



HEARING EXAMINER
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

Nampa Paving – CU2024-0014

The Canyon County Examiner considers the following:

- 1) A conditional use permit to allow mineral extraction (long-term). The subject property (parcel R35953010) is located directly south of Boise River Road, also known as the SE quarter of the NE quarter of Section 4 of township 4N range 4W, BM, Canyon County, Idaho. (CU2024-0014).

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 CU2024-0014.

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), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures), and Canyon County Code 09-03.
 - 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 Hearing Examiner 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 §07-03-07.
 - 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.
- (2) The hearing examiner appointed by the board shall perform such duties as assigned by the board pursuant to Idaho Code section 67-6520. See CCZO §07-03-07.

- (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 CU2024-0014, was presented at a public hearing before the Canyon County Hearing Examiner on June 2, 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 Hearing Examiner 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 is permitted in the “A” (Agricultural) zone by conditional use permit.

Findings:

- (1) The proposed use is permitted in the “A” (Agricultural) zone by conditional use permit, pursuant to the Canyon County Code of Ordinance (CCCO §07-10-27).
- (2) The proposed use consists of mineral extraction (long-term) on a 40-acre parcel.
- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0014.
- (4) Evidence includes associated findings and evidence supported within this document.

2. What is the nature of the request?

Conclusion: The request consists of a conditional use permit for a staging area.

Findings:

- (1) The conditional use permit application for a complete application was submitted on May 29, 2024 (**Exhibit A**).
- (2) The nature of the request consists of operating a sand and gravel pit on an approximately 40-acre parcel, R35953010. The request is for a duration of 15 years. Processing activities at the site will include crushing and sorting of mined gravel material. Stockpile, scale house, and mining locations are shown on the proposed site plan (**Exhibits A.2 & A.6**). A batch plant is not requested at this time.
- (3) Gravel pits will be excavated in one phase. Berms are proposed to surround the mineable areas to provide erosion and runoff control. A 50' setback is proposed along the property boundaries (**Exhibit A.2**).

- (4) Boise River Road will serve as an access road for the operation. The pit access point will be directly east of Boise River Road (**Exhibit A.2**).
- (5) Operational hours will be from 7 AM to 7 PM, Monday through Saturday; occasionally, there will be a need to operate the aggregate pit with successive shifts to maintain operations for 24 hours for several days.
- (6) Crushing of gravel will not occur after 7 PM or before 7 AM (**Exhibit A.2 & A.6**).
- (7) The request will include 15 employees during peak operations. Parking locations are delineated on the proposed site plan (**Exhibit A.2 & A.6**).
- (8) The reclamation plan approved by the Idaho Department of Lands proposes that the gravel pits be reclaimed into ponds with access points, with boat access and beaches (**Exhibit A.2 & A.6**).
- (9) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0014.
- (10) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The proposed use is consistent with the 2030 Comprehensive Plan.

Findings:

- (1) The proposed use is consistent with the 2030 Comprehensive Plan. The future land use is “agriculture” (**Exhibit B.2c**).
- (2) The parcel is located in the Notus Area of City Impact; the city does not have a future land use designation for the subject property (**Exhibit B.2d**).
- (3) With conditions, the request aligns with the Comprehensive Plan, including the following goals and policies:

Property Rights Goals and Policies:

- Goal No. 1.1: “Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.”
- Goal No. 1.2: “Acknowledge the responsibilities of each applicant 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 Component Goals:

- Goal No. 2.2: “Promote housing, business, and service types needed to meet the demand of the future and existing population.”

Economic Development Goals and Policy:

- Goal No. 3.1: “Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.”
- Policy No. 3.1.2: “Support suitable sites for economic growth and expansion compatible with the surrounding area.”
- Goal No. 3.5: “Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.”

Land Use & Community Design Goals:

- Policy No. 4.2.1: “Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.”
- Policy No. 4.3.3: “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.”

Natural Resources and Hazards:

- Policy No. 5.1.1: “Protect and enhance waterways, groundwater, wetlands, wildlife habitat, air, soils, and other natural resources.”
- Goal No. 5.2: “Recognize the importance of air quality and address air pollution in accordance with applicable regulations.”
- Goal No. 5.3: “Support the conservation of productive mineral lands and discourage incompatible uses upon or adjacent to these lands.”
- Policy No. 5.3.1: “Sand and gravel mining operations should be located to avoid adverse impacts on the river channel and promote compatibility with adjacent uses.”
- Goal No. 5.7: “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.”

(4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0014.

