffic patterns as conditioned by ITD and modified Condition #3 included herein.

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

Conclusion: Essential Services are available in the area and the proposed use of the subject property was approved in 2003.

Finding: Agencies were notified of the intended modification of CU2003-454 Condition #3. No comments were received indicating that services would not be provided or be negatively impacted by this application.

Conditions of Approval CU2019-0011
Amending Conditions set forth in CU2003-454 as follows:

1. The development ~~complies~~ **shall comply** with all federal, state, county laws, ordinances, rules and regulations that pertain to the property.
2. The project will commence within two years and be completed within five years.
3. All access shall be from Boise River Road **for tax parcels R39065, R39065010A, and R39065010B.**
4. **Parcel R39065010: Access for one single family residence shall be allowed to State Highway 95 in accordance with ITD Permit #3-19-341 US 95 MP43-164.**

Order

Based upon the Findings of Fact and Conclusions of Law, and Conditions of Approval contained herein, the Planning and Zoning Commission **approves** Case # CU2019-0011, a request to modify condition #3 of CU2003-454 to allow parcel R39065010 to take access to State Highway 95.

APPROVED this 20th day of June, 2019.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO


Richard Hall, Chairman

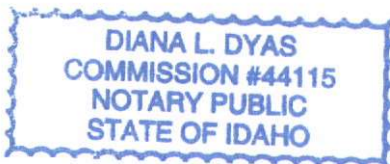
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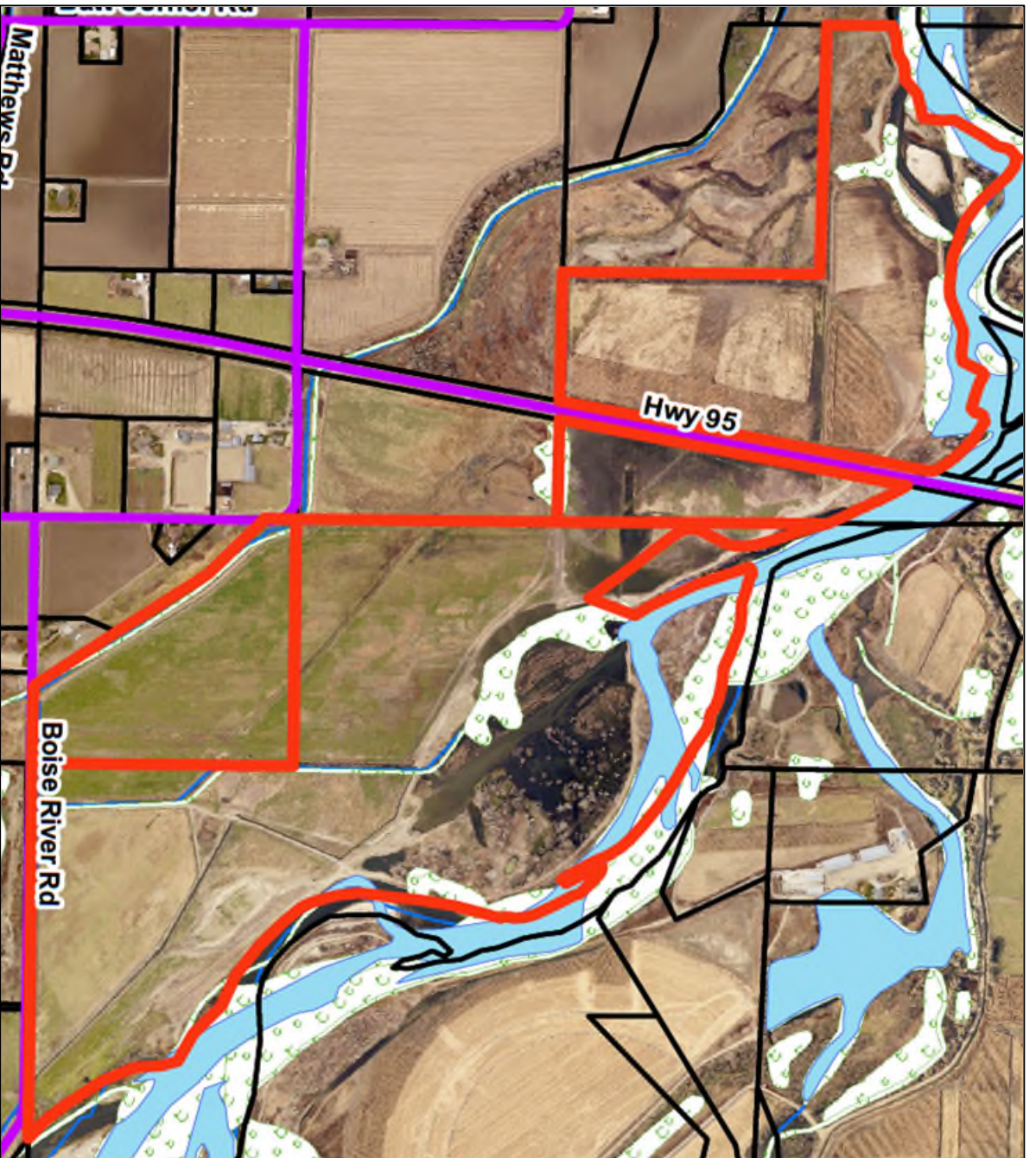
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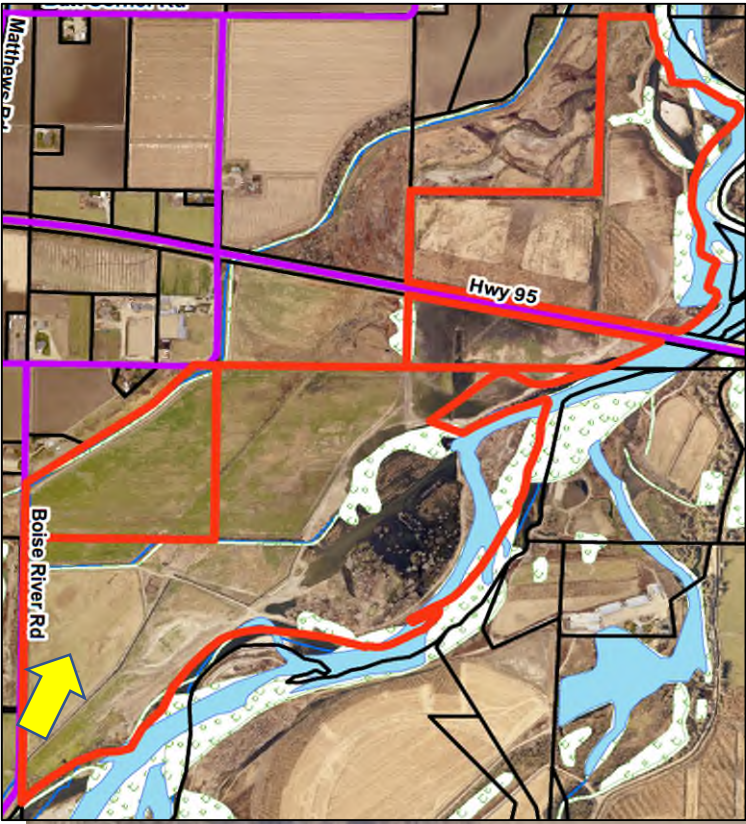
On this 20th day of June, in the year 2019, before me Diana Dyas, a notary public, personally appeared Richard Hall, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

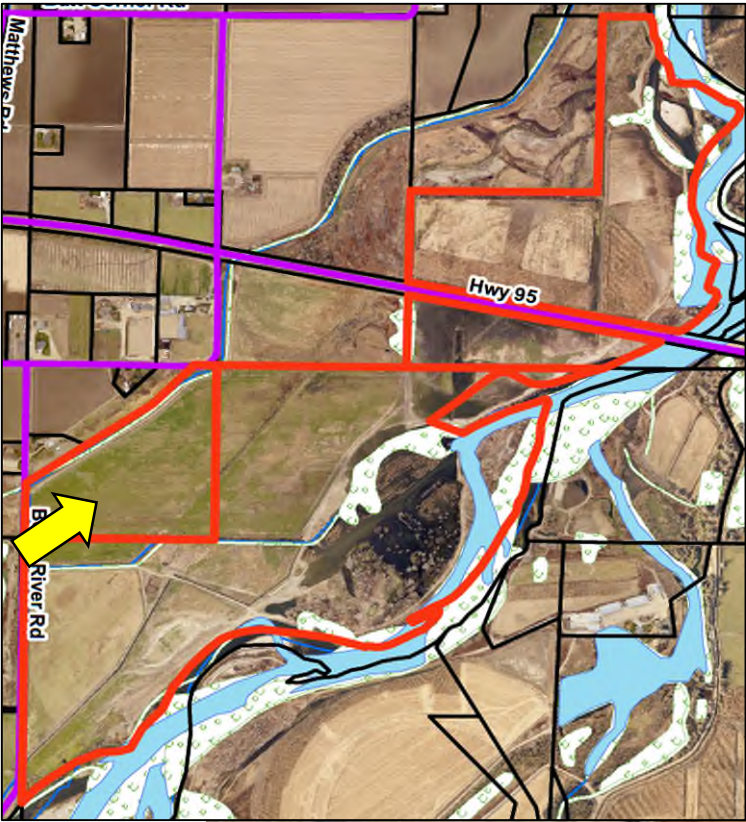
Notary: Diana L. Dyas
My Commission Expires: 3/28/2023

