



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

In the matter of the application of:

Nampa Paving – CU2023-0019

The Canyon County Planning and Zoning Commission is considering a Conditional Use Permit to allow mineral extraction (long-term) on parcels R35938 and R35939. The use includes excavation, staging, access, and stockpiling in three phases disturbing approximately 104 acres. The request is for a duration of 15 years.

[23596 Notus Road, Caldwell, also referenced as a portion of the NE quarter of Section 03, T4N, R4W, and a portion of the SW quarter of Section 02, 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 CU2023-0019.

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 §09-13-07 (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)(l).

The application CU2023-0019 was presented at a public hearing before the Canyon County Planning and Zoning Commission on January 16, 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 proposed use, mineral extraction (long term), is permitted in the “A” (Agricultural) zone subject to conditional use permit approval.

Findings:

- (1) Mineral extraction (long term), is permitted in the “A” (Agricultural) zone subject to conditional use permit approval pursuant to CCZO §07-10-27. 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 September 6, 2023 (Exhibit A 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. CU2023-0019.

2. What is the nature of the request?

Conclusion: The applicant, Nampa Paving, requests a conditional use permit to allow mineral extraction (long-term) on parcels R35938 and R35939. The use includes excavation, staging, access, and stockpiling in three phases disturbing approximately 104 acres. The request is for a duration of 15 years. See *Exhibit A of the staff report for more details.*

Findings: (1) Per Exhibit A.2 and A.7 of the staff report, the nature of the request consists of operating a sand and gravel pit on approximately 104 acres on Parcel R35938, approximately 95.66 acres, and R35939, approximately 83.85 acres. The request is for a duration of 15 years. Processing activities at the site will include crushing and sorting of mined gravel material. Stockpile locations are shown on the proposed site plan (Exhibit A.2 & A.7 of the staff report). A batch plant is not requested at this time.

Gravel pits will be excavated in three phases. Until excavated, the ground will continue to be used as pastureland for cattle. Berms are proposed surrounding the mineable areas. A 50' setback is proposed along the property boundaries. The gravel pit and operation are designed to ensure the delineated floodway is not disturbed (Exhibit A.2 of the staff report).

Notus Road and Boise River Road will serve as access roads for the operation. The pit access point will be directly east of Boise River Road (Exhibit A.2 of the staff report).

Operational hours will be from 7 AM to 7 PM, Monday through Saturday. Occasionally, there will be the need to operate the aggregate pit with successive shifts to maintain operations for 24 hours for several days. Crushing of gravel will not occur after 7 PM or before 7 AM. The request will include 15 employees during peak operations. Parking locations are delineated on the proposed site plan (Exhibit A.2 & A.7 of the staff report).

The reclamation plan approved by the Idaho Department of Lands proposes the gravel pits be reclaimed into ponds with access points with boat access and beaches (Exhibit A.2 & A.7 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. CU2023-0019.

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 Notus Area of City Impact. The city does not have a future land use designation (Exhibit B.2d of the staff report). The parcels are near the City of Greenleaf Area of City Impact where future residential development is designated (Exhibit B.2e of the staff report).

(3) As conditioned, the request aligns with the following goals and policies of the 2030 Canyon County Comprehensive Plan:

- Property Rights G1.01.00: "Protect the integrity of individual property rights while safeguarding public health, safety, and welfare."
- Property Rights G1.02.00: "Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition, and preserve it for future generations without becoming a public nuisance."
- Population G2.02.00: "Promote housing, business, and service types needed to meet the demand of the future and existing population."

- d. Economic Development G3.01.00: “Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.”
- e. Economic Development P3.01.02: “Support suitable sites for economic growth and expansion compatible with the surrounding area.”
- f. Economic Development G3.05.00: “Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.”
- g. Land Use P4.02.01: “Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.”
- h. 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.”
- i. Natural Resources P5.01.01: Protect and enhance waterways, groundwater, wetlands, wildlife habitat, air, soils, and other natural resources.
- j. Natural Resources G5.02.00: “Recognize the importance of air quality and address air pollution in accordance with applicable regulations.”
- k. Natural Resources G5.03.00: “Support the conservation of productive mineral lands and discourage incompatible uses upon or adjacent to these lands.”
- l. 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.”
- m. 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.”
- n. Agriculture P12.01.02: “Encourage non-agricultural related development to the cities, areas of city impact, and other clearly defined and planned development areas.”

Supporting evidence can be found within the findings of each criterion and conditions of approval in this document.

- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0019.

