



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, March 19, 2026
6:30 P.M.

1ST FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Commissioners Present : Robert Sturgill, Chairman
 Brian Sheets, Vice Chairman
 Harold Nevill, Commission Secretary
 Geoff Mathews, Commissioner
 Holley Werhanowicz, Commissioner
 Anita Johnston, Commissioner

Staff Members Present: Dan Lister, Planning Supervisor
 Karla Nelson, Principal Planner
 Dane Adams, Associate Planner
 Amber Lewter, Associate Planner
 Caitlin Ross, Hearing Specialist

Chairman Sturgill called the meeting to order at 6:30 p.m.

Commissioner Nevill read the testimony guidelines and proceeded to the first business item on the agenda.

Item 1: Consent Agenda – Action Items

- A. January 15, 2026 MINUTES
- B. February 5, 2026 MINUTES
- C. Case No. CR2025-0012 – Middleton 187, LLC: Approve FCOs
- D. Case No. CR2024-0012 – Cheney: Approve FCOs
- E. Case No. CU2025-0008 – Mytroga: Approve FCOs

Motion: Commissioner Sheets moved to approve the Consent Agenda, seconded by Commissioner Nevill. Voice vote, motion carried.

Item 2A:

Case No. ZV2025-0003 – Rohrbacher Family Trust: The applicant, Rohrbacher Family Trust, represented by Harold Rohrbacher, is requesting a variance of the side setback requirements of 10 feet to 3 feet to accommodate an agricultural structure built on the southern property line. The subject property is approximately 101.92 acres in an "A" (Agricultural) zone. The subject property is located at the Northwest intersection of Shelton Rd and Rohrbacher Ln, also referenced as Parcel R38845.

Chairman Sturgill affirmed the applicant to testify.

Harold Rohrbacher – (Applicant) IN FAVOR – 28253 Shelton Rd, Parma, ID 83660

Mr. Rohrbacher gave a brief explanation on the request for a variance on a building that was constructed and is used as part of their farming operations. Equipment and hay is stored in it and it is adjacent to other buildings. It was built in the current location due to the size of the building and topography of the property.

Commissioner Nevill asked if the two proposed conditions of approval were acceptable. After reviewing the conditions, Mr. Rohrbacher stated they'll do whatever needs to be done.

Chairman Sturgill asked how the building got constructed without a building permit. Mr. Rohrbacher stated he just cleared off a spot and put the building up. He clarified that that spot is flat and he is not using up farm ground.

Associate Planner Dane Adams reviewed the Staff Report for the record.

Commissioner Sheets asked if there were any easements that would affect the placement of this building within three feet. Planner Adams stated he did not find any easements in the analysis.

Commissioner Nevill asked about the extra requirement the applicant will need to do for this application. Planner Adams clarified that the variance request decision will be made by the Planning and Zoning Commission, and the applicant will then need to obtain an agricultural exempt permit.

Commissioner Werhanowicz asked if the house was split from the acreage before or after the additional building was built. Planner Adams confirmed the building was built after the land division.

Chairman Sturgill asked what triggered the Code Enforcement action. Planning Supervisor Dan Lister explained the lack of a permit after the garage expansion and it didn't meet setbacks.

Commissioner Johnston asked if the smaller adjacent lot was owned by a different owner or same owner with a different lot. Planning Supervisor Lister stated the smaller lot is owned by the applicant and the subject parcel is the applicant's family owned farm.

MOTION: Commissioner Nevill moved to close public testimony on Case No. ZV2025-0003, seconded by Commissioner Mathews. Voice vote, motion carried.

Deliberation:

None.

MOTION: Commissioner Nevill moved to **approve** Case No. ZV2025-0003, and adopt the Findings of Fact, Conclusions of Law and order. Seconded by Commissioner Sheets.

Discussion on the Motion:

None.

Roll call vote: 6 in favor, 0 opposed, motion passes.

Item 2B:

Case No. PH2016-61-MOD – Gibbons: The applicant, Tradition Capital Partners, LLC and Austin Acres, LLC, represented by Jay Gibbons, is requesting a Development Agreement Modification to amend condition No. 5.b for Property 1 and No. 3.b for Property 2 in Development Agreement No. 17-001 (Instrument No. 2017-000927) comprising approximately +/- 355 acres in the "CR-RR" (Conditional Rezone -Rural Residential) zone. The subject property is located at 17506 and 0 Goodson Rd, Caldwell, also referenced as Stadium Subdivision, including the entirety of Stadium Subdivision No. 2, Phase 1, and Parcels R37887100, R37887101, R37887103, and R37887102.

Chairman Sturgill affirmed the applicant to testify.

