



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

In the matter of the application of:

**JMAC Resources/Redmon Pit – Case # CU2024-0007**

The Canyon County Planning and Zoning Commission considered the request for a conditional use permit to expand the mineral extraction (long-term) use currently on parcels R36106 and R36107 and expand into parcel R36106010. The use includes excavation, concrete batch plant, staging, access, stockpiling, crushing, and washing on the subject parcels.

[Case #CU2024-0007, Adjacent to 21913 Notus Road, Greenleaf, as a portion of the NE¼ and NW¼ of Section 16, 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 CU2024-0007.

**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 §07-14-03 (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, CU2024-0007, was presented at a public hearing before the Canyon County Planning and Zoning Commission on February 6, 2025. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Canyon County Planning and Zoning Commission 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 request is allowed subject to conditional use permit approval.

**Findings:** (1) The proposed use, mineral extraction (long term), is permitted in the "A" (Agricultural) zone subject to conditional use permit approval pursuant to CCZO §07-10-27.

a. The parcel is zoned "A" (Agricultural; *Exhibit B.2e of the staff report*). According to CCZO §07-02-03, mineral extraction is "the various activities associated with the extraction of mineral resources, including, but not limited to, gravel, from the ground."

(2) Per CCZO §07-07-03, the applicant submitted a conditional use permit application on February 16, 2024 (*Exhibit A.1 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. CU2024-0007.

2. What is the nature of the request?

**Conclusion:** The applicant requests a long-term mineral extraction use and batch plant. See *Exhibit A of the staff report*

**Findings:** (1) Per Exhibit A.2 & A.3 of the staff report, JMAC Resources requests a long-term mineral extraction use currently approved on Parcel R36106 and R36107 (CU2004-242, *Exhibit B.4.a of the staff report*) to expand onto Parcel R3610610 (approximately 120 acres). The use includes associated uses such as staging, stockpiling, crushing, and washing. The southeast

portion of Parcel R36106 will be used for a concrete ready-mix batch plant. The duration of the request is 40 years.

Extraction on Parcel R36106010 will be conducted in six phases (each pit approximately 35 feet deep), totaling approximately 98 acres, consistent with the Department of Lands approved reclamation plan (*Exhibits A.2 and A.8 of the staff report*). Mineral extraction areas will maintain a 30' setback from the property boundaries as required per CCZO Section 07-14-19(1)A (*Exhibit A.2 of the staff report*). The concrete batch plant processing area proposed a 50' setback from the southern boundary.

Normal operation hours are 6 am to 4 pm with crushing and washing operations from 4 am to 10 pm. The batch plant will be open 24 hours a day, six days a week use which the applicant states is "important for serving concrete needs of highway projects and other projects needing to be done at night or during low highway or facility use hours" (*Exhibits A.2 & A.4 of the staff report*).

The parking needs are estimated to be 15 concrete trucks, five (5) aggregate trucks, and employee parking, including scale building employee and equipment operator parking (*Exhibits A.2 & A.4 of the staff report*). The use requires approximately 30 employees (*Exhibit A.4 of the staff report*). Approximately 45 parking spaces and a loading/unloading area will be required (*Exhibits A.2 & A.4 of the staff report*). A 32-square-foot sign is proposed (*Exhibit A.4 of the staff report*).

The proposed reclamation will be a lake that can be incorporated as a residential development amenity. The applicant plans to work with the City of Greenleaf at the time of reclamation regarding city services and residential development (*Exhibit A.2 of the staff report*).

- (2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0007.

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

**Conclusion:** As conditioned, the proposed use is consistent with the 2030 Canyon County Comprehensive Plan.

- Findings:**
- (1) The 2030 Canyon County Comprehensive Plan designated the subject parcels as "agriculture" on the Future Land Use map (*Exhibit B.2c of the staff report*).
  - (2) The subject parcels are located in the City of Greenleaf Area of City Impact where residential growth is designated (*Exhibit B.2e of the staff report*).
  - (3) The applicant finds the request aligns with the 2030 Canyon County Comprehensive Plan, citing the following policies:
    - a. Property Rights G1.01.00: "Protect the integrity of individual property rights while safeguarding public health, safety, and welfare."
    - b. Property Rights P1.01.01: No person should be deprived of private property without due process of law.
    - c. Economic Development G3.01.00: "Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations."
    - d. Land Use P4.02.01: "Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses."
    - e. Land Use P4.03.03: "Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and some instances may require conditions of approval to promote compatibility."
    - f. Natural Resources P5.01.01: Protect and enhance waterways, groundwater, wetlands, wildlife habitat, air, soils, and other natural resources.
    - g. Natural Resources G5.02.00: "Recognize the importance of air quality and address air pollution per applicable regulations."

