



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

In the matter of the application of:

Sunroc Corporation – CU2024-0009

The Canyon County Planning and Zoning Commission considers the following:

- 1) Case No. CU2024-0009 - The applicant, Sunroc Corporation, requests a conditional use permit to allow long-term mineral extraction on Parcel R38552 (approximately 34.93 acres) in the "A" (Agricultural) zone. No rock crusher, concrete, or asphalt batch plant is proposed for Parcel R38552. Stockpiling, crushing, screening, sorting, and blending associated with gravel pit operations on Parcel R38552 may take place on the adjacent, previously approved mineral extraction and asphalt batch plant conditional use permits (CU2006-180, CU-PH2012-1011, and PH2016-67). The proposed gravel pit will have an end date of February 19, 2038, which coincides with adjacent mineral extraction permits. The subject property is located at 21702 Boise River Rd, Caldwell, ID 83607 also referenced as Parcel R38552, a portion of Gov't Lot 6 and 7 in Section 33, T5N, 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 CU2024-0009.

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 CCCO §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* CCCO §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, CCCO §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 CCCO §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. CCCO §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. CCCO §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. CCCO 07-05-03(1)(I).

The application CU2024-0009 was presented at a public hearing before the Canyon County Planning and Zoning Commission on May 15, 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 decide as follows:

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

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

Conclusion: Yes, the proposed use, long-term mineral extraction, is permitted in the "A" (Agricultural) zone by conditional use permit, pursuant to Canyon County's Code of Ordinances (CCCO) §07-10-27

Findings: (1) The subject property, Parcel R38552, containing approximately 34.93 acres is zoned "A" (Agricultural) (**Staff Report Exhibit B1**).

(2) See project description analysis contained in Section 07-07-05(2) detailing the nature of the request.

(3) Mineral Extraction is defined as "the various activities associated with the extraction of mineral resources, including, but not limited to, gravel, from the ground" (CCCO §07-02-03).

- (4) CCCO §07-10-27 Land Use Regulations (Matrix) provides for Long-Term Mineral Extraction by conditional use permit in the agricultural zone.
- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0009.
- (6) Evidence includes associated findings and evidence supported within this document.

2. What is the nature of the request?

Conclusion: The nature of the request consists of operating a sand and gravel pit on Parcel R38552, approximately 34.93 acres in the “A” (Agricultural) zone with an end date of February 19, 2038 (**Staff Report Exhibits A2, A7, and A8**). This will be adjacent to previously approved gravel pits to the east (CU2006-180, CU-PH2012-1011, and PH2016-67 – see **Staff Report Exhibits B3.1, B3.1a, B3.2, and B3.3**). The activities on site will only consist of extraction and transportation of aggregate materials. All processing activities (such as crushing, screening, sorting, and blending) will take place on the adjacent previously approved gravel pits to the east and north and will not take place on Parcel R38552. No concrete or asphalt batch plant is proposed for Parcel R38552 (**Staff Report Exhibit A8**). Machinery that is proposed to be used are loaders, dozers, haul trucks, excavators, and generators (**Staff Report Exhibit A7.2**).

The site will be excavated in two phases (**Staff Report Exhibits A7.2 and A7.5**). Per the Reclamation Plan and site plan, there will be a minimum of a 30-foot setback buffer around the property boundary. There is a larger setback in the areas where there are residences (See **Staff Report Exhibit A7.6** for the setback areas measured out). Regarding berms, the Reclamation Plan states, “Topsoil and overburden materials will be stripped and pushed to the limit of the property to create a natural-looking barrier [or berm] between the active pit operations and adjacent land. Topsoil and overburden will be removed in phases to limit the disturbed area. This will be placed in the thirty (30) foot buffer around the property boundary” (**Staff Report Exhibit A7.2**). The proposed berm will be 10-feet in height (**Staff Report Exhibit A8**) and staff is recommending a condition that requires the applicant to plant grass species that will control dust emissions and weeds on the berm until their removal as part of the reclamation plan to stay consistent with conditions in PH2016-67 (see condition of approval #4). The proposed depth of aggregates is thirty (30) feet. Stockpiles will accumulate over time due to the demand for certain products over others and will be placed in the reclaimed areas according to the reclamation plan (**Staff Report Exhibit A7.2**). As conditioned, the stockpiles shall not exceed 30 feet in height (see condition of approval #3).