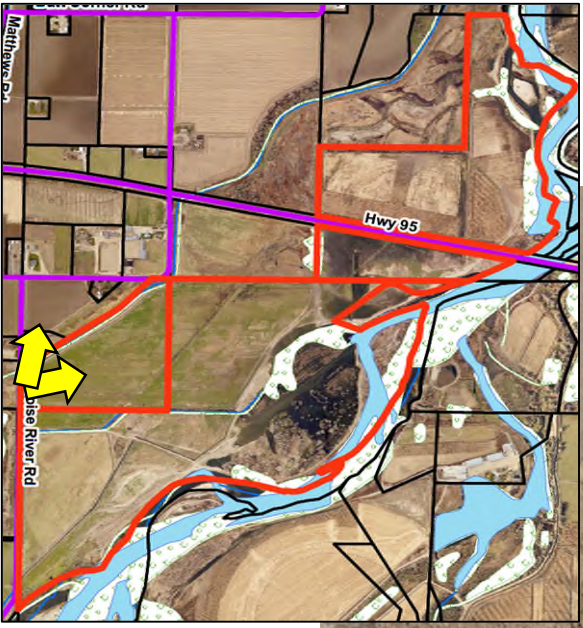


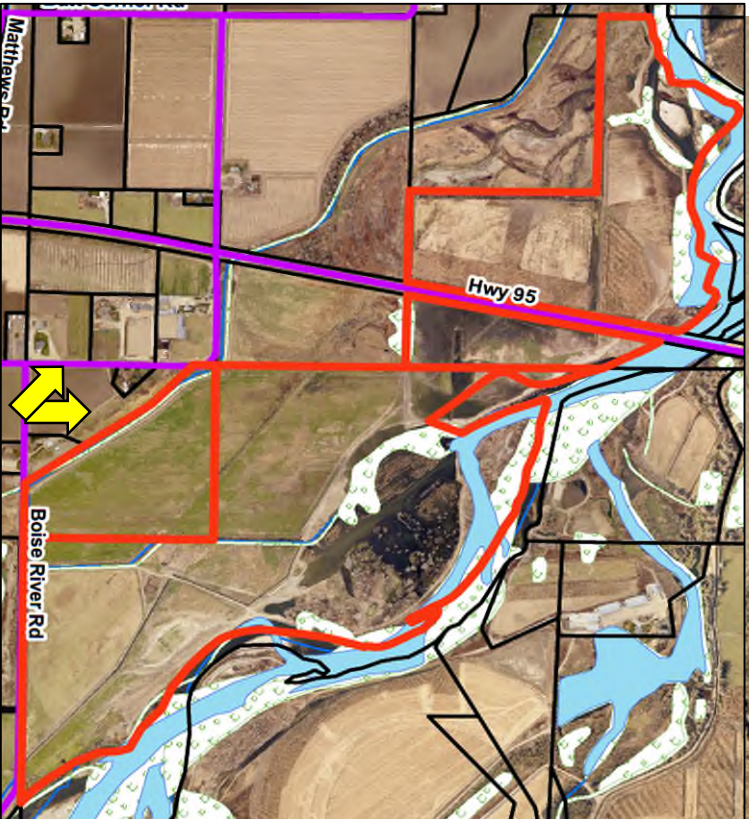
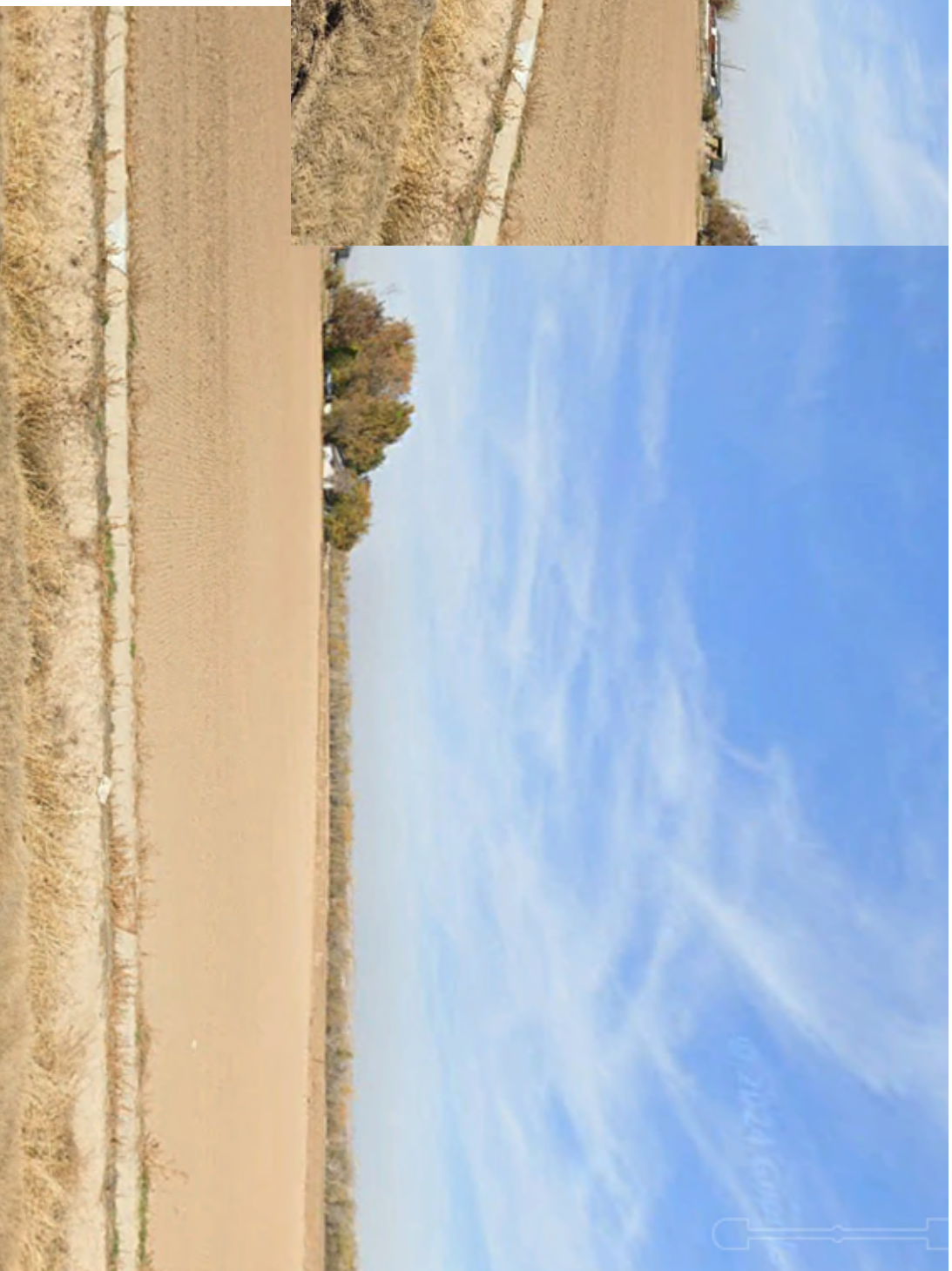
Site Visit
CU2022-0024 – BID, LLC
May 7, 2023
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Google Earth – 11/2023