- i. Prior to the commencement of use, the operation shall meet all federal, state, and local requirements. Idaho Department of Environmental Quality (DEQ) will require air quality and groundwater review through their review and permitting process (*Exhibits A.2, A.8, A.10, and D.3 of the staff report*).
  - h. Natural Resources G5.03.00: “Support the conservation of productive mineral lands and discourage incompatible uses upon or adjacent to these lands.”
  - i. Natural Resources P5.03.01: “Sand and gravel mining operations should be located to avoid adverse impacts on the river channel and promote compatibility with adjacent uses.”
    - i. The request is located near many existing and approved mineral extraction uses (*Exhibit B.2i of the staff report*).
    - ii. The request is an expansion of a mineral extraction use approved in 1999 and doesn’t expire until 2037 (*Exhibit B.4a of the staff report*).
    - iii. The request does not propose any impacts or alteration to river channels (*Exhibit A.2 of the staff report*).
  - j. Natural Resources G5.07.00: “Protect the quality and quantity of aquifers and protect and enhance the capability of groundwater.” recharge areas for the present and future water supply of the County.”
    - i. Prior to the commencement of use, the operation shall meet all federal, state, and local requirements. Idaho Department of Environmental Quality (DEQ) will require air quality and groundwater review through their review and permitting process (*Exhibits A.2, A.8, A.10, and D.3*).
- (4) *See the other criteria, findings, and evidence in this document for additional support. See the Order section of this document for conditions of approval.*
- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0007.

**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:** As conditioned, the proposed use will not be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area.

- Findings:**
- (1) The applicant demonstrates that the request is situated amongst existing mineral extraction operations (*Exhibit A.2 of the staff report*). The properties include an existing mineral extraction use (CU2004-242, *Exhibit B.4a of the staff report*) and are located next to two existing mineral extraction uses (*Exhibits B.2i & B.2f of the staff report*):
    - a. CU2019-0018 (*Exhibit B.4b of the staff report*): Mineral extraction and batch plant on four parcels, approximately 120 acres, for a 40-year duration (expires November 7, 2059).
    - b. CU2020-0005 (*Exhibit B.4c of the staff report*): Mineral extraction and batch plant on three parcels, approximately 637 acres, for a 40-year duration (expires January 7, 2061).
  - (2) Due to the high groundwater and alkaline soil conditions, the ground is less feasible for crops (*Exhibit A.2 of the staff report*). Soil maps (*Exhibit B.2h of the staff report*) and soil survey provided by the applicant (*Exhibit A.9 of the staff report*) demonstrate the subject properties consist mostly of least-suited soils (Class 6-8) and are not prime farmland. Canyon Soils Conservation District does not oppose the request but recommends the operation have an erosion control plan (*Exhibit D.4 of the staff report*).
  - (3) The request is located in the Greenleaf Area of City Impact and adjacent to city jurisdiction where residential development is proposed (*Exhibit B.2d of the staff report*). Additionally, the request is located north of the Greenleaf Ranch Air Subdivision (*Exhibit B.5 of the staff report*). Per the applicant, the proposed reclamation will be a lake that can be incorporated as a residential development amenity. The applicant plans to work with the City of Greenleaf

regarding city services and residential development at the time of reclamation (*Exhibit A.2 of the staff report*). No comment was received from the City of Greenleaf.