No direct access from Boise River Road to Parcel R38552 will take place. The gravel pit operators will enter the property using the already established gravel pit entrance at the Boise River Road and Ode Lane intersection and then travel to the northern boundary of Parcel R38552 and enter there (**Staff Report Exhibit A8**). See Site Photos in **Staff Report Exhibit C** to see the entrance point.

The applicant states in their letter of intent that the proposed hours and days of operation will be the same as the previously approved adjacent conditional use permits (**Staff Report Exhibits A2 and A7.2**). The previously approved condition on hours of operation are stated in the Findings of Fact, Conclusions of Law, and Order of Decision in PH2016-67 (**Staff Report Exhibit B3.3**). As conditioned, normal day-to-day business hours for the gravel pit shall be Monday through Saturday, 6:00 a.m. through 7:00 p.m. The operation will be closed on Sundays and on traditional legal holidays. In the event that the Applicant obtains a contract that requires night-time delivery of materials, such as highway construction on the interstate, it may operate for the limit of that contract, twenty-four hours a day, seven (7) days a week if required. The applicant shall make a reasonable effort to utilize stockpiled materials rather than mining at night. If the applicant obtains such a contract, it shall notify the property owners within $\frac{3}{4}$ mile and Canyon County a minimum of one (1) week prior to the commencement of the contract as to the duration of the hours of operation required

by that contract. Normal operating hours shall resume immediately upon termination of the contract (See condition of approval #2b).

There will be approximately 10 employees working on site, based on the land use matrix, but these will not be an overall addition to the workforce at the existing gravel pit operations to the north and east (**Staff Report Exhibits A3 and A8**). Parking locations will take place on the previously approved CUP areas per the applicant (**Staff Report Exhibit A8**).

The Reclamation Plan approved by the Idaho Department of Lands states: "The topsoil and overburden stockpiles will remain during the active mining phase and will then be used for final reclamation suitable growth medium. Upon completion of the mining activities, the stockpiles will be spread across the reclaimed area. Upon final reclamation of mining, the surface will be regraded to a maximum of 2H:1V slope. Disturbed areas will be covered with available topsoil at approximately two to four inches in depth, where applicable. The topsoil will be seeded with a native seed mixture and rate of application [as] recommended by the Idaho Department of Lands. Revegetation will take place in the spring and fall. A reclamation surety bond will be provided prior to any land disturbance." (**Staff Report Exhibit A7.2**).

- Findings:**
- (1) The subject property, Parcel R38552, containing approximately 34.93 acres is zoned "A" (Agricultural) (**Staff Report Exhibit B1**).
 - (2) CCCO §07-10-27 Land Use Regulations (Matrix) provides for Long-Term Mineral Extraction by conditional use permit in the agricultural zone.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0009.
 - (4) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: Yes. The Planning and Zoning Commission finds that the proposed use of long-term mineral extraction is consistent with the 2030 Canyon County Comprehensive Plan (the Plan).

- Findings:**
- (1) The 2030 Canyon County Comprehensive Plan designates the future use of the parcel as "Agricultural" (**Staff Report Exhibit B1**).
 - (2) The proposed use is consistent with multiple goals and policies of the 2030 Canyon County Comprehensive Plan including but not limited to:
 - i. Property Rights Goals: *G1.01.00: "Protect the integrity of individual property rights while safeguarding public health, safety, and welfare." 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."*
 - ii. Population Goal: *G2.02.00: "Promote housing, business, and service types needed to meet the demand of the future and existing population."*
 - iii. Economic Development Goals and Policy: *G3.01.00: "Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations." P3.01.02: "Supportive suitable sites for economic growth and expansion compatible with the surrounding area." 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."*
 - iv. Land Use Policies: *P4.02.01: "Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses." 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."*

- v. Natural Resources and Hazardous Areas Goals and Policies: *P5.01.01: "Protect and enhance waterways, groundwater, wetlands, wildlife habitat, air, soils, and other natural resources." G5.02.00: "Recognize the importance of air quality and address air pollution in accordance with applicable regulations." G5.03.00: "Support the conservation of productive mineral lands and discourage incompatible uses upon or adjacent to these lands." 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." 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."*
- vi. Agricultural Policy: *P12.01.02: "Encourage non-agricultural related development to the cities, areas of city impact, and other clearly defined and planned development areas."*

- (3) The subject property is located in the Notus Area of City Impact. The city does not have a future land use designation (**Staff Report Exhibit B2.11**).
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0009.
- (5) 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 proposed use will not be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area as the proposed conditions of approval #1-12 will mitigate the negative effects to the character of the area.