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 subject parcels are used for grazing (Exhibit A.2 of the staff report). The properties consist of moderate to least-suited soils. Least-suited soils make up 57% of the ground. Approximately 87% is considered prime farmland if irrigated and drained (Exhibit B.2i of the staff report). Mineral extraction will be completed in three phases. Areas not being mined will remain in agricultural use (Exhibit A.2 of the staff report).

(2) The area surrounding the subject parcels consists of existing mineral extraction uses (Exhibit B.2j of the staff report). The following are approved mineral extraction uses in close proximity to the request:

- a. Burch Co. LLC – CU2019-0013 (Exhibit B.3d of the staff report): Parcel R35942010.
 - i. 30-foot undisturbed perimeter; 50-foot adjacent to R35942.

- ii. No stockpiling or berms to be placed within 300 feet of the western boundary of Ode Lane.
 - iii. Monday through Saturday, 7 AM to 6 PM. No 24-hour operations.
 - iv. Landscape buffer to provide a visual buffer consisting of a row of hybrid poplars or fast-growing deciduous trees and a row of evergreens to be planted in an offset pattern along the property boundaries along roads.
 - v. Crushing must remain 400 feet from Parcel R35942.
- b. Sutro Corp/Canyon Highway District – CU2005-62 (Exhibit B.3a of the staff report): Parcels R35944 & R35935.
- i. Crusher must be no less than 600 feet from the nearest existing dwelling.
 - ii. Operation hours: 7 AM to 6 PM Monday through Friday (exempted for emergencies).
 - iii. Stockpiling not to exceed 30 feet in height.
 - iv. Landscaping buffer area providing a visual barrier along Notus and Dixie River roads.
- c. Clements Concrete Co. – CU2009-11 (Exhibit B.3c of the staff report): Parcels R36033, R35933, R35931, R35929, R35930, R35932, and R35934.
- i. 600-foot landscape buffer up to center pint ditch. Landscaping includes deciduous and evergreen trees with a minimum of 10-foot spacing.
 - ii. 20-foot buffer from irrigation canals and drains.
 - iii. Monday through Saturday, 5 AM to 7 PM. Crusher: Monday through Friday, 7 am to 5 pm. Saturdays only retail and deliveries 7 am through 12 noon. 24/7 only to respond to a public/private agency emergency.
- d. Summit, Clements and Mikes – CU2006-97 (Exhibit B.3b of the staff report): Parcels R36053 & R36032.
- i. Topsoil berm or landscape buffer (30' wide/10' tall).
 - ii. 20' wide irrigation/drainage buffer.
 - iii. Monday through Saturday, 5 AM to 7 PM. Crusher: Monday through Friday, 7 am to 5 pm. Saturdays only retail and deliveries 7 am through 12 noon. 24/7 only to respond to a public/private agency emergency.
- (3) Conditions of approval include hours of operations, landscape buffer, location of crusher from the existing dwelling, and irrigation facilities buffer to ensure consistency with the other approved mineral extraction uses in the area (Exhibit B.3 of the staff report). *See the Order section in this decision for conditions of approval.*
- (4) The City of Greenleaf Area of City Impact boundary is located south of the subject parcel where future residential development is designated (Exhibit B.2e of the staff report). The nearest dwelling is located on Parcel R35939010 (Exhibit B.2b & C of the staff report). Based on the number of existing mineral extraction uses (Exhibit B.2j of the staff report) and current household forecasts (Exhibit B.2l of the staff report), residential growth is currently not anticipated. The reclamation plan proposes the gravel pits be reclaimed into ponds with access points with boat access and beaches (Exhibit A.2 & A.7 of the staff report).
- (5) Parcel R35941010 (Plain Property, Exhibit B.2.b of the staff report) is a 7.66 parcel surrounded by the subject properties on three sides. The applicant proposes a 50-foot setback from the property boundary (Exhibit A.2 of the staff report). No comment was received from the property owner. Similar to other mineral extraction uses approved in the area (Exhibit B.3 of the staff report), conditions are included to add a landscape buffer, and the crusher is located at least 500 feet from the dwelling to ensure impacts are minimized. *See Conditions No. 4 & 5 under the Order section of this decision.*
- (6) The parcel is located in an “AE” Flood Zone with a Floodway designation due to the parcel abutting the Boise River (Exhibits D.2, D.4, and D.5 of the staff report). Flood District #11

submitted a comment letter not in favor of the request until a flood study is completed to ensure the risk of creating pit capture is minimized and the use is designed to allow waters to drain back into the Boise River (Exhibit D.5 of the staff report).