- (4) No dwellings are within 1,000 feet of the subject parcels (*Exhibits B.2a and B.2b of the staff report*). The nearest is over 1,000 and located in the Greenleaf Air Ranch Subdivision which is separated from the subject parcels by a private airfield elevated about the subject parcel (*Exhibit B.5, B.2k & C of the staff report*).
- (5) Per the applicant's letter of intent and operation plan (*Exhibit A.2 & A.3 of the staff report*), potential impacts to the immediate area will be addressed as follows:
- (6) The proposed operation is anticipated to create 300 average daily trips. Half of the proposed traffic already exists (CU2004-242, *Exhibit B.4a of the staff report*). Traffic generated by the request does not warrant a traffic impact study TIS (*Exhibit D.2 of the staff report*). Access will continue through the existing mineral extraction use on Parcel R36106 (*Exhibit A.8 of the staff report*).
- (7) Crushing and washing exist (CU2004-242, *Exhibit B.4a of the staff report*) and have no record of noise complaints. As sections are mined out, crushing and stockpiling areas will be moved to the floor of each mined section and continue to each phase (*Exhibit A.8 of the staff report*). The concrete batch plant will be situated away from the more noise-sensitive uses. Berms (4 feet of sandy loam topsoil within a 75-foot buffer) will be installed on the edges of all traveled roads perimeter and shaped for visual appearance (*Exhibit A.8 of the staff report*). The area of the request is large and noise generated by the use is anticipated to diminish with distance away from the source (*Exhibit A.3 of the staff report*).
- (8) Groundwater will be pumped from one pond area to another or into an approved drainage facility. This is the current dewatering process used by the existing operation (CU2004-242, *Exhibit B.4a of the staff report*). Groundwater management will follow the Stormwater Pollution Prevention Plan (SWPPP, *Exhibits A.10 & A.13 of the staff report*). The request will not impact existing unnamed private ponds, irrigation ditches, Riverside Canal, and Dixie Slough (*Exhibit A.8 of the staff report*). Berms along traveled roads are proposed to contain stormwater and prevent runoff from entering waterways. See *Dewatering Operation Plan, Exhibit A.12 of the staff report*.
- (9) The existing operation (CU2004-242, *Exhibit B.4a of the staff report*) has dust abatement practices that will continue to be used for the expansions. Dust will be controlled by a water truck at all times during working hours.
- (10) Noxious weeds will be controlled on-site. Grading, erosion control, and reseeding will comply with the approved reclamation plan and SWPPP (*Exhibits A.8 & A.11 of the staff report*).
- (11) Fuel, oil, and equipment will be stored and maintained along the south boundary of Parcel R36106. Spill prevention kit stored on-site. Washout for concrete trucks will be contained within a constructed washout pond (*Exhibits A.3 & A.8 of the staff report*).
- (12) Exterior lighting will be directed into the site away from surrounding properties (*Exhibit A.2 of the staff report*).
- (13) *See the Order section of this document for conditions of approval that ensure the actions to minimize potential impacts are completed and maintained.*
- (14) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on November 7, 2024, and January 2, 2025. A newspaper notice was published on January 2, 2025. Property owners within 1,000' were notified by mail on January 2, 2025. The property was posted on January 2, 2025.
  - a. No comments were received from the public.
  - b. Agency comments received did not oppose the request (*Exhibit D of the staff report*).
- (15) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0007.

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

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

- Findings:**
- (1) Water: A small well exists onsite. A new well may be necessary for the concrete batch plant. If necessary, the well will be constructed and situated so it can be usable for the future residential development of the site (*Exhibits A.2 & A.4 of the staff report*).
  - (2) Sewer: Portable restrooms exist and will continue to be utilized (*Exhibit A.4 of the staff report*).
  - (3) Irrigation: No irrigation rights and is not necessary for the use. Existing ponds could be a source of surface water rights (*Exhibits A.2 & A.4 of the staff report*).
  - (4) Drainage/Stormwater: All stormwater will be retained on-site (*Exhibits A.2 & A.4 of the staff report*). The operation is required to provide a stormwater pollution prevention plan (SWPPP) to the Idaho Department of Environmental Quality (DEQ, *Exhibits A.8 & D.3 of the staff report*). A SWPPP has been prepared and will be submitted to DEQ for review prior to commencement of use (*Exhibits A.10 & A.13 of the staff report*). Conditions of approval are included to ensure the use is in compliance with all applicable federal, state, and local requirements prior to commencement of use.
- (1) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on November 7, 2024, and January 2, 2025. A newspaper notice was published on January 2, 2025. Property owners within 1,000' were notified by mail on January 2, 2025. The property was posted on January 2, 2025.
    - a. Agency comments received did not oppose the request (*Exhibit D of the staff report*).
  - (2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0007.