- Findings:**
- (1) The subject property is zoned "A" (Agricultural) (**Staff Report Exhibit B1**), and the average lot size within a 1-mile radius is 30.77 acres (**Staff Report Exhibit B2.6**). There are no subdivisions located nearby. Within 1000 feet of the subject property, there are 18 parcels (**Staff Report Exhibit B2.6**). The character of the area consists of livestock grazing, feed lots, mineral extraction operations, and some residences (**Staff Report Exhibits B2.2, B2.5, and B2.10**).
 - (2) This proposed mineral extraction permit on the subject property will be an expansion of Sunroc Corporation's current mineral extraction operations to the north and east (CU2006-180, CU-PH2012-1011, and PH2016-67 – see **Staff Report Exhibits B3.1, B3.1a, B3.2, and B3.3**). There are also proposed mineral extraction operations to the north (CU2024-0024) and to the southeast (CU2024-0014) that have not yet been through the public hearing process.
 - (3) According to the Reclamation Plan and the applicant's letter of intent, Sunroc has water shares on the adjoining property that will be used for dust mitigation. The applicant states water suppression will be stored on site, and water will be used for dust suppression by way of water trucks and belt/screen/crusher sprays (**Staff Report Exhibits A2 and A7.2**). See condition of approval #1B to address dust mitigation.
 - (4) According to the Reclamation Plan, "Pit lighting will be used during operation hours. When lighting is required after operation hours for maintenance purposes low-impact mobile lighting will be used" (**Staff Report Exhibit A7.2**). As conditioned, all exterior lighting shall be downward facing and directed away from adjacent residential properties (see condition of approval #7).
 - (5) Although no rock crusher or batch plant will be located on Parcel R38552, noise levels may increase in the immediate vicinity due to the mining activities that are proposed to take place on site (**Staff Report Exhibit A8**). As conditioned, noise emissions shall follow the regulations

and standards of OSHA and MSHA and back-up alarms shall be restricted to non-beeping alarms in compliance with OSHA/MSHA requirements. Hours of operation are conditioned to Monday through Saturday, 6:00 a.m. through 7:00 p.m. with the operation closed on Sundays and traditional legal holidays (unless an emergency occurs) and a 10-foot high topsoil berm shall be constructed along the southern, eastern, and western property boundaries (see conditions of approval #1C, #2B and 4).

- (6) The long-term mineral extraction operation will not significantly increase traffic in the area. See Criteria #7 and Findings #1-#5 for conclusions on traffic and conditions of approval to mitigate the potential impact to the character of the area and potential conflicts with the neighboring properties.
- (7) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on January 14, 2025 and April 10, 2025. Newspaper notice was published on April 15, 2025. Property owners within 1000' were notified by mail on April 10, 2025. The property was posted on April 15, 2025.
- (8) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0009.
- (9) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The project will have adequate water, sewer, irrigation, drainage, and stormwater drainage facilities, and utility systems to accommodate the proposed use based on the analysis contained herein.

- Findings:**
- (1) Per the land use matrix, there is no well proposed for the use and drinking water will be provided with bottled water (**Staff Report Exhibit A3**). Per the applicant, wells associated with adjacent residences are not located within the proposed mining area (**Staff Report Exhibits A8 and A7.6**).
 - (2) No septic tank or drain field is proposed, as portable/chemical toilets will be provided for employees on site (**Staff Report Exhibits A2 and A3**). Per the applicant, septic systems and drain fields associated with adjacent residences are not located within the proposed mining area (**Staff Report Exhibits A9 and A7.6**).
 - (3) The properties have irrigation water provided by Lower Centerpoint Ditch Co. The property owner states: "The irrigation is gravity flow and the irrigation canal will not be disrupted by the mining operation." (**Staff Report Exhibit A9**). Staff contacted the president of Lower Centerpoint Ditch Co., Steve Shaw, for comment and he stated the irrigation company requests that there be a 50' undisturbed buffer from the center point of the canal on site so the irrigation company can adequately access the canal. Shaw also stated he does not have any comment related to Sunroc discharging into the canal and encouraged staff to talk to Mike Houston of Drainage District No. 6 (**Staff Report Exhibit D9**). As conditioned, development shall not impede, disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way unless an approval, agreement and/or permit from irrigation district and other responsible agencies are obtained. There shall be a minimum 50-foot undisturbed setback measured from the centerline of all irrigation canals, laterals, and drain ditches as recommended by the irrigation company. 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 (see conditions of approval #7, 7a, and 7b).
 - (4) Staff had a phone call with Mike Houston of Drainage District No. 6 on April 28, 2025 regarding Sunroc discharging into the drain ditch on site. Houston stated in the past Sunroc