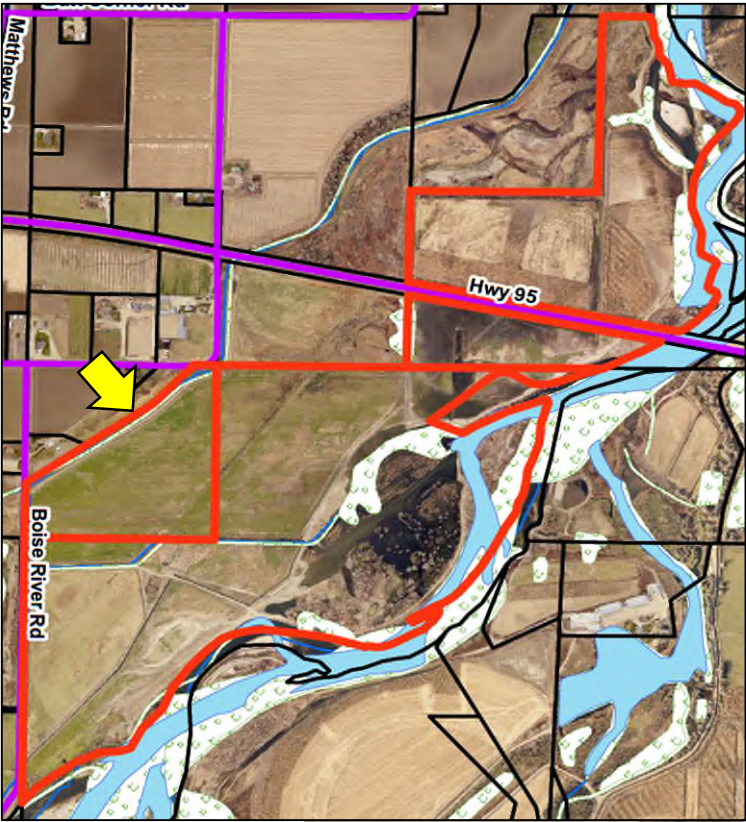


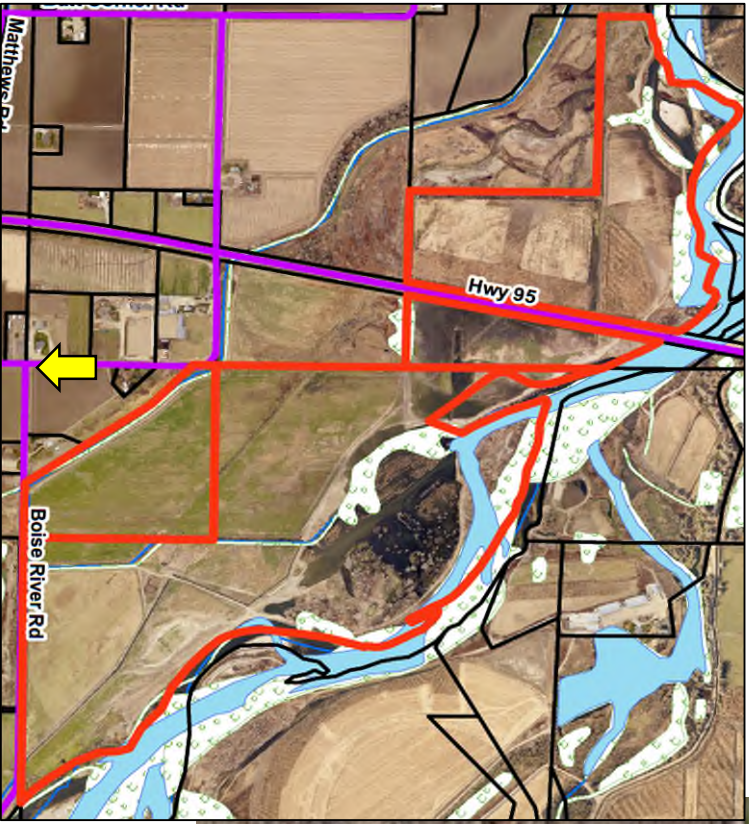


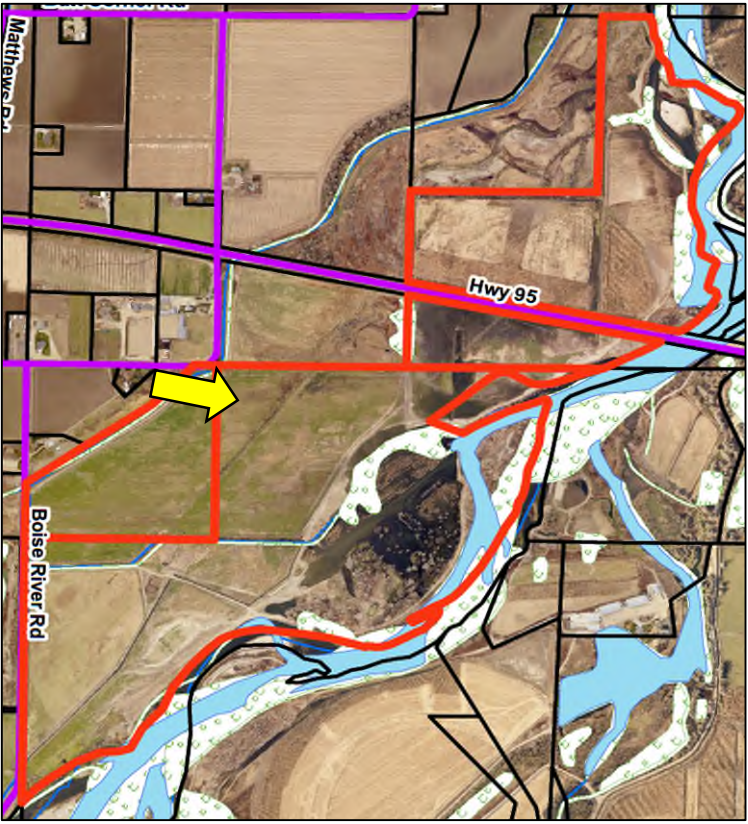


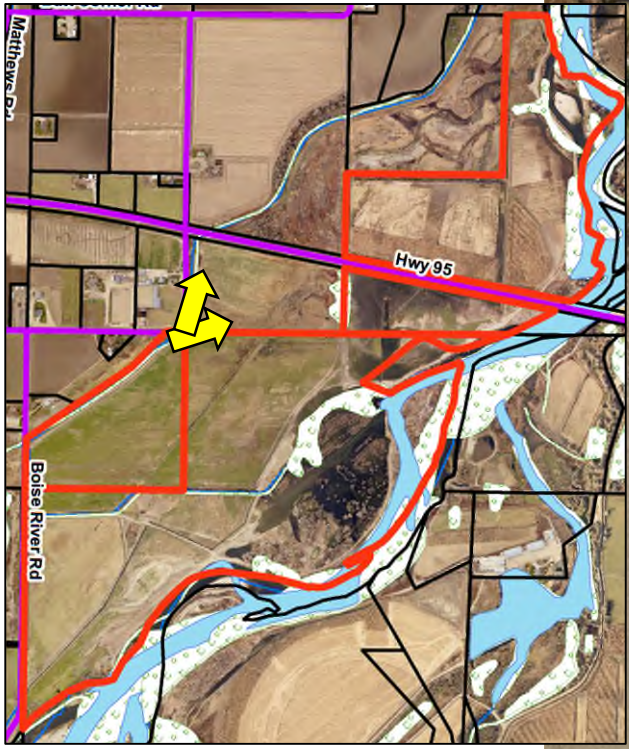


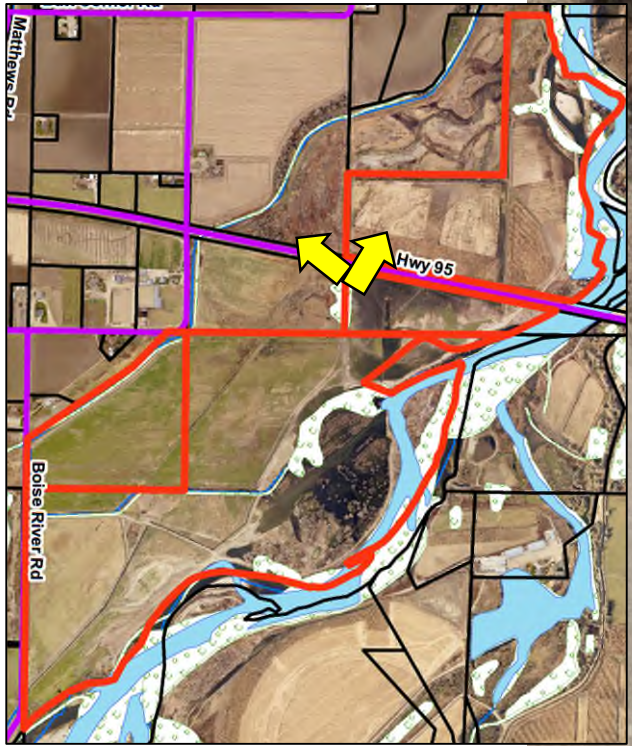






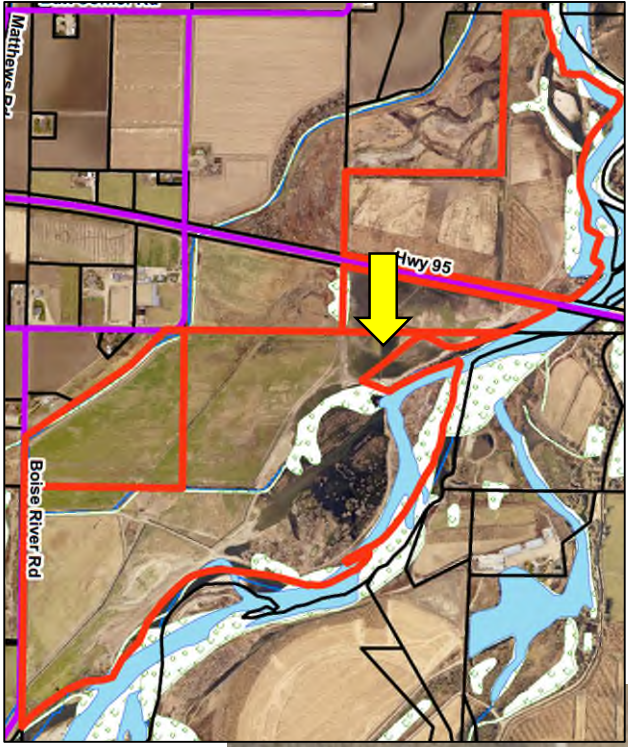


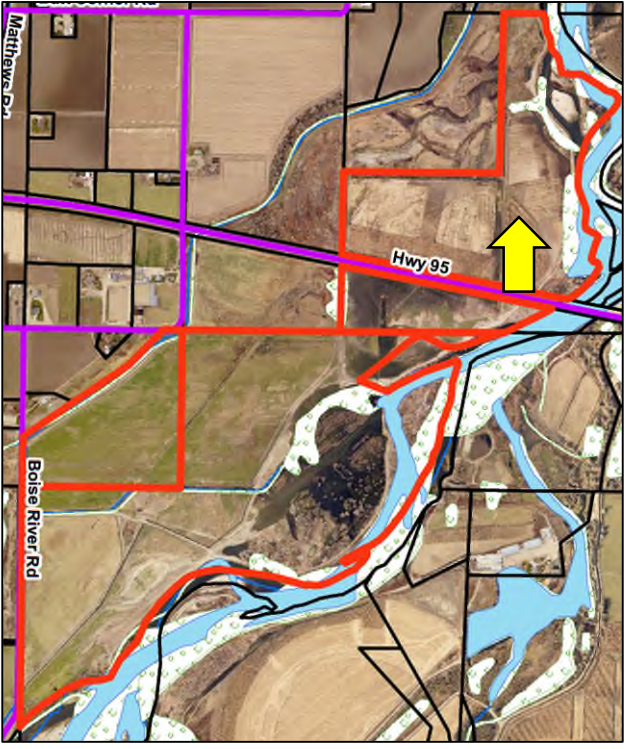


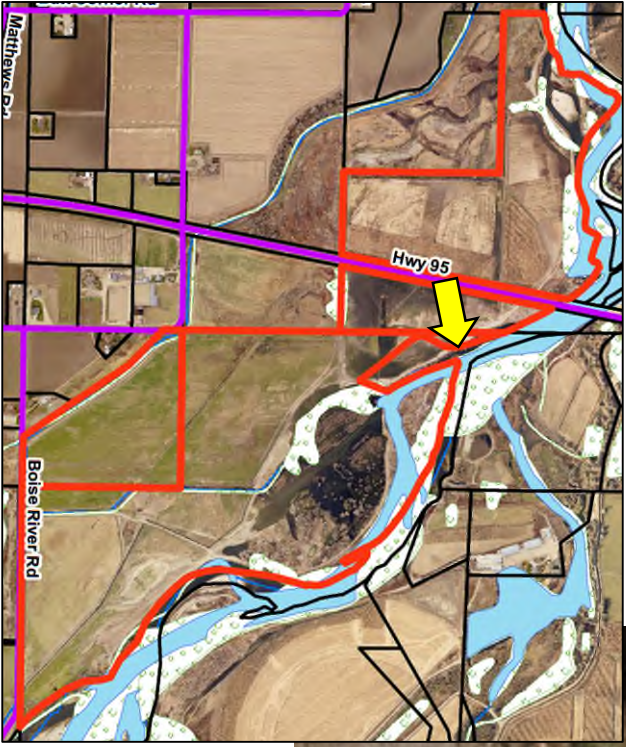