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

**Conclusion:** The subject properties have legal access currently used for mineral extraction operations.

- Findings:**
- (1) The existing operation is served by a 25' wide prescriptive easement established in 1970 (*Exhibit A.2 of the staff report*). The access is currently utilized by the existing mineral extraction use (CU2004-242, *Exhibit B.4a of the staff report*), Idaho Materials & Construction on Parcel R36102/R36101000 (CU2019-0018, *Exhibit B.4b of the staff report*), and Riverside Canal maintenance road.
  - (2) Golden Gate Highway District #3 (GGHD) finds the requested use has access to Notus Road, an existing minor arterial (*Exhibit D.2 of the staff report*). The use has access through the parcel to the east (Parcel R36102) to an approved access onto Notus Road. GGHD requests a recorded access easement through the property to the east (R36102). Shared access should also include a recorded road user's maintenance agreement per CCZO Section 07-10-03(1)B3). Conditions of approval are included to ensure the shared access and a road user's maintenance agreement are recorded.
  - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on November 7, 2024, and January 2, 2025. A newspaper notice was published on January 2, 2025. Property owners within 1,000' were notified by mail on January 2, 2025. The property was posted on January 2, 2025.
    - a. Agency comments received did not oppose the request (*Exhibit D 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. CU2024-0007.

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

**Conclusion:** There will not be undue interference with the existing and/or future traffic patterns.

- Findings:**
- (1) Golden Gate Highway District #3 (GGHD) finds a total of 300 trips per day, with a peak hour trip estimate of less than 50. Future residential development after mineral extraction operations are completed will need design evaluation (*Exhibit D.2 of the staff report*). Since the use does not exceed 50 peak hour trips or 500 average annual daily trips, a traffic impact study is not warranted.
  - (2) Idaho Transportation Department has no comments or concerns regarding the request since the operation is not new, but relocating to a new location (*Exhibit D.6 of the staff report*).
  - (1) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on November 7, 2024, and January 2, 2025. A newspaper notice was published on January 2, 2025. Property owners within 1,000' were notified by mail on January 2, 2025. The property was posted on January 2, 2025.
    - a. Agency comments received did not oppose the request (*Exhibit D of the staff report*).
    - b. A comment was received from a concerned neighbor regarding the adequacy and functionality of the intersection of Notus Road and SH-19. The concern is regarding the turning radius for the westbound lane on SH-19 turning right into Notus Road (*Exhibit E.1 of the staff report*). Golden Gate Highway District #3 responded with similar improvement concerns and their meeting with ITD regarding the matter (*Exhibit E.1a of the staff report*). ITD responded stating the intersection improvement is required to be completed by Idaho Materials and Construction (IMC) per CU2019-0018 (and CU2020-0005). Once the IMC completes the improvement, the concern will be addressed (*Exhibit E.1b of the staff report*).
  - (2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0007.

**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 not anticipated to be impacted by the requested use.

- Findings:**
- (1) The request is an expansion of an existing mineral extraction use (CU2004-242, *Exhibit B.4a of the staff report*) that has been in operation since 1999.
  - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on November 7, 2024, and January 2, 2025. A newspaper notice was published on January 2, 2025. Property owners within 1,000' were notified by mail on January 2, 2025. The property was posted on January 2, 2025.
    - a. School: Notus School District (*Exhibit B.1 of the staff report*). No comment was received.
    - b. Police: Canyon County Sheriff's Office. No comment was received.
    - c. Fire: Caldwell Rural Fire District (*Exhibit B.1 of the staff report*). No comment was received.
    - d. Emergency Medical Services: Canyon County Ambulance EMT. No comment was received.
    - e. Irrigation Facilities: Not in an irrigation district (*Exhibit B.1 of the staff report*). The property has well and surface water rights (*Exhibit A.2 of the staff report*). No comment was received from the Idaho Department of Water Resources.

- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0007.

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

**CCCO §07-14-03(1):** The provisions of this article apply to all properties where a use is listed as an allowed use, a conditional use, or a director's decision in section 07-10-27 of this chapter (land use matrix).

**CCCO §07-14-19(1)A.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;**

**Conclusion:** *See criteria 07-07-05(4) for supporting evidence.*

**(B): Duration of the proposed use;**

**Conclusion:** The duration is not to exceed 40 years from the conditional use permit approval (*Exhibit A.2 of the staff report*).

**(C): Setbacks from surrounding uses;**

**Conclusion:** A 30' setback is proposed along the property boundaries. Berms will be located within a 75' buffer which will be located along traveled roads and perimeter (*Exhibits A.2 & A.8 of the staff report*).