has discharged into drain ditches before which has caused a good deal of mud to be discharged into the drain ditch and the Boise River and he would like that to be addressed. To remedy this impact, staff has proposed a condition that states, if any discharge is to take place into the drain ditches located on site, the applicant must get written approval from Drainage District No. 6 (see condition of approval #7c).

- (5) During staff's site visit on April 10th, 2025, a Sunroc employee stated that with permitting, Sunroc can discharge water into irrigation facilities. Staff reached out to the president of Lower Centerpoint Ditch Co. and did not receive a response on this topic. Staff also reached out to the Idaho Department of Environmental Quality (DEQ) on the topic of discharging water and received information related to this topic. This information was sent to the applicant, and they responded on April 22, 2025 (**Staff Report Exhibit D6.1**). As conditioned, water (including surface water and ground water) shall be discharged in accordance with state, federal, and local standards and/or regulations (see condition of approval #1d).
- (6) Per the land use worksheet and the Reclamation Plan, the applicant states that all stormwater will be retained on site through grading, berms, and ponds. Also, run-off water and stormwater detention will be permitted and regulated through the Idaho Department of Environmental Quality and a Stormwater Pollution Prevention Plan (SWPPP) will be followed (**Staff Report Exhibits A3 and A7.2**). See **Staff Report Exhibit D6.1** for information from the Idaho Department of Environmental Quality on specific information related to non-stormwater discharges and dewatering. As conditioned, water (including surface water and ground water) shall be discharged in accordance with state, federal, and local standards and/or regulations (see condition of approval #1d).
- (7) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on January 14, 2025 and April 10, 2025. Newspaper notice was published on April 15, 2025. Property owners within 1000' were notified by mail on April 10, 2025. The property was posted on April 15, 2025.
- (8) Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on January 14, 2025 and April 10, 2025. No agency comments were provided by those services at the time the staff report was written. It is anticipated that the applicant will be able to work with utility providers to gain any additional utilities needed.
- (9) Parcel R38552 is located almost entirely within the "AE" Flood Zone (Floodplain with Base Flood Elevation (BFE) due to the parcel's proximity to the Boise River (**Staff Report Exhibit B1**) Flood District #11, Canyon County's Floodplain Administrator, and the Idaho Department of Water Resources Floodplain Specialist sent in comment letters related to the parcel being in the floodplain (**Staff Report Exhibits D1, D3, and D8**). A floodplain development permit with response to Flood District #11's concerns was submitted to staff on May 2, 2025 (**Staff Report Exhibit D8.1**). As conditioned, A Floodplain Development Permit must be submitted, 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 (**Staff Report Exhibits D1, D3, D8**) shall be adequately addressed prior to commencement of use (see condition of approval #8).
- (10) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0009.
- (11) 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: Yes, the subject property does have legal access via Boise River Road per Golden Gate Highway District No. 3 (**Staff Report Exhibit D2**).

Findings: (1) Access to Parcel R38552 will be off the Ode Lane and Boise River Rd intersection, approximately 1.2 miles east of the property through the existing property owned by Sunroc Corporation and permitted by the previous Conditional Use Permits (see **Staff Report Exhibits A2, A8, C, and D2**).

(2) According to Golden Gate Highway District No. 3 (GGHD #3), if a new access is requested in the future, an approach permit is required to be submitted, and the proposed access must be constructed in accordance with ACCHD Standards. GGHD #3 further states that a variance may be submitted if the minimum driveway spacing requirement cannot be met, and a site visit may be required to address possible sight distance issues (**Staff Report Exhibit D2**). See condition of approval #10 for compliance with GGHD #3's requirements.

(3) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on January 14, 2025 and April 10, 2025. Newspaper notice was published on April 15, 2025. Property owners within 1000' were notified by mail on April 10, 2025. The property was posted on April 15, 2025.

(4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0009.

(5) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: There will not be undue interference with the existing and future traffic patterns per Golden Gate Highway District No. 3 and Idaho Transportation Department (**Staff Report Exhibits D2 and D4**).