The applicant will not conduct any operations or extraction within the regulated floodway (Exhibit A.2, A.7 & A.10 of the staff report). The applicant submitted a floodplain assessment prepared by QRS Consulting (Exhibit A.10 of the staff report). A floodplain development permit, DP2023-0025, has been submitted (Exhibit A.9 of the staff report). The assessment uses topography maps and hydraulic models of the Boise River developed by the US Army Corp of Engineers to demonstrate the project is located entirely outside of the regulatory floodway and pit capture risks can be mitigated during site development.

As requested by the DSD Floodplain Administrator, conditions of approval include a no-rise certificate, permits, and environmental assessment to be completed before the commencement of use (Exhibit D.4 of the staff report). *See the Order section of this decision for associated conditions of approval.*

- (7) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on December 17, 2024. A newspaper notice was published on December 17, 2024. Property owners within 1,000 feet were notified by mail on December 17, 2024. property was posted on December 17, 2024.
 - a. Comments received (Exhibits D & E of the staff report) did not oppose the request.
- (8) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0019.

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: No well is proposed; no discernable need (Exhibit A.3 of the staff report).

Sewer: Using portable toilets (Exhibit A.3 of the staff report). Southwest District Health is unaware of any potential impacts on groundwater quality and/or surface water from the proposed use (Exhibit D.1 of the staff report). The properties are not located in a nitrate priority area (Exhibit B.2k of the staff report).

Irrigation: The properties have gravity irrigation served by surface water rights that come from the north drain, lower center point canal, and Boise River (Exhibit A.3 of the staff report). No comments were received from the Upper Center Point Ditch Company or Lower Center Point Ditch Company. Conditions have been included to ensure irrigation facilities are protected and any alterations include approval by the local jurisdiction. *See Conditions 1 & 7 in the Order section of this decision.*

Drainage/Stormwater: Groundwater is between 12 and 36 inches below ground surface. Gravel is located between 5 and 30 feet below the surface. The high groundwater will result in little dust generation. Excavation will require dewatering. Dewatering will be discharged into existing unnamed ditches that do not discharge into the Boise River (Exhibit A.2 of the staff report). Stormwater will either be retained on-site or discharged into existing unnamed ditches (Exhibit A.3). A SWPPP will be completed per DEQ requirements (Exhibit A.2 & A.7 of the staff report). *See Conditions 1, 2, 6 & 7 in the Order section of this decision.*

Approximately 7.6 acres of the subject parcel have been dedicated to Drainage District No. 6 (Inst. No. 777609). No comments were received from Drainage District No. 6.

Utilities: Powerlines exist along Notus Road (Exhibit C of the staff report). The applicant would work with Idaho Power for access and use of the service, if necessary.

- (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on December 17, 2024. A newspaper notice was published on December 17, 2024. Property owners within 1,000 feet were notified by mail on December 17, 2024. property was posted on December 17, 2024.
 - a. Comments received (Exhibits D & E of the staff report) did not oppose the request.
- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0019.

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 do have legal access for the current agricultural use. Access approved by the local highway district will exist prior to the commencement of use.

- Findings:**
- (1) Golden Gate Highway District #3 (GGHD) finds existing access appears to be from residential access located approximately 675 feet south of the Boise River Road/Notus Road intersection and proposed access is located directly across from Boise River Road (Exhibit D.3 of the staff report). Before the commencement of use, an approach permit is required and subject to access requirements standards. Access location shall comply with driveway spacing policies. A variance permit is required for access since direct access onto a minor arterial (Notus Road) is not allowed. *See Condition No. 9 in the Order section of this decision.*
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on December 17, 2024. A newspaper notice was published on December 17, 2024. Property owners within 1,000 feet were notified by mail on December 17, 2024. property was posted on December 17, 2024.
 - a. Comments received (Exhibits D & E of the staff report) did not oppose the request.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0019.

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

Conclusion: Proposed trip generation information was submitted by the applicant. Golden Gate Highway District #3 will require a Traffic Impact Study (TIS) prior to the commencement of use.

- Findings:**
- (1) Golden Gate Highway District #3 (GGHD) states Section 3110 Traffic Impact Studies of the ACCHD Standards warrant a Traffic Impact Study (TIS) for rural developments if the Peak Hour Trips and Average Annual Daily Trips exceed 50 and 500, respectively. Expected traffic volume information was not provided by the applicant. Therefore, is unknown if a TIS is warranted (Exhibit D.3 of the staff report).
 - (2) The applicant is working on completing a TIS, but it will not be completed and reviewed by the time of the hearing (Exhibit A.11 of the staff report). As a condition of approval, expected traffic volumes must be provided to GGHD prior to commencement of use. If a TIS is required, the use may not commence until the study is completed, reviewed, and approved by GGHD. If any improvements or mitigation measures are required, the applicant will work with GGHD on the method and timing of the improvement/mitigation measure. *See Condition No. 10 in the Order section of this decision.*
 - (3) The Idaho Transportation Department has no comments or concerns regarding the request (Exhibit D.6 of the staff report).