**(D): Reclamation plan as approved by Idaho Department of Lands;**

**Conclusion:** A reclamation plan was approved by the Idaho Department of Lands on July 24, 2023 subject to conditions (Plan No. S603008, *Exhibit A.8 of the staff report*).

**(E): The locations of all proposed pits and any accessory uses; and**

**Conclusion:** *See Exhibits A.2 & A.8 of the staff report for pit and accessory use locations.*

**(F): Recommendations from applicable government agencies.**

**Conclusion:**

- (1) Although the area is not located in a floodplain, the use may change the base flood elevation of the area which could put the property in the floodplain. Base Flood Elevation Study and pit capture analysis are required (Idaho Dept. of Water Resources, *Exhibit D.1 of the staff report*)
  - a. The properties are located outside of a mapped floodplain (*Exhibit B.1 of the staff report*). The nearest floodplain is the Riverside Canal located along the south boundary of Parcel R36106.
  - b. DSD Engineering identifies a portion of the parcel within the Riverside Canal to be located in a mapped floodplain. A Floodplain Development Permit is required if any development is located within the mapped floodplain (*Exhibit D.7 of the staff report*).
- (2) Recorded shared access easement required through the parcel to the east (Parcel R36102 R36101000) is required (Golden Gate Highway District, *Exhibit D.2 of the staff report*). Shared access easements require a road user's maintenance agreement (CCCO Section 07-10-03(1)D3).
  - a. Evidence of a recorded access easement and road user's maintenance agreement shall be provided to DSD and GGHD before the commencement of use.
- (3) An air quality permit and dust prevention and control plan ensuring reasonable controls to prevent fugitive dust from becoming airborne is required (DEQ, *Exhibit D.3 of the staff report*).
  - a. Air quality permit requirements to be reviewed by DEQ before commencement of use.
- (4) DEQ may require an Idaho Pollutant Discharge Elimination System (IPDES) Permit (DEQ, *Exhibit D.3 of the staff report*).
  - a. IPDES permit requirement to be reviewed by DEQ before commencement of use. The applicant submitted a SWPPP (*Exhibit A.10 of the staff report*). DEQ review and approval are required before commencement of use. *See Dewatering Operation Plan, Exhibit A.12 of the staff report.*



- (5) If a project is near a source of surface water, DEQ requests the project incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources (DEQ, *Exhibit D.3 of the staff report*).
  - a. Construction BMPs to be reviewed by DEQ before commencement of use.
- (6) An erosion abatement plan is recommended (CSCD, *Exhibit D.4 of the staff report*).
  - a. Erosion and non-point pollution shall be minimized by careful design of the site access and implementing BMPs (Condition 3, Reclamation Plan Approval; Exhibit A.8 of the staff report).
  - b. Erosion and non-pollution are to be reviewed by DEQ before commencement of use.
- (7) *See the Order section of this document for conditions of approval.*
- (8) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0007.

**Canyon County Code of Ordinances §09-03-07 - AREA OF CITY IMPACT AGREEMENT ORDINANCE**

**Conclusion:** No comments were received from the City of Greenleaf. Per the applicant's letter of intent (*Exhibit A.2 of the staff report*), the reclamation plan includes working with the City of Greenleaf to provide residential development.

- Findings:**
- (1) Per CCCO Section 09-03-07 "Direct copies of all applications concerning property located in the area of City impact of Greenleaf for the City of Notus' input on the application and shall give such input due consideration.
  - (2) Section 8.2 of the Joint Exercise of Power Agreement (JEPA) signed in 1998 states: "**Application Process:** The following procedures shall be adhered to in processing applications: **A. Land Use Application:** All land use applications submitted to the COUNTY including but limited to conditional use permits, variances, and land divisions, shall be referred to the CITY in the same manner as provided for in subsection 8.1A of this agreement."
  - (3) Section 8.1A of the JEPA signed in 1998 states: "All proposals... shall be referred to the CITY at least sixty (60) calendar days prior to any hearing on such matter and a recommendation may be made before or at said public hearing. If a recommendation is received it shall be given great weight by the COUNTY, provided it is factually supported but such recommendation shall not be binding on the COUNTY. If no response is received the COUNTY may proceed without the recommendation of the CITY."
    - a. The subject parcels are in the Greenleaf Area of City Impact (*Exhibit B.2d of the staff report*). The proposed reclamation will be a lake that can be incorporated as a residential development amenity. The applicant plans to work with the City of Greenleaf regarding city services and residential development at the time of reclamation (*Exhibit A.2 of the staff report*).
    - b. Prior to submitting the conditional use permit application on February 16, 2024, the applicant completed an Agency Acknowledgment Form with the City of Greenleaf on January 10, 2024 (*Exhibit A.6 of the staff report*). The City of Greenleaf was provided a copy of the application on November 7, 2024, per Idaho Code §67-6512 and CCCO §07-05-01. The City of Greenleaf was notified of the public hearing on January 2, 2025, with a deadline of January 27, 2025, to provide comments. No comment was received from the City of Greenleaf.
  - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0007.

## Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case #CU2024-0007 a conditional use permit to allow the expansion of mineral extraction (long-term) use currently on parcels R36106 and R36107 and expand into parcel R36106010 subject to the following conditions as enumerated:

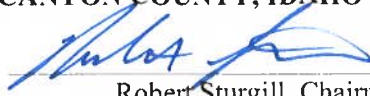
### Conditions of Approval

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use prior to commencement of use.
  - a. Noise emissions shall follow the regulations and standards of OSHA and MSHA.
  - b. Water surface and groundwater, shall be discharged in accordance with state, federal, and local standards and/or regulations.
  - c. Onsite parking shall comply with CCZO Section 07-13-01 and 03.
  - d. All signage shall comply with CCZO Section 07-10-13.
  - e. Addressing (if necessary) shall comply with Chapter 6, Article 5 of the Canyon County Code of Ordinances (Exhibit D.6 of the staff report).
  - f. Idaho Dept. of Environmental Quality (DEQ) review and approval required prior to the commencement of use. Evidence shall be submitted to DSD.
    - i. Idaho Pollutant Discharge Elimination System (IPDES) Permit requirements to be reviewed by DEQ before the commencement of use (Exhibit D.3 of the staff report). The Stormwater Pollution Prevention Plan (SWPPP, Exhibit A.10 of the staff report) shall be reviewed and approved (Exhibit A.8 of the staff report).
    - ii. Construction BMPs to be reviewed for projects near a source of surface water. Erosion and non-point pollution shall be minimized by careful design of the site access and implementing BMPs (Exhibit D.3 of the staff report).
    - iii. An air quality permit and dust prevention and control plan ensuring reasonable controls to prevent fugitive dust from becoming airborne shall be reviewed (Exhibit D.3 of the staff report).
    - iv. Storage of diesel fuel, petroleum products, and any other hazardous materials, dust control, and stormwater pollution prevention shall comply with all standards and requirements of the Idaho Dept. of Environmental Quality (Exhibit D.3 of the staff report).
2. The operator shall be in substantial conformance with the letter of intent, site plan, and operations plan including city residential development at the time of reclamation (Exhibits A.2, A.3, & A.12 of the staff report) subject to the following:
  - a. Normal operation hours are 6 am to 4 pm with batch plant, crushing, and washing operations from 4 am to 10 pm. Occasional 24/7 operations shall not exceed 21 consecutive days.
3. The operator shall maintain a minimum 30-foot undisturbed perimeter along the external property boundaries other than the permitted approach to public roads.
4. Development shall not impede, disrupt, or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way.
  - a. There shall be a minimum 20-foot undisturbed buffer along all irrigation canals, laterals, and drainages.
  - b. Any alteration of irrigation and drainage structures located on the properties requires written approval from the local irrigation district and drainage district. The alterations shall not impede or affect water delivery to adjacent properties/water users.
5. The duration of the proposed operation on the subject properties shall be 40 years.
6. The properties shall be mined in accordance with the reclamation plan approved with conditions by the Department of Lands (S603008; Exhibit A.8 of the staff report).

- 7. Prior to the commencement of use, an approach permit is required by Golden Gate Highway District #3 to ensure the shared access easement used is recorded (Exhibit D.2 of the staff report). Evidence shall be provided to DSD.
- 8. Prior to the commencement of use, a recorded road user's maintenance agreement shall be submitted to DSD in accordance with CCZO Section 07-10-03(1)B3 and provided to DSD.

DATED this 20 day of February, 2025.

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



Robert Sturgill, Chairman

State of Idaho )

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County of Canyon County )

On this 20<sup>th</sup> day of February, in the year 2025, before me Jennifer D Almeida, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

Notary: Jennifer D Almeida

My Commission Expires: 4/7/28