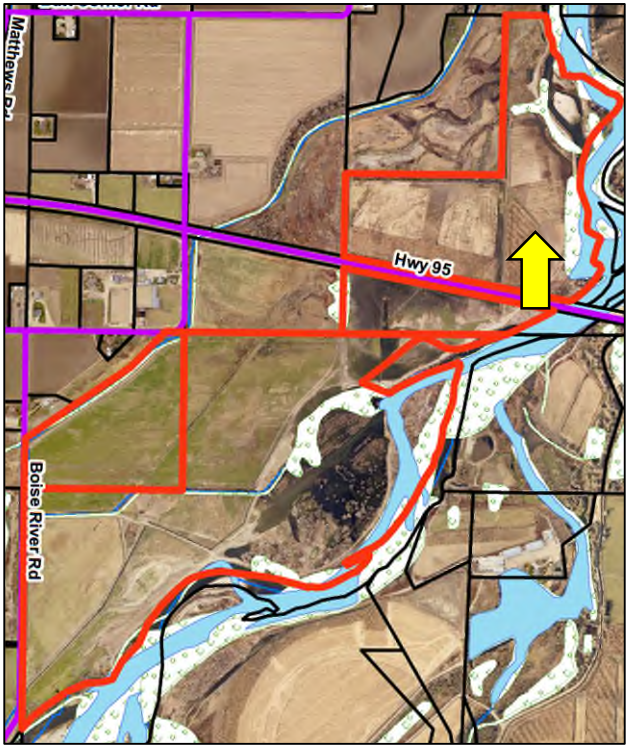
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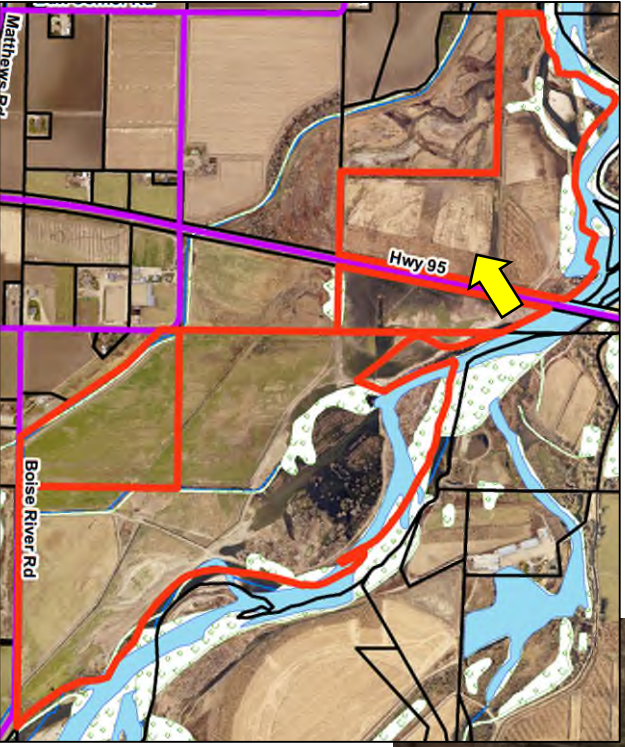








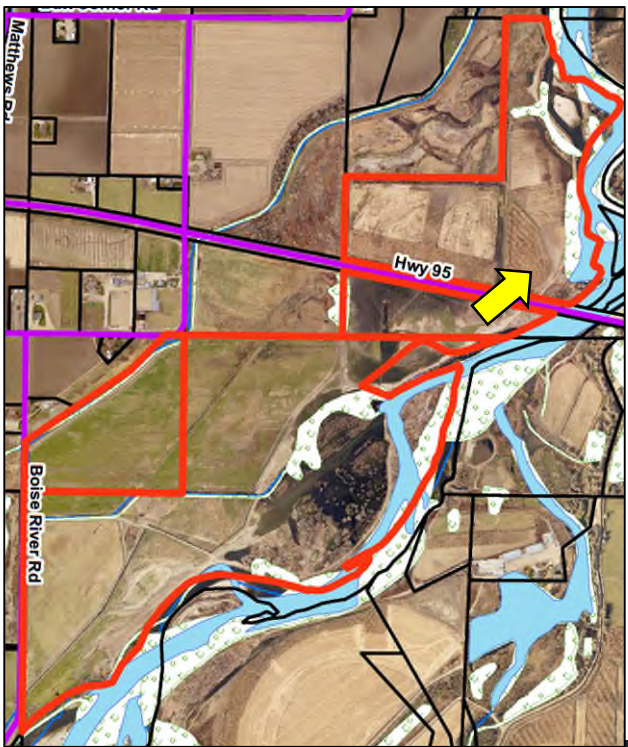


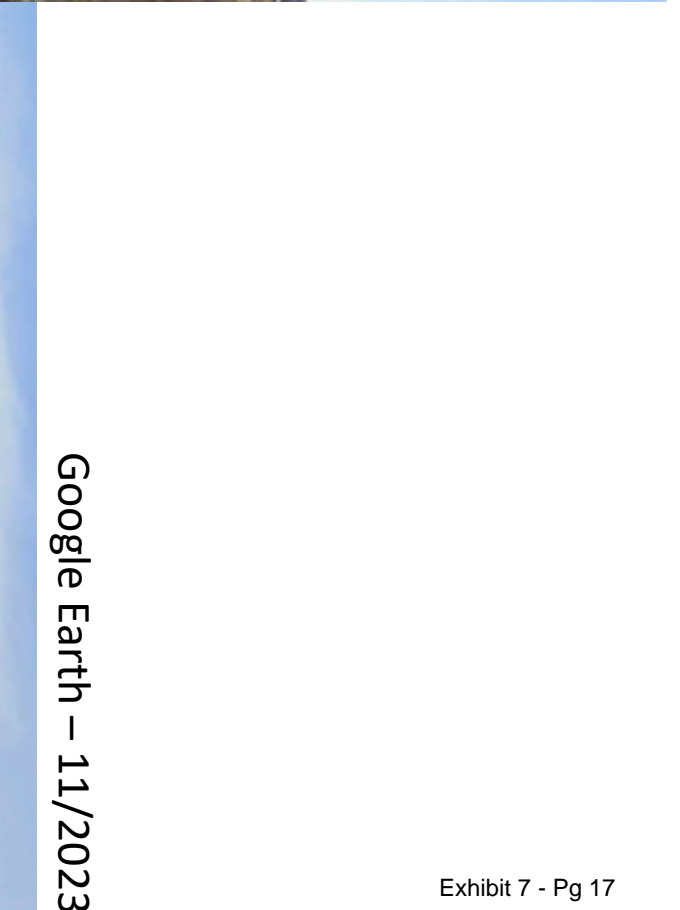


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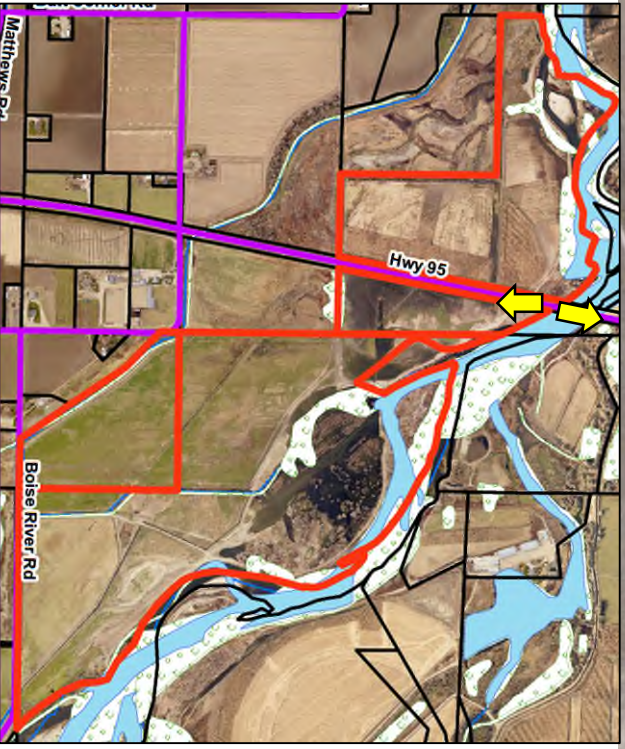


