



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

In the matter of the application of:

Knife River Corporation-Mtn. West CU2023-0013:

The Canyon County Planning and Zoning Commission considers the following:

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

Summary of the Record

1. The record is comprised of the following:

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

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-07 (Conditional Use Permits), Canyon County Code §07-02-03 (Definitions), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Canyon County Code §07-14 (Use Standards), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures), and Canyon County Code §09-03-07 (Area of City Impact Agreement).
 - a. Notice of the public hearing was provided pursuant to CCZO §07-05-01, Idaho Code §67-6509 and 67-6512.
 - b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.
 - c. Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. *See* CCZO §07-07-01.

- d. Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development;(6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. *See Idaho Code §67-6512, CCZO §07-07-17, and 07-07-19.*
 - e. Use Standards – Mineral Extraction Long Term: (1) If a conditional use permit is required, the following standards shall apply: A. Setbacks: Front 30’, Side 30’, Rear 30’ Corner 30’; 1. Front and corner setbacks shall be measured from the greatest of either the property line, right-of-way line, or road easement line of any local or private street. 2. When making a decision for a conditional use permit for the use, the decision making body shall consider the following: (A) The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses; (B) Duration of the proposed use; (C) Setbacks from surrounding uses; (D) Reclamation plan as approved by Idaho Department of Lands; (E) The locations of all proposed pits and any accessory uses; and (F) Recommendations from applicable government agencies. *See CCZO §07-14-19.*
2. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-07-01.
 3. There are no mandates in the Local Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. Chambers v. Kootenai Cnty. Bd. of Comm'rs, 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).
 4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCZO §07-05-03.
 5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.
 6. The County’s hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

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

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

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

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

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

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

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

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

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

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

2. What is the nature of the request?

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

- Findings:**
- (1) Applicant Letter of Intent (Exhibit 4)
 - (2) Reclamation Plan as approved by the State of Idaho Dept. of Lands (Exhibit 6)
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0013.
 - (4) Evidence includes associated findings and evidence supported within this document.
 - (5) After taking public testimony the Commission modified the proposed hours of operation to 6 a.m. to 6 p.m (see condition #10) to be consistent with other mineral extraction operations in the vicinity.

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

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

- Findings:**
- (1) The site contains approximately 45 acres of least suited class 6 soils and has not been in agricultural production as evidenced by exhibits 12, 18, 19, 20 and 24.
 - (2) This area of the county is primarily comprised of mineral extraction operations that are in production or permitted for mining operations as evidenced by aerial site maps and the

gravel pit map showing mineral extraction sites within one mile of the property (see Exhibits 12 and 17).

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

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

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

- Findings:**
- (1) The area is a mix of residential, agricultural and mineral extraction operations. There are mineral extraction operations in production or permitted to the north, south, east and west of the subject property as evidenced by the aerial maps, site photos and the Gravel Pit Map (see exhibits 12, 17, and 20)
 - (2) Properties within 1,000 feet of the subject property boundary were notified by mail, site postings and publication in the newspaper. No public comments were received in opposition of the proposed mineral extraction operation prior to the public hearing
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and JEPA to the City of Greenleaf were noticed on January 2, 2024. Newspaper notice was published on February 24, 2024. Property owners within 1000' were notified by mail on February 21, 2024. The property was posted on February 29, 2024.
 - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0013.
 - (5) Evidence includes associated findings and evidence supported within this document.
 - (6) Public testimony was taken from three individuals with concerns regarding the proposed operations. The Commission modified the hours operation (see condition #10) and placed additional conditions (see #22, and 24-28) specific to setbacks, batch plant operations, commencement, paved access, compression brakes, and back-up alarms to help mitigate public concerns.