Findings: (1) According to Golden Gate Highway District No. 3, "Previously approved mineral extraction and asphalt batch plant Conditional Use Permits, which have an end date of February 19, 2038, exist on the adjacent property. No increase in production will take place; therefore, no additional impact on traffic volume is expected...Boise River Road is a Major Collector according to GGHD's 2024 Functional Classification Map" (**Staff Report Exhibit D2**). See condition of approval #10 for compliance with GGHD #3's requirements.

(2) Idaho Transportation also did not have any traffic concerns "due to the developments continued use of the current CUPs" (**Staff Report Exhibit D4**). See condition of approval #11 for compliance with ITD's requirements

(3) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on January 14, 2025 and April 10, 2025. Newspaper notice was published on April 15, 2025. Property owners within 1000' were notified by mail on April 10, 2025. The property was posted on April 15, 2025.

(4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0009.

(5) Evidence includes associated findings and evidence supported within this document.

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

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

- Findings:** (1) The subject property is serviced by Notus School District #135. Agency comments were sent out January 14, 2025 and April 10, 2025, and no comments were received by the school district.
- (2) Police protection services are provided to the property. Canyon County Sheriff's Office was notified of the application on January 14, 2025 and April 10, 2025, and no comments were received. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding.
- (3) Caldwell Rural Fire Protection District sent a comment letter on February 4, 2025 and outlined fire code requirements and conditions of approval that must be met unless in writing from the Fire Department (**Staff Report Exhibit D5**). As conditioned, the applicant must comply with all fire district requirements per State adopted IFC and as evidenced by review and approval documentation from the applicable fire district prior to commencement of use (see condition of approval #9).
- (4) Emergency Medical Services are provided to the property. Canyon County Paramedics EMT and Canyon County's Emergency Management Coordinator were notified of the application on January 14, 2025 and April 10, 2025, and no comments were received. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding.
- (5) The subject property is under Lower Centerpoint Ditch Company's jurisdiction. See Criteria #5 and Finding #3 and **Staff Report Exhibit D9** for information related the irrigation company's comments on this conditional use permit.
- (6) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on January 14, 2025 and April 10, 2025. Newspaper notice was published on April 15, 2025. Property owners within 1000' were notified by mail on April 10, 2025. The property was posted on April 15, 2025.
- (7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0009.
- (8) Evidence includes associated findings and evidence supported within this document.

07-14-19(1): MINERAL EXTRACTION LONG TERM

If a conditional use permit is required, the following standards apply:

A. Setbacks

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

07-14-19(1) A.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.

Findings: (1) A minimum of a 30' setback is proposed along the property boundaries and areas with residences have larger setbacks. Lower Centerpoint Ditch Co. requested a minimum of a 50' undisturbed setback area measured from the centerline of all irrigation canals, laterals, and drain ditches. See conditions of approval #2c and #6a to address setbacks. See Site Plan in **Staff Report Exhibit A7.6** for proposed setback areas with measurements, **Staff Report Exhibit A8** for correspondence with the applicant on setbacks, and **Staff Report Exhibit D9** for correspondence with Lower Centerpoint Ditch Co. on setbacks.

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:

(4) 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.

- Findings:** (1) This proposed mineral extraction operation on the subject property will be an expansion of Sunroc Corporation's current gravel pit operations to the east (CU2006-180, CU-PH2012-1011, and PH2016-67 – see **Staff Report Exhibits B3.1, B3.1a, B3.2, and B3.3**). There are also proposed mineral extraction operations to the north (CU2024-0024) and to the southeast (CU2024-0014) that have not yet been through the public hearing process.
- (2) For consistency with the applicant's previously approved mineral extraction uses (**Staff Report Exhibits B3.1, B3.1a, B3.2, and B3.3**), the same conditions regarding the mineral extraction permit end date, stockpile maximum height, berm height, landscaping, and business and emergency hours have been included.
- (3) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on January 14, 2025 and April 10, 2025. Newspaper notice was published on April 15, 2025. Property owners within 1000' were notified by mail on April 10, 2025. The property was posted on April 15, 2025.
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0009.
- (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 end date for this long-term mineral extraction operation be February 19, 2038.