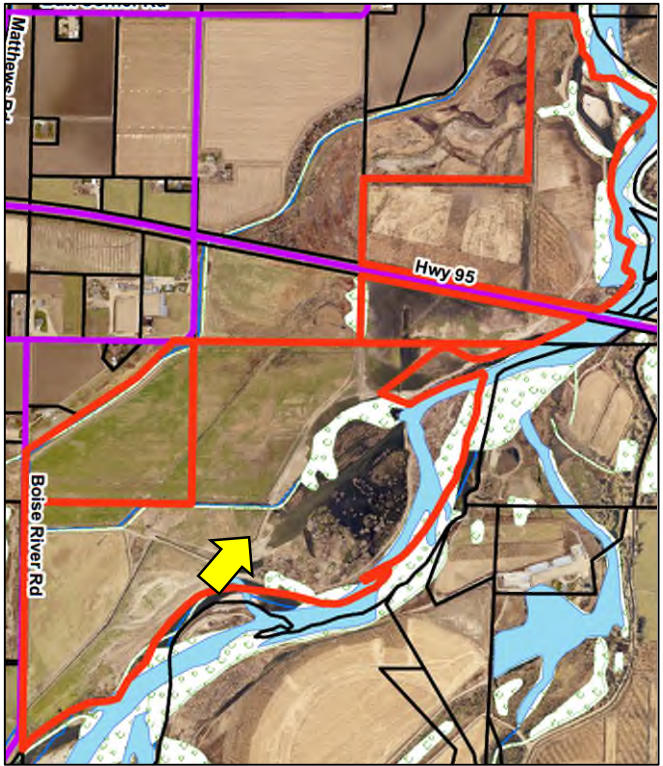
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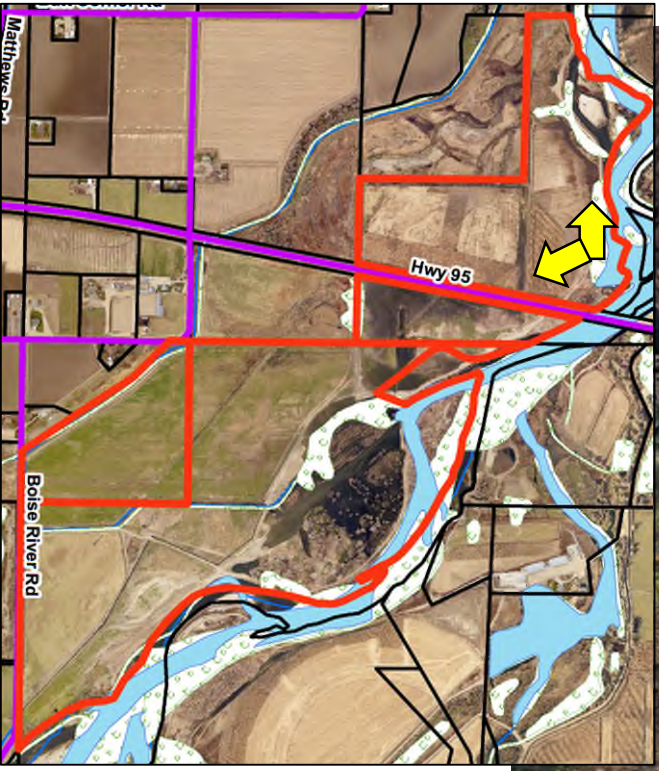


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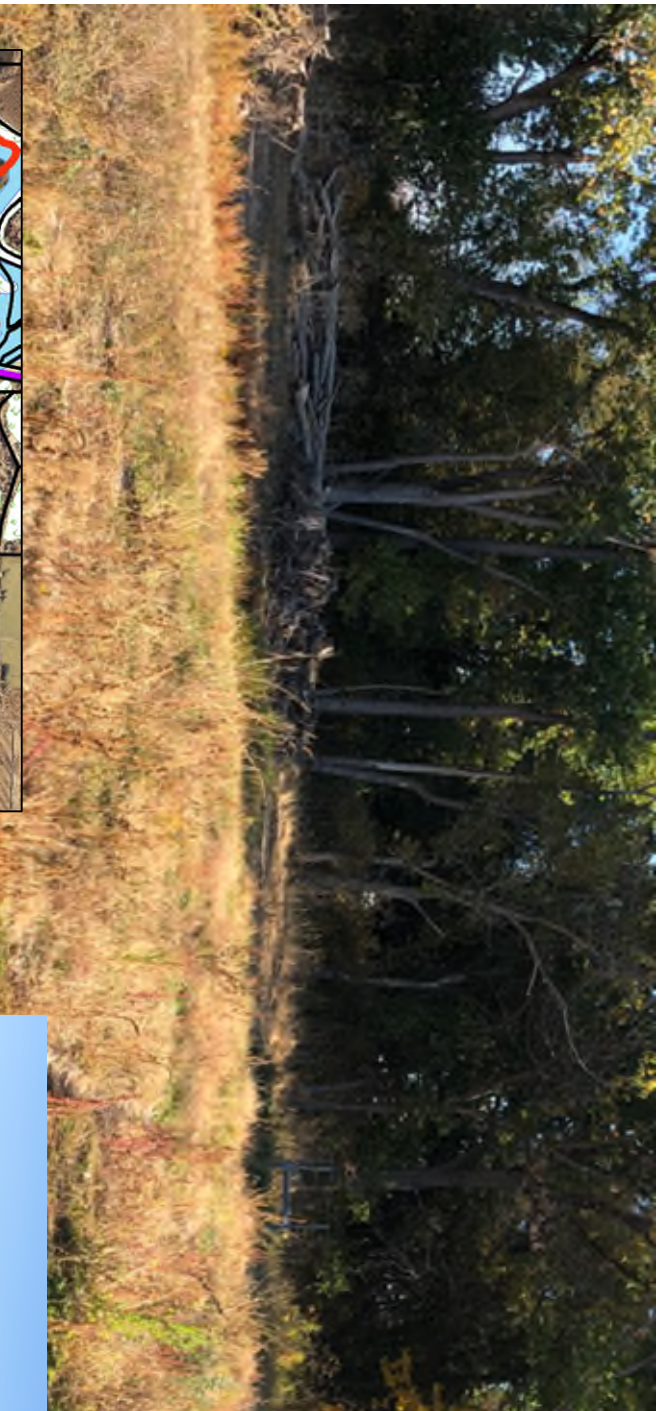


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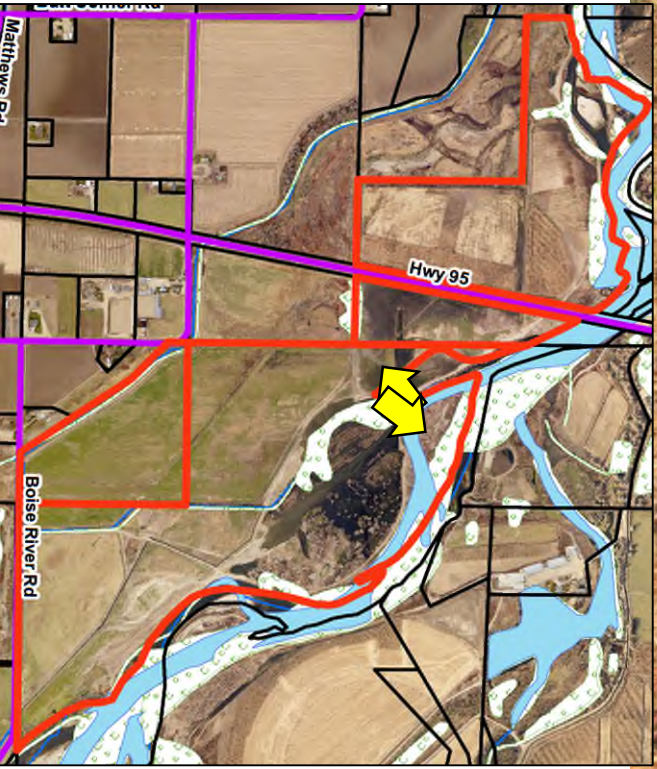
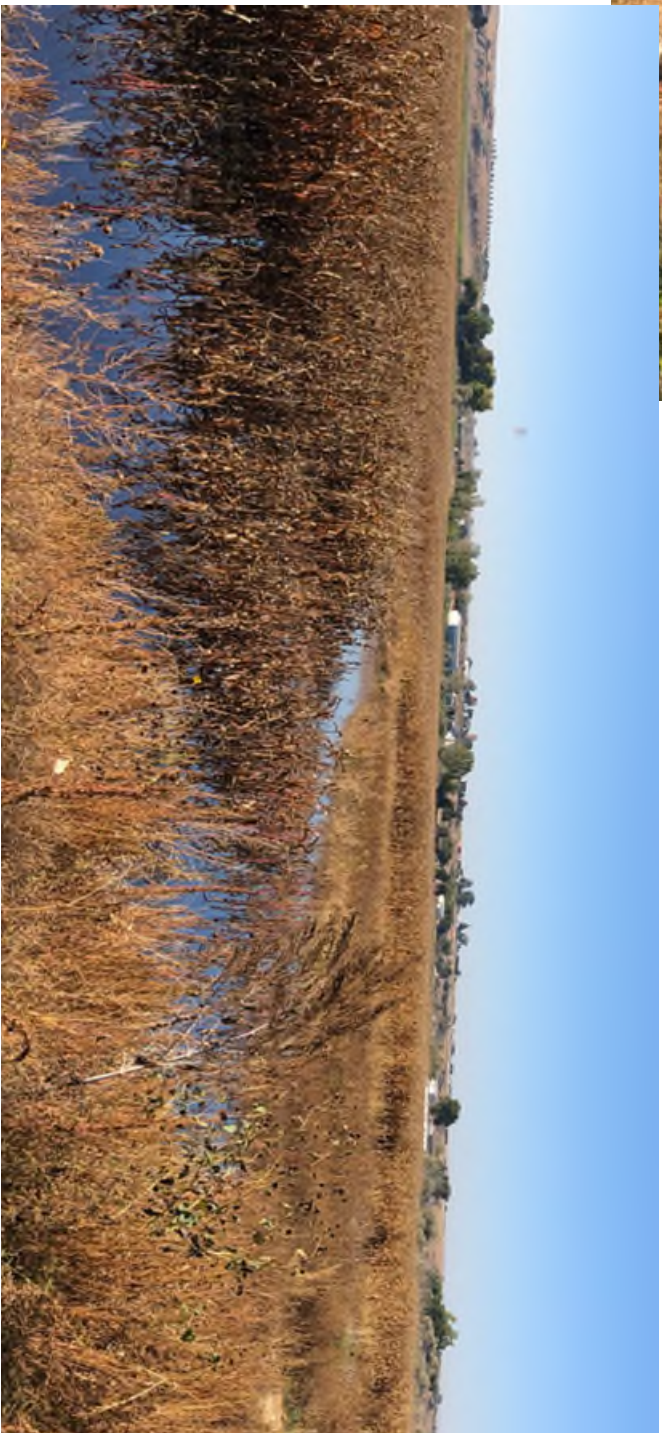