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

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

- Findings:**
- (1) The applicant letter of intent and reclamation plan indicate the use of process water, providing for dewatering, settling ponds, and discharge of process water, inclusive of appropriate grading to maintain stormwater on property. Irrigation supply and drainage systems are available on the site and shall not be modified or discharged to without express approvals as required by the irrigation district and the Army Corp of Engineers (exhibit 9).
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and JEPA to the City of Greenleaf were noticed on January 2, 2024. Newspaper notice was

published on February 24, 2024. Property owners within 1000' were notified by mail on February 21, 2024. The property was posted on February 29, 2024.

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

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

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

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

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

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

- Findings :**
- (1) GGHD responded to the agency notification and through review did not require additional traffic studies. GGHD will require an approach permit to improve the site approach to ACCHD commercial approach standards as evidenced in Exhibit 8.
 - (2) The Idaho Transportation Department provided comments in Exhibit 11 requesting additional traffic related information. Subsequent discussions with the applicant and staff occurred. ITD expressed specific concerns with the intersection of Notus Road and Hwy 19 noting concerns including potential change in current traffic pattern from Hwy 20/26 to Hwy 19. There is a posted speed of 60 mph on Hwy 19 at Notus Road intersection, creating safety concerns as trucks slow to make right hand turns. Also trucks/vehicles exiting the facility to the Notus intersection require a left hand turning movement to travel east bound creating additional potential for traffic conflict.
 - (3) The City of Greenleaf and the City of Caldwell (Exhibits 7 & 10) expressed concerns with truck traffic and impacts to State Hwy 19 and Centennial Way as a haul route to the interstate. The City of Greenleaf also concerned with operators not covering the loads increasing dirt and gravel pollution/hazards along the haul routes.

- (4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and JEPAs to the City of Greenleaf were notified on January 2, 2024. Newspaper notice was published on February 24, 2024. Property owners within 1000' were notified by mail on February 21, 2024. The property was posted on February 29, 2024.
- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0013.
- (6) Evidence includes associated findings and evidence supported within this document.
- (7) The Commission placed restrictions on operations of the Red Top pit subject to completion of operations at the Notus pit (see Condition #25) to ensure minimal impacts to the existing traffic patterns in the area.

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

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

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

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

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

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

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

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

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

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

- Findings:**
- (1) The ag-residential properties currently exist where there are mineral extraction operations. There are both active and permitted mineral extraction sites in the vicinity and immediately to the west of the ag-residential properties as evidenced by exhibits 12 and 17.
 - (2) No public comments were received in opposition to the mineral extraction permit prior to the public hearing. Public testimony was taken from three individuals with concerns regarding the proposed operations. The Commission modified the hours operation (see condition #10) and placed additional conditions (see #22, and 24-28) specific to setbacks, batch plant operations, commencement, paved access, compression brakes, and back-up alarms to help mitigate public concerns
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Newspaper notice was published on February 24, 2024. Property owners within 1000' were notified by mail on February 21, 2024. The property was posted on February 29, 2024.
 - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0013
 - (5) Evidence includes associated findings and evidence supported within this document.

(B) Duration of the proposed use;

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

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

(C) Setbacks from the surrounding uses;

Conclusion: The Planning and Zoning Commission finds and concludes that the mineral extraction operation plan meets the minimum thirty (30) foot required setbacks from the property lines and also from the irrigation and drainage facilities on the subject property. The Commission also concludes that the operator was in favor of providing an additional setback of 150 feet from the three residential properties on the westernmost boundary of the subject property in the southwest corner (see condition #22).

- Findings:**
- (1) The applicant's letter of intent, reclamation plan, and public testimony.
 - (2) No public comments were received in opposition to the mineral extraction permit prior to the public hearing.
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and JEPAs to the City of Greenleaf were noticed on January 2, 2024. Newspaper notice was published on February 24, 2024. Property owners within 1000' were notified by mail on February 21, 2024. The property was posted on February 29, 2024.
 - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0013.
 - (5) The applicant, during presentation testimony, provided for the proposed 150 foot setback from the subject property's south-westernmost boundary to address setbacks to residential properties and the three nearby homes.