- Findings:** (1) CCCO §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. CCCO §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) The proposed end date for the mineral extraction operation is February 19, 2038, which coincides with the approval of Case #PH2016-67. The duration of the gravel pit was altered from their reclamation plan and letter of intent, as shown in email correspondence with the applicant. See **Staff Report Exhibits A2, A7.5, and A7.6** for the Letter of Intent and Site Plans, **Staff Report Exhibit A8** for email correspondence with the applicant on this topic, and **Staff Report Exhibit B3.3** for the Findings of Fact, Conclusions of Law, and Order of Decision for Case # PH2016-67.

- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0009.

(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, but there are larger setback requirements in areas with residences and irrigation canals, laterals, and drain ditches.

- Findings:**
- (1) A minimum of a 30' setback is proposed along the property boundaries. Larger setbacks are included and conditioned around the irrigation canal located on the property and for nearby residences (see Site Plan in **Staff Report Exhibit A7.6** for setback measurements around residences and **Staff Report Exhibit A9** for Lower Centerpoint Ditch Co.'s comment on setbacks around the irrigation facilities). As conditioned, development shall not impede, disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way unless an approval, agreement and/or permit from irrigation district and other responsible agencies are obtained. There shall be a minimum 50-foot undisturbed setback measured from the centerline of all irrigation canals, laterals, and drain ditches as recommended by the irrigation company. 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 (see conditions of approval #7,7a, and 7b).
 - (2) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on January 14, 2025 and April 10, 2025. Newspaper notice was published on April 15, 2025. Property owners within 1000' were notified by mail on April 10, 2025. The property was posted on April 15, 2025.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0009.

(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) A reclamation plan was approved by the Idaho Department of Lands on January 22, 2024, subject to conditions (**Plan No. S02660, Staff Report Exhibit A7**). (See condition of approval #5 for the condition related to the reclamation plan).
 - (2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0009

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

Conclusion: The Planning and Zoning Commission finds and concludes that the location of the proposed pits and accessory uses have been adequately provided (**Staff Report Exhibits A7.2 and A7.5**).

- Findings:**
- (1) See Reclamation Plan, specifically **Staff Report Exhibits A7.2 and A7.5**, for discussion of the location of the two (2) phases of the mineral extraction. No rock crusher, concrete, or asphalt batch plant is proposed as an accessory use for the proposed excavation on Parcel R38552.
 - (2) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on January 14, 2025 and April 10, 2025. Newspaper notice was published on April 15, 2025. Property owners within 1000' were notified by mail on April 10, 2025. The property was posted on April 15, 2025.

- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0009.

(F) Recommendations from applicable government agencies.

Conclusion: The Planning and Zoning Commission finds recommendations from agencies have been appropriately addressed via conditions of approval.

- Findings:**
- (1) See **Staff Report Exhibit D** for all agency recommendations and comments. See proposed conditions of approval based on agencies' recommendations.
 - (2) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on January 14, 2025 and April 10, 2025. Newspaper notice was published on April 15, 2025. Property owners within 1000' were notified by mail on April 10, 2025. The property was posted on April 15, 2025.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0009

**Canyon County Code §09-13-07 (Area of City Impact Agreement) –
AREA OF CITY IMPACT AGREEMENT ORDINANCE**

Conclusion: The property is located within the Notus Area of City Impact. No comment was received from the city on this proposed gravel pit application.

- Findings:**
- (1) Prior to the submittal of the conditional use permit application on March 15, 2024, the applicant completed an Agency Acknowledgment Form with the City of Notus on March 11, 2024 (**Staff Report Exhibit A5**).
 - (2) The City of Notus was provided a copy of the application on January 14, 2025, per Idaho Code §67-6512 and CCCO §07-05-01. The City of Notus was notified of the public hearing on April 10, 2025. No comment was received from the City of Notus.
 - (3) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on January 14, 2025 and April 10, 2025. Newspaper notice was published on April 15, 2025. Property owners within 1000' were notified by mail on April 10, 2025. The property was posted on April 15, 2025.
 - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0009.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case # CU2024-0009, a conditional use permit for long-term mineral extraction subject to the following conditions as enumerated:

- 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 CCCO Sections 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 and other applicable agencies (IDOT, OSHA, DEQ, EPA, and MSHA).
 - c. Noise emissions shall follow the regulations and standards of OSHA and MSHA. Specifically, Back-up alarms shall be restricted to non-beeping alarms in compliance with OSHA/MNSHA requirements.