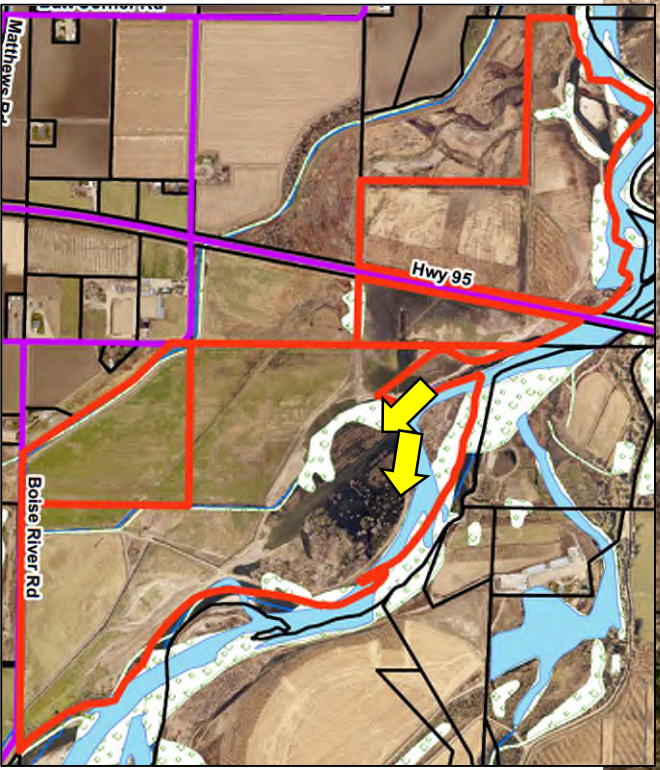
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PLANNING OR ZONING COMMISSION
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

BID, LLC/Premier, LLC – CU2022-0024

The Canyon County Planning and Zoning Commission considers the applicant's request regarding a conditional use permit to allow long-term mineral extraction on Parcels R39054, R39054010, R39070010, and R39070010B0. The property is zoned "A" (Agricultural).

The property is located on Boise River Road, Parma; also referenced as a portion of the NW ¼ of Section 26, T5N, R5W, 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 CU2022-0024.

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 §07-14-19 (Use Standards), and Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures),
 - 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, CU2022-0024, 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 decides 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 subject parcels are zoned “A” (Agricultural). A mineral extraction (long-term) use is allowed in the “A” Zone subject to conditional use permit approval.

- Findings:**
- (1) The subject parcels, R39054, R39054010, R39070010, and R39070010B, are zoned “A” (Agricultural, Exhibit 3d of the Staff Report)
 - (2) Pursuant to CCZO §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) The applicant, Premier, LLC, submitted a conditional use permit, CU2022-0024, on May 9, 2022.
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, Canyon County Zoning Ordinance (CCZO) and the staff report with exhibits found in Case No. CU2022-00224.

2. What is the nature of the request?

Conclusion: Per the applicant’s letter of intent (Exhibit 2a of the Staff Report), the subject parcels will be used for sand and gravel extraction, rock crushing, and equipment storage facility (Pintail Long Term

Mineral Extraction). The mineral extraction will be completed in two phases totaling 159 acres of the 259 acres (Exhibit 2a of the Staff Report). Material sales will be conducted on the property to local citizens and contractors. Rock crushing is anticipated to be conducted for 4-5 months per year. A scale house and scale will be installed on the parcel which will be used to scale trucks entering and leaving the property.

The applicant provided an approved reclamation plan (Exhibit 2f of the Staff Report). The plan demonstrates states a 30' setback would be established around the property boundary. After reclamation, the property will exist and flourish as a wildlife habitat. Reclamation will commence for the portions of the properties in which the extraction operation is complete. After reclamation, the property will exist and flourish as a wildlife habitat.

Per the approved reclamation plan (Exhibit 2f of the Staff Report), the approximate date of construction is Spring of 2025. The approximate date of abandonment is the Spring of 2038. The dates are an estimate.

Hours of operation are from 7 AM to 7 PM, Monday through Saturday (Exhibit 2b of the Staff Report). Outside of crushing months, 2-3 full-time employees operate the site. During crushing months, 5-7 employees will operate the site.

Access will be from the existing dirt road that abuts SH-95. Access approval and TIS will be completed and provided to ITD. The estimated volume of material sales is 150,000 CY annually. At 25 CY per truck, this is 6,000 trucks per year (Exhibit 2a of the Staff Report).

To address potential impacts, the following mitigation is proposed (Exhibit 2a of the Staff Report):

- All areas not being mined will remain in agricultural production. Mineral extraction will be completed in two phases: Phase A, approximately 37 acres, parcel west of SH-95, and Phase B, approximately 122 acres, all parcels east of SH-95 (Exhibit 2c of the staff report). Water from irrigation ditches will be utilized for watering crops/non-mined areas until mining is necessary
- Wet dust suppression will be used on the property during the operation of all rock crushers. Water and/or magnesium chloride will be used on all haul roads to minimize fugitive dust.
- Five-foot-high berms will be created all around the parcel to buffer the use from neighboring properties and roadways to reduce noise and sight impacts. The berms will be stockpiled around the perimeter of the pit. These berms will be vegetated to prevent water and sediment from leaving the active project area (Exhibit 2f of the staff report). At the time of reclamation, select berms will be removed so as not to leave permanent, non-natural, barriers around the property. Crushing will be limited to the hours of operation.
- All stormwater will be collected within the active pit being the lowest point of elevation on the site. Straw waddles and silt fencing will be available onsite for emergency purposes (Exhibit 2f of the staff report). A Stormwater Pollution Prevention Plan (SWPPP) will be implemented to mitigate the potential risk of stormwater runoff if required by the Idaho Department of Environmental Quality or other State agencies.
- Fuels and chemicals will be stored within the bermed areas covered with a plastic liner to mitigate the risk of harmful seepage into the earth.

Findings: Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0024.

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

Conclusion: When considering all goals and policies regarding land use compatibility, mineral resources, fish and wildlife resources, and development in the floodplain, the application submittal does not provide sufficient evidence demonstrating consistency with the 2020 Canyon County Comprehensive Plan.

Findings: (1) The request is subject to the 2020 Canyon County Comprehensive Plan. The subject parcels are designated as "agriculture" on the Future Land Use Plan (Exhibit 3c of the Staff Report). The

2020 Canyon County Comprehensive Plan describes the agriculture designation as follows: “*The agricultural land use designation is the base zone throughout Canyon County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, as well as rangeland and ground of lesser agricultural value.*” (Page 37 of the 2020 Comp. Plan).

- (2) The 2020 Canyon County Comprehensive Plan provides the following goals and policies to consider as part of the request:

Chapter 1 – Private Property

- Goal 2: The community goal is to acknowledge the responsibilities of each property owner as a steward of the land, to use their property wisely, maintain it in good condition, and preserve it for future generations.
- Policy 1: No person shall be deprived of private property without due process of law.
- Policy 8: Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.
- Policy 9: Property owners shall be responsible for maintaining their property in the best possible condition as circumstances allow.
- Policy 10: Land use laws and decisions should avoid imposing unnecessary conditions or procedures on development approvals.
- Policy 11: Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.
- Policy 12: Property owners acknowledge and expect that Canyon County will preserve private property rights and values by enforcing regulations that will ensure against incompatible and detrimental neighboring land uses.
- Policy 13: Canyon County will take appropriate measures to enforce all nuisance ordinances to protect quality of life and private property rights.

Chapter 2 – Population

- Goal 1: Consider population growth trends when making land use decisions.
- Goal 2: To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.

Chapter 4 – Economic Development

- Goal 1.: To diversify and improve the economy of Canyon County in ways that are compatible with community values.
- Goal 2: To support the agriculture industries by encouraging the maintenance of continued agricultural land uses and related agricultural activities
- Policy 8: Set aside sites for economic growth and expansion that is compatible with the surrounding area.

Chapter 5 – Land Use

- Goal 1: To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure, and services.
- Goal 2: To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.
- Goal 3: Use appropriate techniques to mitigate incompatible land uses.

- Goal 5: Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.
- Policy 1: Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.
- Policy 6: Review all development proposals in areas that are critical to groundwater recharge and sources to determine impacts, if any, to surface and groundwater quantity and quality.
- Policy 8: Develop, administer, and update the county-wide zoning ordinance to protect property values and avoid mixing of incompatible uses.

Chapter 6 – Natural Resource:

A - Agricultural Land

- Goal 1: To support the agricultural industry and preservation of agricultural land.
- Policy 1: Protect agricultural activities from land use conflicts or undue interference created by non-agricultural development.
- Policy 2: Development should not be allowed to disrupt or destroy irrigation canals, ditches, laterals, and associated rights-of-way. This does not apply to privately owned, self-contained systems.

B - Fish and Wildlife Habitat

- Goal 1: Protect fish and wildlife resources and habitats in Canyon County.
- Policy 1: Encourage the protection of natural resources such as, but not limited to, the Snake River, Boise River, Lake Lowell, Deer Flat National Wildlife Refuge, and Fort Boise Wildlife Management Area.
- Policy 3: Encourage preservation of important fish and wildlife habitat areas as well as restoration of fish and wildlife habitats where feasible and appropriate.