(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: 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 parcel is used for livestock and grazing (**Exhibit A.2**). The property consists of approximately 3.07 acres of Class VI - Least Suited soils, with the remainder being comprised of Class IV - Moderately Suited soils. Least-suited soils make up 8% of the ground. Approximately 92% is considered prime farmland if irrigated and drained (**Exhibit B.2h**).
- (2) The area surrounding the subject parcels consists of existing mineral extraction uses (**Exhibit A.2**). Sunroc, Idaho Construction and Materials, Knife River Corporation, JMAC Resources, Thueson Construction Inc., and Western Construction Inc. are some of the existing mineral extraction businesses in the general area (**Exhibit B.2i**).
- (3) To the north is Boise River Road, an arterial road, smaller parcels with dwellings, and Sunroc Corporation's approved mineral extraction uses (**Exhibits B.3a, B.3b, B.3c**).
- (4) To the south are large agricultural parcels owned by Sutro Corporation, a mining company. Approximately 2,600 feet south is an approved minimal extraction use for Idaho Materials and Construction (**Exhibit B.3d**).
- (5) To the east are agricultural parcels with homesteads (**Exhibit C and B.2a**).

- (6) To the west is Sunroc Corporation's approved mineral extraction use (**Exhibit B.3a**).
- (7) To address concerns raised by members of the public regarding dust, traffic, noise, the floodplain, and lighting (**Exhibits D.2, E.1, E.2, and E.3**), the applicant proposes the following, which have been included as conditions of approval:

Dust:

- Best management practices will ensure that dust generation from roadways will be limited including maintaining a 50-foot setback from the mining areas from the property line (**Exhibit A.2**). To control fugitive dust, regular watering of in-pit roads, access roads, and active work areas will be carried out using water trucks, sprinklers, and spray (**Exhibit A.6**).

Noise:

- The nearest dwelling is approximately 300 feet north and east of the subject parcel (**Exhibit C**). The applicant proposes hours of operation similar to operations found in the area (**Exhibit B.3**). Perimeter berm consisting of vegetated topsoil and a 50' buffer setback between the use and property line are proposed to reduce impacts.
- The hours of operation will be 7:00 a.m. to 7:00 p.m., Monday through Saturday. Occasionally, there will be a need to operate the aggregate pit with successive shifts to maintain operations for 24 hours for several days. The 24-hour operations will be due to conditions improved on construction projects that are centered on nighttime operations. Crushing of gravel will not occur after 7:00 p.m. or before 7:00 a.m. (**Exhibits A.2 and A.3**).
- As conditioned, noise emissions shall follow the regulations and standards of OSHA and MSHA, back-up alarms shall be restricted to non-beeping alarms in compliance with OSHA/MSHA requirements.

Drainage/Dewatering:

- The applicant states the area has a high-water table starting 21-40 inches below the ground surface. Dewatering will be necessary to access and extract sand and gravel. Dewatering of excavated areas will be facilitated by using pumps, moving groundwater into constructed trenches prior to discharging into an unnamed irrigation ditch (**Exhibit A.2 & A.6**). Stormwater drainage will be completed to meet federal, state, and local requirements.

Floodplain:

- The parcel is located in an "AE" Flood Zone (**Exhibits D.5, D.6, and D.7**) A Floodplain development permit, evacuation plan, and no-rise certification demonstrating the use will have no adverse effect should the area flood was submitted (**Exhibits D.1, D.7 and D.8**).
- Flood District #11 initially 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.6**). An amended letter of no opposition was received after review of the "no-rise certification" was completed (**Exhibit D.6a**).
- Canyon County's Floodplain Administrator provides a comment letter requiring the submittal of a floodplain development permit, outside agency approvals, a letter of map revision to the FEMA FIRM maps, and an evacuation plan (**Exhibit D.5**). A floodplain development permit was submitted by the applicant on September 25, 2024 (DP2024-0032). A no-rise certificate and evacuation plan were submitted on May 20, 2025 (**Exhibit A.7**).

- The Idaho Department of Water Resources Floodplain Specialist had the following comments (**Exhibit D.7**):
 - “The long-term mineral extraction (gravel mining, crushing, screening, sorting, blending, washing, stockpiling operations, equipment storage facility, a scale with scale house, porta-potties, perimeter berms, etc.) proposed at 21377 Boise River Road, Caldwell on 39.92-acres much of which is in the floodplain requires an approved Conditional Letter of Map Revision (CLOMR) from FEMA before ground may be broken. An approved Letter of Map Revision (LOMR) is required prior to abandonment of the mineral extraction project. Canyon County may choose to require a bond to ensure the LOMR prior to abandonment is obtained by the project applicant.”

“Additionally, the gravel extraction company should provide Canyon County with an evacuation plan that indicates where the stored equipment and porta-potties will be relocated to in the event of flooding.”

- 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 (**Exhibits D.5, D.6, and D.7**) shall be adequately addressed prior to commencement of use.

(8) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0014.