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

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

- Findings:**
- (1) Letter dated December 12, 2022 from the Idaho Department of Lands indicating approval of Plan No. S602997 for 65 acres subject to conditions and bond requirements (see Exhibit 6).
 - (2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0013

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

Conclusion: The Planning and Zoning Commission finds and concludes that the site plan and reclamation plan provided for the mineral extraction operations inclusive of the extraction, crushing, staging, hauling, and potential batch plants is consistent with the extraction operations in the vicinity. The operator plans to maintain the crushing and any batch plant operations in the northeast corner of the property. The operator also proposes to maintain 15-foot berms where operations are adjacent to a public roadway and along the western boundary to aid in minimizing impacts to adjacent ag-residential properties. In addition to the 150 foot setback from the identified residential properties on the western boundary; the batch plant and crusher operations shall not be placed closer than 200 feet from Red Top Road (see conditions #22 & 24.)

- Findings:**
- (1) The applicant letter of intent, reclamation plan and subsequent communications with staff via email as evidenced in exhibits 4,6, and 25.

- (2) No public comments were received in opposition to the mineral extraction permit or site plans prior to the public hearing. Public testimony was taken and mitigating conditions were placed by the Commission.
- (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and JEPA to the City of Greenleaf were noticed on January 2, 2024. Newspaper notice was published on February 24, 2024. Property owners within 1000' were notified by mail on February 21, 2024. The property was posted on February 29, 2024.
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0013

(F) Recommendations from applicable government agencies.

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

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

Order

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

Conditions of Approval

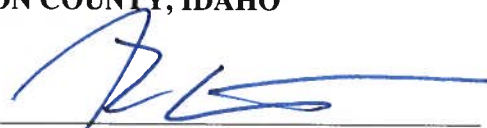
1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.

2. The applicant shall comply with applicable Caldwell Rural Fire District requirements as evidenced by an approval letter from the Caldwell Rural Fire District that conditions have been complied with.
3. The applicant shall comply with applicable Golden Gate Highway District access requirements (Exhibit 8). The applicant shall obtain a permit before the operations commence on this site. Prior to commencement of operations the applicant shall submit in writing to DSD a letter from the appropriate Highway District stating this requirement has been satisfied.
4. The applicant shall provide the Idaho Transportation Department with the three requested reports including 1. Traffic Generation Numbers, 2. Traffic Distribution, and 3. Turn-Lane Warrants and work with ITD to mitigate impacts to the highway systems related to Knife River Corporation traffic as evidenced by a letter from ITD indicating compliance with report submission prior to commencement of operations at the Red Top Road facility.
5. To minimize truck traffic impacts on State Hwy 19, the primary haul route for the proposed operations shall be exiting west on Red Top Road to Notus Road. At Notus Road the haul route shall be northerly to State Highway 20/26 consistent with current hauling operations from the Knife River pit on Dixie River Road.
6. Development shall not impede, disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way. Alterations of irrigation structures located on the property shall be conducted with written approval from the irrigation company having jurisdiction. The alterations shall not impede or affect water delivery to adjacent properties/water users. Evidence shall include a copy of the irrigation district approval provided to Development Services prior to disturbance of the facility.
7. Water, surface and groundwater, shall be discharged in accordance with state, federal, and local standards and/or regulations. Sediment shall not be discharged from the site in process or stormwater overflow into the irrigation structures on site.
8. The operator shall dispose of waste in a manner that does not contribute to potential environmental and water contamination in and around the subject property.
9. The operator proposes to utilize fill materials to back fill a portion of the property during reclamation. Only materials in conformance with Idaho Solid Waste Management Rules (IDAPA 58.01.06.005.19) which defines inert waste shall be utilized as fill in compliance with the Reclamation Plan S602997. (Exhibit 6).
10. The hours of operation shall be 6 a.m. to 6 p.m. Monday through Saturday, as proposed in the applicant's letter of intent (Exhibit 4). The allowable business hours for the crushing operation shall be Monday through Friday from 7:00 am to 5:00 pm. The operation will be closed Sundays and on traditional legal holidays.
11. Temporary 24 hours per day seven days per week operations may be conducted as required by projects mandating nighttime delivery of materials. No crushing of materials shall occur during nighttime hours. The duration of 24 hour operations shall be for temporary periods required by construction on nighttime projects.
12. The mineral extraction operation shall be conducted in substantial conformance with the reclamation plan and letter of intent with the site plan (Attachment #4 & #6).
13. Dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations including but not limited to nuisance regulations (CCCO Chapter 2 Article 1: Public Nuisances).
14. Operation of mining equipment, storage, and use of fuels and petroleum products shall be per all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations.
15. The mineral extraction, crushing, staging, hauling, and batch plant operations shall not operate in excess of 20 years from the date of the signing of the Findings of Fact, Conclusions of Law, Conditions of Approval, and Order (April 4, 2044) without further jurisdictional approval.
16. The operation shall comply with the reclamation plan approved by the Idaho State Department of Lands (Attachment #6 document #S602997 approved December 12, 2022). The operator shall complete the reclamation plan as approved by the Idaho State Department of Lands.