C – Water

- Goal 1: Water is an essential and limited natural resource. Groundwater and surface water should be preserved and protected.
- Policy 1: Encourage the protection of groundwater and surface water quality.
- Policy 3: Require industrial wastes or hazardous materials to be stored or located in a manner that will ensure they will not enter surface water or groundwater systems.

E - Mineral Resources

1. Sand and gravel mining operations should be located to avoid potential adverse impacts to the river channel.
2. Encourage measures to provide for future use of an excavated site such as, but not limited to industrial, commercial, and residential development.
3. Encourage mineral-extraction site design and operation so as to minimize noise, dust, and increased truck traffic to the extent reasonably practical.
4. Consideration should be given, but not limited to the following impacts: economic value of the ground, access to the ground, compatibility with surroundings, noise, traffic, visual aesthetics, and flooding.
5. Encourage sand and gravel extraction and associated uses to mitigate adverse impacts on surrounding land uses and natural resources.

6. Mineral extraction sites should be designed to facilitate their reclamation for future use.

Chapter 7 – Hazardous Areas

- Goal 1: To ensure the safety of residents and the protection of property.
- Goal 2: Carefully consider limiting development in hazardous areas.
- Policy 1: Carefully consider requests to place structures in floodplain areas
- Policy 2: Discourage development in or near hazardous areas, such as airports, power line corridors, electrical substations, flood plains, unstable soil areas and steep slopes, high-velocity wind, and storm-prone areas, except for industries, which may require these conditions.
- Policy 3: Endeavor to limit structures and developments in areas where known physical constraints or hazards exist. Such constraints or hazards include, but are not limited to, the following: i. Flood hazards, ii. Unstable soil and/or geologic conditions, iii. Contaminated groundwater.

Chapter 9 – Transportation

- Policy 19: Require and accept traffic studies in accordance with highway district procedures that evaluate the impact of traffic volumes, both internal and external, on adjacent streets and preserve the integrity of residential neighborhoods where applicable.

Chapter 13 – Agriculture

- Goal 3: Protect agricultural lands and land uses from incompatible development.
- (3) The following information was not submitted to provide sufficient information demonstrating consistency with the 2020 Canyon County Comprehensive Plan:
- A. Detailed operations and site plan better addressing the use standard requirements (CCZO §07-14-19) including the location of berms, all irrigation ditches and setbacks from ditches, access, internal circulation and parking, and plans to mitigate potential impacts such as noise, dust, groundwater contamination, and compatibility with the surrounding area.
 - B. Flood study regarding potential pit capture and how pit dewatering will be routed back to the Boise River (Exhibit 5e of the staff report). An evacuation plan during a flood event should be included (Exhibit 5a of the staff report).

Additionally, access, equipment storage, fuel storage, scale house, and scales are proposed in the mapped floodway (Exhibit 2c, 4e & 4ee of the staff report). A hydrologic and hydraulic analysis with no rise certification should be provided to ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained (Exhibit 5a of the staff report). If the request alters the watercourse where it cannot be maintained, the applicant should submit and receive approval for a CLOMR (Conditional Letter of Map Revision) before conditional use permit approval.
 - C. Wetland removal and mitigation approval by the Idaho Department of Water Resources (IDWR) and U.S. Army Corp of Engineers (USACE) should be submitted (Exhibit 2f of the staff report). If wetlands will not be impacted, a plan demonstrating how the use will not impact wetland resources with review comments and approval from IDWR and USACE.
 - D. Traffic impact study addressing truck trips, employee trips, local customer/contractor trips, haul routes, and cumulative impacts created by the proposal and existing pit north of this request (CU2018-0014).
 - E. Review by the U.S. Fish and Wildlife Service and Idaho Department of Fish and Game to learn of potential impacts to species and habitats and ways to avoid and/or minimize potential impacts, and the applicant incorporating guidelines and mitigation measures into their project plan (Exhibit 4d & 4e of the staff report).

- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0024.
- (5) Evidence includes findings and evidence in hearing criteria 4, 6, and 7 in 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: Without additional information, studies and plans regarding development in the floodplain/wetlands, traffic, access, wildlife habitat, and operations plan that demonstrates consistency with the 2020 Canyon County Comprehensive Plan and CCZO Section 07-14-19 (Use Standards – Mineral Extraction Long Term), the request will be injurious to the property within the immediate vicinity and negatively changes the essential character of the area.

Findings: (1) The parcels are located within a mapped floodplain and floodway (Exhibit 3l of the staff report). The proposed mineral extraction is shown to be located outside of the mapped floodway (Exhibit 2c of the staff report). However, the applicant’s site plan shows the proposed access, equipment, fuel storage, scales, and scale house in the floodway (Exhibit 2c and 2f of the staff report). A hydrologic and hydraulic analysis with no rise certification or an approved CLOMR is required to ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

Additionally, wetlands are shown on the subject parcels. No approval or comments were received from the Idaho Department of Water Resources (floodplain) or the U.S. Army Corp of Engineers (USACE). The reclamation plan states that the USACE commented that there may be jurisdictional features within the planned area of impact and requested the operator to reach out to them for permitting guidance (Exhibit 2f of the staff report).

The applicant did not provide any information regarding floodplain or wetland mitigation measures or approval from applicable agencies.

(2) The Boise River provides habitat for fish and wildlife. Golden Eagle Audubon Society (GEAS) and Southwestern Idaho Birders Association (SIBA) expressed concerns regarding the potential significant adverse impacts of the project on protected bird species and habitats such as Bald Eagle nesting (50 CFR 22.6; Exhibit 4d & 4e of the staff report). The comment letter requests the applicant review the request with the U.S. Fish and Wildlife Service and Idaho Department of Fish and Game to learn of potential impacts to species and habitats and ways to avoid and/or minimize potential impacts and incorporate guidelines and mitigation measures into their project plan.

The applicant did not provide any information regarding wildlife and habitat mitigation measures or review with applicable agencies.

(3) The subject parcel and surrounding parcels are predominantly used for agricultural uses. Best-suited soils appear to be prominent south of Boise River Road (Exhibit 3i of the staff report). Photos show the subject parcels in agricultural production (Exhibit 7 of the staff report).

Canyon Soils Conservation District finds the following regarding the subject parcels (Exhibit 5c of the staff report): 16% Prime Farmland; 38.5% Prime Farmland if irrigated and drained; 16% Prime Farmland if irrigated and reclaim excess salts and sodium; 29.5% Not Prime Farmland; 1.4% Capability Class 2; 27% Capability Class 3; 38% Capability Class 4; 12% Capability Class 6; 20% Unclassified due to water and river rock.

Per Exhibit 3g of the staff report, within a one-mile radius is a large gravel pit north of the Boise River (CU2018-0014, Exhibit 6a of the staff report). A large number of approved gravel pits are located over 18,000 feet east of the subject parcel along Notus Road and Boise River Road in the Notus Area of City Impact.

The request is located in close approximately to the land decisions:

- City of Boise’s Phosphorous Removal Facility (PH2014-33, Exhibit 6c of the staff report): 3,800 feet southeast of the subject request. In 2019, a mineral extraction use was denied adjacent to the phosphorous removal plant due to a lack of water rights approval and study/modeling to ensure the request would not impact the phosphorous removal facility (CU2018-0010, Exhibit 6b of the staff report).
- CU2018-0014 – Premier, LLC: Mineral extraction – long term (Exhibit 6a of the staff report): Approximately 1,200 feet north of the subject request; and
- CU2019-0011 – Barber: Amendment to CU2003-454 – Divide 30 acres into four residential lots (Exhibit 6e of the staff report). The parcels created by the decision abuts the east boundary of R39054.

The subject parcels are also near parcels with residential dwellings created via land division or by conditional use permit (Examples: LS2004-882, R39055010; CU2019-0011/CU2003-454, R39065; and AD2021-0144/AD2021-0173, R39060).

Approximately 2,000 feet south of the proposed request is Parma Valley Winery approved in September 2000 (CU2004-583, Exhibit 6d of the staff report). The winery is situated on a ridge overlooking the subject parcels and Boise River (Exhibit 4f of the staff report).

(4) The applicant addresses compatibility with the area with the following measures:

- All areas not being mined will remain in agricultural production. Mineral extraction will be completed in two phases: Phase A, approximately 37 acres, parcel west of SH-95, and Phase B, approximately 122 acres, all parcels east of SH-95 (Exhibit 2c of the staff report). Water from irrigation ditches will be utilized for watering crops/non-mined areas until mining is necessary
- Wet dust suppression will be used on the property during the operation of all rock crushers. Water and/or magnesium chloride will be used on all haul roads to minimize fugitive dust.
- Five-foot-high berms will be created all around the parcel to buffer the use from neighboring properties and roadways to reduce noise and sight impacts. The berms will be stockpiled around the perimeter of the pit. These berms will be vegetated to prevent water and sediment from leaving the active project area (Exhibit 2f of the staff report). At the time of reclamation, select berms will be removed so as not to leave permanent, non-natural, barriers around the property. Crushing will be limited to the hours of operation.

(5) Notice of the public hearing was provided per CCZO §07-05-01. Property owners within 1,000 feet were noticed on February 21, 2024. A newspaper notice was published on February 24, 2024. A notice was posted on parcel R39054010 along Boise River Road on February 29, 2024.