- (4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on December 17, 2024. A newspaper notice was published on December 17, 2024. Property owners within 1,000 feet were notified by mail on December 17, 2024. property was posted on December 17, 2024.
 - a. Comments received (Exhibits D & E of the staff report) did not oppose the request.
- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0019.

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) School: The parcels are served by the Vallivue School District (Exhibit B.1 of the staff report). The nearest school, Rivervue Middle School, is located approximately miles 1.45 miles southeast of the request. No comments were received from the school district.

Police: The property is served by the Canyon County Sheriff’s Department. No comment was received.

Fire: Caldwell Rural Fire District serves the property (Exhibit B.1 of the staff report). The applicant received an acknowledgment review from the district prior to the application submittal (Exhibit A.4 of the staff report). No comment was received.

Emergency Medical Services: Canyon County Ambulance/EMT serves the area. No comments were received.

Irrigation Facilities: Upper Center Point Ditch, Farmers Cooperative Ditch Company, Lower Centerpoint Ditch Company, and Drainage District #6 have facilities in the area that serve the parcel (Exhibit B.1 of the staff report). No comments were received.
 - (2) Potential impacts to essential services such as adequate access, traffic impacts, and impacts to irrigation/drainage facilities are addressed via conditions of approval. *See the Order section of this decision for recommended conditions of approval.*
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on December 17, 2024. A newspaper notice was published on December 17, 2024. Property owners within 1,000 feet were notified by mail on December 17, 2024. property was posted on December 17, 2024.
 - a. Comments received (Exhibits D & E of the staff report) did not oppose the request.
 - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0019.

Canyon County Code of Ordinances (CCCO) Article 14 - Use Standards - Mineral Extraction (Long Term)

USE STANDARDS 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).

§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:

§07-14-19(1)A.2(A) The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses.

The area surrounding the subject parcels consists of existing or future mineral extraction or similar operations (Exhibit B.2j of the staff report). *See Table 1, Criteria 07-07-05(4) for supporting evidence.*

Finding: For consistency with other approved mineral extraction uses within the area (Exhibit B.3 of the staff report), conditions regarding the placement of the crusher, landscaping, stockpile height maximum, buffer from drainage ditches, and emergency hours of operation have been included. *See the Order section of this decision for all recommended conditions of approval.*

§07-14-19(1)A.2(B) Duration of the proposed use.

Finding: The duration is not to exceed 15 years from the conditional use permit approval (Exhibit A.2 of the staff report). *See Condition No. 2a under the Order section in this decision.*

§07-14-19(1)A.2(C) Setbacks from surrounding uses;

Finding: A 50' setback is proposed along the property boundaries. The gravel pit and operation are designed to ensure the delineated floodway is not disturbed (Exhibit A.2 of the staff report). *See Condition No. 2b under the Order section in this decision.*

§07-14-19(1)A.2(D) Reclamation plan as approved by Idaho Department of Lands.

Finding: A reclamation plan was approved by the Idaho Department of Lands on August 23, 2023 subject to conditions (Plan No. S603006, Exhibit A.7 of the staff report). *See Condition No. 6 under the Order section in this decision.*

§07-14-19(1)A.2(E) The locations of all proposed pits and any accessory uses.

Finding: See Exhibits A.2 & A.7 of the staff report for pit and accessory use locations. *See Conditions No. 2 & 6 under the Order section in this decision.*

§07-14-19(1)A.2(F) Recommendations from applicable government agencies.

- Finding:**
1. Flood Study/Floodplain Development Permit requirement (Exhibits D.2, D.4 & D.5 of the staff report).
 - a. Floodplain Development Permit submitted (DP2023-0025, Exhibit A.9 of the staff report).
 - b. Flood Study prepared on December 23, 2024 (Exhibit A.10 of the staff report).*See Condition No. 8 under the Order section in this decision.*
 2. Permit approval from IDWR, Army Corp of Engineers, and DEQ (Exhibit D.2 & D.4 & D.5 of the staff report).
 - a. *See Conditions No. 1 & 8 under the Order section in this decision.*
 3. Traffic and access study/permit (Exhibit D.3 of the staff report).*See Conditions No. 9 & 10 under the Order section in this decision.*

Canyon County Code of Ordinances (CCCO) §09-13-07- AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The property is located within the Notus Area of City Impact. A notice was sent to the City of Notus per Canyon County Code Section 09-13-07. No comment was received from the City of Notus.