- d. Water (including surface, groundwater, and stormwater) shall be discharged in accordance with state, federal, and local standards and/or regulations. See also condition #6c.
 - e. 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.
2. The operator shall be in substantial conformance with the proposed letter of intent (including the changes to the letter of intent via email correspondence) and site plans (**Staff Report Exhibits A2, A7.5, A7.6 and A8**). No rock crushing or concrete asphalt batch plants activities were requested, so they are not permitted to be on Parcel R38552. Any expansion or extension of the operation shall require a conditional use permit modification.
 - a. The mineral extraction operation shall not operate past the proposed end date of February 19, 2038, which coincides with the previously approved gravel pits (PH2016-67). See **Staff Report Exhibits A8 and B3.3**.
 - b. Normal day-to-day business hours for the gravel pit shall be Monday through Saturday, 6:00 a.m. through 7:00 pm. The operation will be closed on Sundays and on traditional legal holidays. In the event that the Applicant obtains a contract that requires night-time delivery of materials, such as highway construction on the interstate, it may operate for the limit of that contract, twenty-four hours a day, seven (7) days a week if required. The applicant shall make a reasonable effort to utilize stockpiled materials rather than mining at night. If the applicant obtains such a contract, it shall notify the property owners within $\frac{3}{4}$ mile and Canyon County a minimum of one (1) week prior to the commencement of the contract as to the duration of the hours of operation required by that contract. Normal operating hours shall resume immediately upon termination of the contract.
 - c. The setbacks from the subject property boundaries shall be a minimum of thirty (30) feet from adjacent property boundaries in accordance with [§07-14-19 (1) A] except where specified at a greater distance herein is identified in the applicant's site plans (**Staff Report Exhibits A7.5 and A7.6**). The setbacks from any irrigation or drainage facility on the site shall be a minimum of fifty (50) feet as recommended by Lower Centerpoint Ditch Co. (**Staff Report Exhibit D9**).
 3. Stockpiling shall not exceed 30 feet in height.
 4. A 10-foot-high topsoil berm shall be constructed during each phase as part of the removal of overburden. The berm shall run along the southern boundary abutting Boise River Road and the eastern and western property boundaries in the setback area shown on the application's site plan (**Staff Report Exhibit A7.6**). To stay consistent with conditions in Case #PH2016-67, the applicant shall plant grass species that will control dust emissions and control weeds on the berms until their removal as part of the reclamation plan.
 5. The operation shall comply with the reclamation plan approved by the Idaho State Department of Lands (**S02660; Staff Report Exhibit A7 – approved January 22, 2024**). The operator shall complete the reclamation plan as approved by the Idaho State Department of Lands.
 6. Development shall not impede, disrupt, or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way unless an approval, agreement, and/or permit from the irrigation district and other responsible agencies are obtained.
 - a. There shall be a minimum 50' undisturbed setback area measured from the centerline of all irrigation canals, laterals, and drain ditches as recommended by Lower Centerpoint Ditch Co. (**Staff Report Exhibit D9**).
 - 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.
 - c. If any discharge is to take place into the drain ditches located on site, the applicant must get written approval from Drainage District No. 6
 7. All exterior lighting shall be downward facing and directed away from adjacent residential properties.
 8. A Floodplain Development Permit must be submitted, 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 (**Staff Report Exhibits D1, D3, D8**) shall be adequately addressed prior to commencement of use.

9. Comply with all fire district requirements per State adopted IFC and as evidenced by review and approval documentation from the applicable fire district prior to commencement of use (**Staff Report Exhibit D5**).
10. The applicant shall comply with applicable Golden Gate Highway District No. 3 requirements prior to commencement of the use, including but not limited to (**Staff Report Exhibit D2**):
 - a. If a new access is requested by the applicant, an approved approach permit shall be obtained prior to commencement of the use as evidenced by the applicant providing Development Services with an approved highway district document indicating the completion of improvements.
11. The applicant shall comply with applicable Idaho Transportation Department requirements (**Staff Report Exhibit D4**).
12. Prior to mining activities taking place on site, the applicant and/or property owner shall submit an after-the-fact property boundary adjustment (or another appropriate land use application) to recognize the unauthorized land divisions that occurred from Parcel R38552 to create Parcels R38552010A and R38552011.

DATED this 12 day of June, 2025.



PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO


Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 12th day of June, in the year 2025, before me Caitlin Ross, 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: Caitlin Ross

My Commission Expires: 5/7/2031