(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) **Water:** No well is proposed (**Exhibits A.2 & A.3**).
- (2) **Sewer:** No septic system is proposed (**Exhibits A.2 and A.3**). Southwest District Health does not require a nutrient pathogen study and finds no septic system proposed. Therefore, has no concerns regarding the request (**Exhibit D.1**). Similar uses in the area use portable restrooms to accommodate employees on-site.
- (3) **Irrigation:** The properties have gravity irrigation served by surface water rights that come from unnamed ditches and overflows (**Exhibit A.2**). No comments were received from the Lower Center Point Ditch Company or Eureka Ditch Company No. 2. Conditions have been included to ensure irrigation facilities are protected, and any alterations include approval by the local jurisdiction.
- (4) **Stormwater Drainage:** The area has a high-water table starting 21-40 inches below the ground surface. Dewatering will be necessary to access and extract sand and gravel. Dewatering of excavated areas will be facilitated by using pumps, moving groundwater into constructed trenches prior to discharging into an unnamed irrigation ditch (**Exhibits A.2 and A.6**). Stormwater drainage will be completed to meet federal, state, and local requirements.

- (5) **Utilities:** Powerlines exist along Boise River Road (**Exhibit C**). The applicant would work with Idaho Power for access and use of the service, if necessary. Companies such as Idaho Power, Intermountain Gas, Ziply, and CenturyLink were noticed. No comments were received.
- (6) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0014.
- (7) 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: Agricultural access exists at the northeast boundary of the parcel off Boise River Road (**Exhibit C**). The request proposes access at the northwest corner of the property (**Exhibit A.2**).

Findings:

- (1) Prior to the commencement of use, Golden Gate Highway District #3 (GGHD) will require an approach permit to ensure access complies with commercial approach standards (**Exhibit D.4**).
- (2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0014.
- (3) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: There may not be undue interference with the existing or future traffic patterns.

Findings:

- (1) The applicant finds that traffic will not be dramatically impacted by the operation, and vehicle types will be consistent with the traffic existing in the area (**Exhibit A.2**).
- (2) Golden Gate Highway District #3 (GGHD) finds that a traffic impact study is not warranted for the requested use. However, pavement analysis and improvement/reconstruction recommendations prepared by a registered licensed engineer will be required, subject to a scoping meeting with GGHD.
- (3) Idaho Transportation Department requires trip generation numbers and distribution patterns to determine cumulative traffic impacts and necessary improvements (**Exhibit D.3**).
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0014.
- (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 request is not anticipated to negatively impact services that would require additional public funding in order to meet the needs created by the requested use.

Findings:

- (1) **School:** The subject property is serviced by Notus School District #135. Agency comments were sent out on February 10, 2025, and April 28, 2025, and no comments were received by the school district.
- (2) **Police:** The subject property is under the jurisdiction of the Canyon County Sheriff's Office. The Canyon County Sheriff's Office is required to provide services to the property. Agency notice was sent out on February 10, 2025, and April 28, 2025, and no comments were received by the Sheriff's Office.
- (3) **Emergency Services:** 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 February 10, 2025, and April 28, 2025, and no comments were received.
- (4) **Irrigation:** The subject property is under the Lower CenterPoint Ditch Company and Eureka Irrigation District's jurisdiction. .
- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0014.
- (6) Evidence includes associated findings and evidence supported within this document.

9. Does the proposed project comply with the specific use standards for mineral extraction (long-term) per CCCO §07-14-19(1)A.2?

Conclusion: The proposed project complies with the specific use standards for mineral extraction (long-term) per CCCO §07-14-19(1)A.2.

Findings:

- (1) **The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses.** See Table 1, Criteria 07-07-05(3) and (4) supporting evidence.
- (2) **Duration of the proposed use.** The duration is not to exceed 15 years from the conditional use permit approval (**Exhibit A.2**).
- (3) **Setbacks from surrounding uses.** A 50' setback is proposed along the property boundaries. The gravel pit and operation include vegetated berms to control erosion, runoff, and provide a buffer (**Exhibits A.2 and A.6**).
- (4) **Reclamation plan as approved by the Idaho Department of Lands.** A reclamation plan was approved by the Idaho Department of Lands on October 18 2023, subject to conditions (Plan No. S603007) (**Exhibit A.6**).

- (5) **Employees' vehicles shall be parked on-site and not on a public or private road.** The applicant proposes a parking area for employees near the temporary office trailer (**Exhibit A.2**).
- (6) **The locations of all proposed pits and any accessory uses.** See **Exhibits A.2 and A.6** for pit and accessory use locations.
- (7) **Recommendations from applicable government agencies.**

Traffic and Access:

- See evidence in Table 1, Criteria 07-07-05(6) & (7)

Floodplain:

- See evidence in Table 1, Criteria 07-07-05(4)

- (8) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0014.
- (9) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The subject parcel is located within the City of Notus Area of City Impact.