Findings: (1) Pursuant to CCCO §09-13-07: "There is hereby adopted for the purposes of complying with Idaho Code section 67-6526(a) the Ordinance codified in this Article, which provides for the application of the latest edition of the Canyon County Comprehensive Plan as duly enacted and adopted and amended by the County Commissioners, and Chapter 7 of this Code, to the area of impact of the City of Notus within the unincorporated area of the County, until a new comprehensive plan and/or zoning ordinance has been duly adopted in accordance with the provisions of a joint exercise of power agreement impact area City of Notus/County of Canyon. Until the joint exercise of power agreement is adopted and operational, the County shall direct copies of all applications coming before it, pursuant to the Local Planning Act of 1975 and Chapter 7 of this Code concerning property located in the area of City impact of

Notus, for the City of Notus' input on the application and shall give such input due consideration; and after the adoption of the joint exercise of power agreement and the same becomes operational, then the provisions of that agreement shall govern this process.”

- (2) The subject parcels are located in the Notus Area of City Impact (Exhibit B.2d of the staff report).
- (3) Prior to the submittal of the conditional use permit application on September 6, 2023, the applicant completed an Agency Acknowledgment Form with the City of Notus on August 29, 2023 (Exhibit A.4 of the staff report).
- (4) The City of Notus was provided a copy of the application on July 17, 2024, per Idaho Code §67-6512 and CCCO §07-05-01. The City of Notus was notified of the public hearing on December 13, 2024. No comment was received from the City of Notus.
- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0019.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case #CU2023-0019, 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.
 - a. On-site parking shall comply with CCZO Section 07-13-01 and 03.
 - b. The 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 Department of Environmental Quality.
 - c. Noise emissions shall follow the regulations and standards of OSHA and MSHA.
 - d. Water, surface, and groundwater, shall be discharged per state, federal, and local standards and/or regulations.
2. The operator shall be in substantial conformance with the proposed letter of intent and site plan (Exhibit A.2 of the staff report). Concrete and asphalt batch plants are not included in the proposal. Any expansion or extension of the operation shall require a conditional use permit modification.
 - a. The duration of the proposed operation on the subject properties shall be 15 years.
 - b. The operator shall maintain a minimum 50-foot undisturbed perimeter along the external property boundaries other than the permitted approach to public roads.
 - c. Normal business hours of operation shall be Monday through Saturday 7:00 a.m. to 7:00 p.m. Temporary 24 hours per day seven days per week operations may be conducted following a request by a public or private agency arising from a bone fide emergency, including floods, spills, catastrophic accident, or other unforeseen event requiring gravel, fill, or other pertinent productions.
 - d. No crushing of materials shall occur after 7:00 p.m. or before 7:00 a.m.
3. Stockpiling shall not exceed 30 feet in height.
4. The distance between the proposed crusher and the nearest existing residence shall be no less than 500 feet.
5. A landscaped buffer area providing a visual buffer shall be planted on the western edge of the subject property near Notus Road. Landscaping shall also be planted along the boundary of R35941010 where a dwelling exists unless waived by the property owner in writing. The landscaped buffer shall include deciduous and evergreen

trees with a minimum of 10-foot spacing. Landscaping shall be completed before the commencement of use. Landscaping shall be maintained in living conditions and shall be kept free of weeds.

- 6. The properties shall be mined per the reclamation plan approved with conditions of approval (S603006; Exhibit A.7 of the staff report).
- 7. 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.
- 8. A Floodplain Development Permit (DP2023-0025, Exhibit A.9 of the staff report) must be reviewed and issued prior to commencement of use. All required outside agency approvals shall also be included with the floodplain development permit application. All concerns and conditions based on Flood District #11, Idaho Department of Water Resources (State Floodplain Coordinator), and DSD Floodplain Administrator (Exhibits D.2, D.4 & D.5 of the staff report) shall be adequately addressed prior to commencement of use.
 - a. There shall be no development including berms and ponds within the regulatory floodway.
- 9. Prior to the commencement of use, access/approach permitting shall be completed with Golden Gate Highway District #3 (Exhibit D.3 of the staff report). Evidence of compliance shall be submitted to Canyon County DSD.
- 10. Traffic generation information shall be submitted to Golden Gate Highway District #3 (Exhibit D.3 of the staff report) prior to commencement of use. Any studies and improvements shall be completed prior to the commencement of use or the timeframe required by Golden Gate Highway District #3. Evidence of compliance shall be submitted to Canyon County DSD.

DATED this 6 day of February, 2025.

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


Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 6th 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