Opposition letters received (Exhibit 4 of the staff report) express the following concerns:

- Impacts on farming and hunting (Exhibit 4a, 4b, 4l, 4m, 4o, 4u, 4x, 4y, 4cc);
- Floodplain/wetland impact concerns (Exhibit 4e, 4y, 4ee, 4cc);
- Impacts to Parma Valley Winery (Exhibit 4f, 4j, 4k, 4l, 4o, 4p, 4r, 4s, 4t, 4u, 4w, 4aa);
- Impacts on existing dwellings located near the proposal (Exhibit 4g, 4i, 4l, 4n, 4q, 4u, 4x);
- Gravel truck traffic and associated impacts such as road safety and windshield damage (Exhibit 4b, 4g, 4h, 4i, 4j, 4l, 4q, 4s, 4u, 4w, 4bb, 4cc);
- Dust impacts (Exhibit 4f, 4i, 4n, 4s);
- Wildlife habitat impacts (Exhibit 4d, 4e, 4f, 4g, 4h, 4i, 4n, 4o, 4p, 4q, 4u, 4x, 4cc);
- Too many gravel pits in the area (Exhibit 4a, 4f);
- Groundwater contamination (Exhibit 4i, 4q, 4s, 4u, 4cc);

- Condition Compliance (Exhibit 4h, 4x, 4dd);
- Noise impacts (Exhibit 4i, 4l);
- Impacts to the existing scenery/character (Exhibit 4f, 4k, 4l, 4o, 4t, 4bb);
- All the above: Petition in opposition (Exhibit 4z); and
- Hearing Procedures (Exhibit 4ee).

One e-mail of support was received from Kacie Benson (Exhibit 4v of the staff report) finding Premier LLC a good operator who does an excellent job of controlling dust and noise. The request will bring more business to the area, boost the economy, and will not impact Parma Valley Winery.

(6) Evidence includes findings and evidence in hearing criteria 1, 6, and 7 in this document.

(7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0024.

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

Conclusion: Adequate facilities and systems to accommodate the use can be provided before the commencement of use.

Findings: (1) No well or septic system is proposed (Exhibit 2a of the staff report). Porta-potties will be used on-site (location unknown). Gravity irrigation is provided via surface water rights. The source of the surface water is from a ditch that runs east and west of the property (Exhibit 2a of the staff report).

(2) Notice of the public hearing was provided per CCZO §07-05-01. An initial notice was sent to affected agencies on June 9, 2022, with a hearing notice sent February 21, 2024.

No comments were received from Southwest District Health, Riverside Irrigation District, Idaho Department of Water (water rights), Idaho Power, or Intermountain Gas.

(3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0024.

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

Conclusion: Proposed access to SH-95 exists but is not yet permitted by the Idaho Transportation Department (ITD). An access permit for access approval and improvements is required before the commandment of use. No access is proposed onto Boise River Road.

Findings: (1) Access is proposed on SH-95 (Exhibit 2a and 2c of the staff report). No access from Boise River Road is proposed.

(2) Notice of the public hearing was provided per CCZO §07-05-01. An initial notice was sent to affected agencies on June 9, 2022, with a hearing notice sent February 21, 2024.

a. No comments were received from the Notus-Parma Highway District.

b. Idaho Transportation Department (ITD) requires the applicant to obtain access approval and complete associated improvements before the commencement of use (Exhibit 5b of the staff report).

(3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0024.

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

Conclusion: Without additional information regarding truck trips, employee trips, local customer/contractor trips, haul routes, and cumulative impacts created by the proposal and existing pit north of this request (CU2018-0014), potential impacts and potential mitigating conditions are unknown.

- Findings:**
- (1) The applicant proposes all access from SH-95 and estimates approximately 45 trucks coming and leaving the sites daily. The majority of the traffic will be during off-peak hours (Exhibit 2a of the staff report). The applicant's letter states access and traffic impacts will be addressed before the commencement of use (Exhibit 2a of the staff report).
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. An initial notice was sent to affected agencies on June 9, 2022, with a hearing notice sent February 21, 2024.
 - a. No comments were received from the Notus-Parma Highway District.
 - b. Based on trip generation numbers provided, the Idaho Transportation Department (ITD) does not find the use to create traffic impacts on SH-95 (Exhibit 5b of the staff report).
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Property owners within 1,000 feet were noticed on February 21, 2024. A newspaper notice was published on February 24, 2024. A notice was posted on parcel R39054010 along Boise River Road on February 29, 2024. Opposition letters received (Exhibit 4 of the staff report) expressed concerns regarding gravel truck traffic and associated impacts such as road safety and windshield damage (Exhibit 4b,4g, 4h, 4i, 4j, 4l, 4q, 4s, 4u, 4w,4bb, 4cc of the staff report).

The applicant's letter of intent and submitted information (Exhibit 2 of the staff report) states potential truck trips, but does not include employee trips, local customer/contractor trips, haul routes, and cumulative impacts created by the proposal and existing pit north of this request (CU2018-0014). Without the additional information, potential impacts and potential mitigating conditions are unknown.
 - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0024.

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

Conclusion: Essential services are available in the area and the proposed long-term mineral extraction is not anticipated to impact essential services or require public funding to accommodate the use.

- Findings:**
- (1) Essential services in the area include Parma Fire District, Parma School District, Canyon County Sheriff Department, and Canyon County Paramedic/EMT.
 - The Parma Fire Department is located approximately 6.1 miles from the subject parcels, with approximately a 12-minute response time.
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. An initial notice was sent to affected agencies on June 9, 2022, with a hearing notice sent February 21, 2024. No comments were received from the Parma Fire District, Parma School District, Canyon County Sheriff Department, and Canyon County Paramedic/EMT.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0024.

Additional Standards §07-14-19 Mineral Extraction Long Term:

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

1. The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses;

Conclusion: The use is not compatible with the surrounding properties.

Finding: See findings and evidence within hearing criteria 1, 4, and 7 for more information.

2. Duration of the proposed use;

Conclusion: The approximate date of construction is the Spring of 2025. The approximate date of abandonment is the Spring of 2038. The dates are an estimate.

Finding: According to CCZO 07-07-23: Provisions for Land Use Time Limitations; “*gravel pits are exempt from 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.*” The applicant’s requested duration is estimated. A clear duration date was not provided.

3. Setbacks from surrounding uses;

Conclusion: The reclamation plan states a 30’ setback would be established around the property boundary. The site plan does not show the 30’ setbacks.

Finding: The reclamation plan states a 30’ setback would be established around the property boundary (Exhibit 2f of the staff report). Berms will be created all around the parcel to buffer the use of neighboring properties and roadways. The berms will be stockpiled around the perimeter of the pit. These berms will be vegetated to prevent water and sediment from leaving the active project area. However, the site plan does not show the 30’ setbacks. The plan does not state or demonstrate any setbacks from ditches or canals.

4. Reclamation plan as approved by Idaho Department of Lands;

Conclusion: An approved reclamation plan is approved as S603001 dated June 30, 2023.

Finding: The applicant has submitted a reclamation plan and amended reclamation plan S603001 (Exhibit 2f of the staff report) approved by Idaho Department of Lands.

5. The locations of all proposed pits and any accessory uses;

Conclusion: The applicant has provided a site plan (aerial) showing the locations of proposed pits and accessory uses. No floodplain development studies or information were submitted.

Finding: The applicant has provided a site plan (aerial) showing the locations of proposed pits and the location of the access, scale house, scales, equipment, and fuel/chemical storage.

The location of the access, scale house, scales, equipment, and fuel storage appear to be in a mapped floodway (Exhibits 3l and 5a of the staff report). The request does not include a no-rise study or Conditional Letter of Map Revision (CLOMR) approved by FEMA.

The pit area is located in a mapped floodplain just outside of the mapped floodway (Exhibit 2a and 3l of the staff report). A flood study regarding potential pit capture and how pit dewatering will be routed back to the Boise River was not included (Exhibit 5e of the staff report). An evacuation plan during a flood event should be included (Exhibit 5a of the staff report).

6. Recommendations from applicable government agencies

- Idaho Transportation Department (ITD) requires the applicant to obtain access approval and complete associated improvements before the commencement of use (Exhibit 5b of the staff report).
- A flood study regarding potential pit capture and how pit dewatering will be routed back to the Boise River should be required (Exhibit 5e of the staff report). An evacuation plan during a flood event should be included (Exhibit 5a of the staff report).
- A hydrologic and hydraulic analysis with no rise certification should be provided to ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained (Exhibit 5a of the staff report). If the request alters the watercourse where it cannot be maintained, the applicant should submit and receive approval for a CLOMR (Conditional Letter of Map Revision) before conditional use permit approval.

- Golden Eagle Audubon Society (GEAS) and Southwestern Idaho Birders Association (SIBA) expressed concerns regarding the potential significant adverse impacts of the project on protected bird species and habitats such as Bald Eagle nesting (50 CFR 22.6; Exhibit 4d & 4e of the staff report). The comment letter requests the applicant review the request with the U.S. Fish and Wildlife Service and Idaho Department of Fish and Game to learn of potential impacts to species and habitats and ways to avoid and/or minimize potential impacts and incorporate guidelines and mitigation measures into their project plan.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **denies** Case #CU2022-0024, a conditional use permit for mineral extraction (long term) on Parcels R39054, R39054010, R39070010, and R39070010B0.

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

1. Submit a detailed operations plan and site plan better addressing the use standard requirements (CCZO Section 07-14-19) including the location of berms, all irrigation ditches and setbacks from ditches, access, internal circulation, and parking, and plans to mitigate potential impacts such as noise, dust, groundwater contamination, and compatibility with the surrounding area.
2. Submit plans, reports and approval from FEMA, IDWR, and USACE for development in a floodplain/floodway and wetlands.
3. Provide review by the U.S. Fish and Wildlife Service and Idaho Department of Fish and Game to learn of potential impacts to species and habitats and ways to avoid and/or minimize potential impacts, and the applicant incorporating guidelines and mitigation measures into their project plan.
4. Provide a trip generation study addressing truck trips, employee trips, local customer/contractor trips, haul routes, and cumulative impacts created by the proposal and existing pit north of this request (CU2018-0014).

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: _____