Findings:

- (1) The subject parcel is located within the City of Notus Area of City Impact (**Exhibit B.2d**).
- (2) Prior to the submittal of the conditional use permit application on May 29, 2024, the applicant completed an Agency Acknowledgment Form with the City of Notus on April 30, 2024 (**Exhibit A.4**).
- (3) The City of Notus was provided a copy of the application on February 10, 2025, per Idaho Code §67-6512 and CCCO §07-05-01. The City of Notus was notified of the public hearing on April 28, 2025.
- (4) The City of Notus submitted a letter expressing concerns regarding the cumulative impacts to the environment and traffic (**Exhibit D.2**).
 - A reclamation plan was approved by the Idaho Dept. of Lands (**Exhibit A.6**), which was reviewed by other affected state and local agencies.
 - Per Idaho Code §49-613(6): Any vehicle operating on a paved public highway with a load of dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or otherwise escaping therefrom shall be covered so as to prevent spillage. Covering of such loads is not required if six (6) inches of freeboard is maintained.
 - As conditioned, the use shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use, such as the Idaho Department of Environmental Quality, Idaho Department of Water Resources, OSHA, MSHA, IDOT, and FEMA, to ensure impacts are minimized.

- Proposed access and traffic were reviewed by the Idaho Transportation Department (ITD) and Golden Gate Highway District #3 (**Exhibits D.3 and D.4**). Prior to the commencement of use, trip generation and pavement analysis are required.
- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0014.
- (6) Evidence includes associated findings and evidence supported within this document.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Canyon County Hearing Examiner **approves** Case # CU2024-0014, a conditional use permit for a staging area 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. Any violations of any applicable federal, state, and local requirements shall be considered a violation of this conditional use permit.
 - a. 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).
 - b. 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/MSHA requirements.
 - c. Water (including surface and groundwater) shall be discharged in accordance with state, federal, and local standards and/or regulations.
 - d. 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.
 - e. Development shall not impede, disrupt, or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way unless approval, agreement, and/or permit from the irrigation district and other responsible agencies are obtained.
 - f. Noise emissions shall follow the regulations and standards of OSHA and MSHA.
2. This 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 plan (**Exhibits A.2, A.3 and A.6**). Concrete and asphalt batch plants are not included in the proposal for mineral extraction on Parcel R35953010. Any expansion or extension of the operation shall require a conditional use permit modification.
 - a. The mineral extraction operation expires 15 years from the date this decision document was signed.
 - b. Normal day-to-day business hours for the gravel pit shall be Monday through Saturday, 7:00 a.m. through 7:00 pm. Crushing of gravel will not occur after 7:00 p.m. or before 7 a.m. The operation will be closed on Sundays and traditional legal holidays. If the operator 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. Normal operating hours shall resume immediately upon termination/completion of the contract. Advanced notice to

Canyon County Development Services Department shall be provided before operation outside of standard hours begins.

- 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 site plan (**Exhibits A.2 and A.6**).
 - d. The number of employees during working hours shall not exceed 15 employees.
- 3. Stockpiling shall not exceed 30 feet in height.
 - 4. The operation shall comply with the reclamation plan as approved with conditions by the Idaho State Department of Lands (S603007) (**Exhibit A6**). The operator shall complete the reclamation plan as approved by the Idaho State Department of Lands.
 - 5. All exterior lighting shall be downward facing and directed away from adjacent residential properties.

Conditions Required Prior to the Commencement of Use

- 6. A Floodplain Development Permit from the Development Services Department 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 (**Exhibits D.5, D.6, and D.7**) shall be adequately addressed prior to commencement of use.
- 7. 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. Evidence of approval/compliance shall be submitted to the Development Services Department.
- 8. Any structures shall obtain a building permit from the Development Services Department prior to commencement of use.
- 9. The applicant shall comply with applicable Golden Gate Highway District No. 3 requirements, including an approach permit and Pavement Analysis and Improvements/Reconstruction recommendations, prior to commencement of use (**Exhibit D.4**). Any improvements required by the Golden Gate Highway District No. 3 shall be completed within a timeframe determined by the Golden Gate Highway District No. 3. Evidence of approval/compliance shall be submitted to the Development Services Department.
- 10. The applicant shall comply with applicable Idaho Transportation Department requirements, including submitting trip generation numbers and distribution patterns, prior to commencement of use (**Exhibit D.3**). Any improvements required by the Idaho Transportation Department shall be completed within a timeframe determined by the Idaho Transportation Department. Evidence of approval/compliance shall be submitted to the Development Services Department.

DATED this 17th day of June, 2025.

HEARING EXAMINER
CANYON COUNTY, IDAHO

Leon Letson

Leon Letson

State of Idaho)

SS

County of Canyon County)

On this 17th day of June, in the year 2025, before me CAITLIN ROSS, a notary public, personally appeared Leon Letson, 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