17. A minimum 15-foot high landscaped berm shall be constructed in accordance with the site plan along Red Top Road prior to extraction of gravel. The berm shall remain in place while mineral extraction, crushing and batch plant operations are occurring on the subject property. A similar berm shall be maintained along the western property boundaries of the subject property to aid in minimizing the impact to the existing residential development. These berms may be removed as part of the reclamation of the site.
18. All berms shall be maintained in a weed free condition and shall be, where facing the public road and adjacent to residential properties be landscaped with rock/perma bark. The developer shall regularly maintain the topsoil berm to assure that berms remain well kept and maintained in a weed free condition for the life of the mineral extraction operation.
19. Stockpiling of gravel shall not exceed 30 feet in height.
20. Construction of any site buildings/facilities shall require a building permit.
21. The setbacks from the subject property boundaries shall be a minimum thirty (30) feet from adjacent property boundaries in accordance with [§07-14-19 (1) A] except where specified at greater distance herein. The setbacks from any irrigation or drainage facility on the site shall be a minimum of thirty (30) feet.
22. The setback from parcels R36093, R36093011, R36093010 located on the southwest border of the subject property shall be no less than 150 feet from the west property boundary adjacent to the identified properties. The applicant shall also provide a 15 foot berm in compliance with condition 18.
23. All exterior lighting shall be downward facing and directed away from adjacent residential properties.
24. Prior to batch plant operations on this facility, the operator shall provide to Development Services thirty (30) days in advance of operations a scalable site plan showing the location and duration of operations for director review of location. The batch plant and crusher operations shall not be located within 200 feet of Red Top Road.
25. The extraction operations of the Red Top mineral extraction site on parcel R36092010 will not begin until Knife River has completed mineral extraction operations at the Notus Pit location (CU2019-0006 modifying CU2007-8).
26. The operator prior to starting operations on R36092010 shall pave the access road from edge of pavement of Red Top Road southerly a distance no less than 100 feet by 20 feet in width to reduce dust and track-out by vehicles and trucks.
27. The operator shall post signage on the subject property notifying drivers to restrict use of compression brakes on Red Top Road.
28. Back-up alarms shall be restricted to non-beeping alarms in compliance with OSHA/MNSHA requirements.

DATED this 18 day of April, 2024.

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



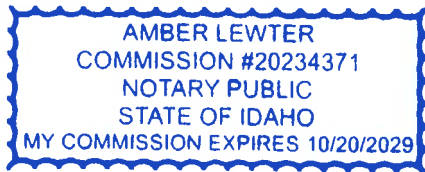
Brian Sheets, Vice Chairman

State of Idaho)

SS

County of Canyon County)

On this 18 day of April, in the year 2024, before me Amber Lewter, a notary public, personally appeared Brian Sheets, 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: Amber Lewter

My Commission Expires: 10/20/2029