Todd Lakey (Representative) IN FAVOR – 12905 Venezia Ct, Nampa, ID 83651

Mr. Lakey is requesting an amendment to a former development agreement involving land formerly owned by JAPS LLC and Glenn Olson, now consolidated under Tradition Capital Partners owned by Spencer Kofoed. The original agreement concentrated most development on the higher dry ground of the former JAPS property, allowing 178 lots there and 3 lots on the Olson property. Mr. Lakey explained that the amendment proposes transferring 11 lots from the northern JAPS parcel to the central Olson parcel while reducing the overall number of lots and increasing the average lot size. Based on engineering analysis, the practical lot count would decrease from 168 to 150 total lots, resulting in 18 fewer lots overall. Mr. Lakey argued that the amendment maintains the original intent of preserving agricultural pivot land while focusing residential development on dry ground. Mr. Lakey stated that the proposal would not negatively affect agricultural operations and is supported by the current farmer working the land. The setbacks for the new parcels would be similar to the existing ones. Mr. Lakey requests approval of this amendment.

Commissioner Sheets asked when the project was first presented to the County. Mr. Lakey confirmed early 2000s. Commissioner Sheets asked how many different development agreement modifications have been requested and granted. Mr. Lakey believes there were 2 and both were granted. Commissioner Sheets asked if the original intent was to develop both properties in different approaches. Mr. Lakey explained the initial intent of putting the lots on dry ground while building for Mr. Olsen's family around his property; however, since his passing, the family no longer wishes to continue with that plan.

Commissioner Nevill asked how this request is a better development agreement than the existing one. Mr. Lakey reiterated reducing the number of lots, which reduces the impact to traffic. The lot sizes are larger, and the intent remains of keeping lots on the dry, non-farmable ground. Commissioner Nevill asked if the ag ground is or has been under production. Mr. Lakey stated Mr. Wagner still farms it and the intent is to keep the two pivot properties there. Commissioner Nevill specified that the new proposed plan would cause each of the pivots to be completely surrounded, whereas the prior plan still allowed access to the fields, and asked how the new plan helps save agricultural production. Mr. Lakey talked about the setbacks and houses being placed on different sides of the ag piece, and mentioned the letter from Mr. Wagner that this would not negatively impact his farming operations.

Commissioner Mathews asked how this amendment is necessary. Mr. Lakey stated that the determination of what's necessary is between the landowner and the County Commissioners. It's necessary to amend the agreement if the new proposal is found to be more beneficial and brings the property more in line with current goals and policies or current circumstances.

Principal Planner Karla Nelson reviewed the Staff Report for the record.

Chairman Sturgill confirmed the original rezone with the development agreement was heard before the Board of County Commissioners, and asked if modifications are only heard by Planning and Zoning. Planner Nelson specified modifications go as a recommendation to the Board of County Commissioners.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Tony Myers – IN FAVOR – 17506 Goodson Rd, Caldwell, ID 83607

Mr. Myers lives on the subject parcel and is hoping to purchase the property and nearby lots so their children can live close in the future.

Chairman Sturgill asked which property Mr. Myers was renting, and asked if his objective is for this application to go through so he can build a home on one of the new lots. Mr. Myers wants to buy the house from Mr. Kofoed and purchase a couple of lots for their children.

Commissioner Nevill inquired on the existing available lots if this amendment did not go through. Mr. Myers is hoping to have the homes closer.

Spencer Kofoed – IN FAVOR – 8454 Brookhaven Pl, Middleton, ID 83644

Mr. Kofoed stated that when he originally purchased the property, it was zoned rural residential and he felt that meant there was some flexibility to add more lots on the dry ground. He offered Mr. Myers the property and he has done a great job of fixing it up. Mr. Kofoed stated the prior owners would have farmed the property in the past, but it is nonfarmable. His goal is to create affordable lots for small families with small gardens, pastures, and animals, and there will be plenty of access for ag vehicles to continue the current farming operations. Access would also be adjusted to serve the lots off of Goodson Rd.

Commissioner Sheets asked what kind of water rights are on the dry areas. Mr. Kofoed stated the two pivots have full water rights, and there are water rights in phase three due to the nature of how the water gets there through Black Canyon Irrigation District, which is still being looked into. Commissioner Sheets asked when he would start developing the agricultural pivots. Mr. Kofoed answered he does not plan on doing that, and is hoping Mr. Wagner's family will continue to farm it.

Chairman Sturgill asked what development has already begun on property one. Mr. Kofoed stated there are about 15 homes in there now, and applications for phases 2 and 3 have been submitted. There is still a question of how many lots could be put in there, but a full analysis has not been completed.

Alan Mills – IN FAVOR – PO Box 206, Middleton, ID 83644

Mr. Mills described the history of a portion of the subject property that had been under violation for years until Mr. Kofoed purchased the property and cleaned it up. Mr. Mills mentioned a petition that was signed by a number of farmers stating this property has the exact type of ground that should be allowed to be developed. There are no water rights as Black Canyon is maxed out, and the current farmer is in favor because it reduces the number of homes. The variation presented is a far superior option than the existing one, and anyone that lives there can subsidize the ground and make production on it.

Commissioner Sheets asked if Mr. Mills was involved with this project with the prior DAs. Mr. Mills confirmed that he has been involved since the seventies. Commissioner Sheets asked how this proposed DA amendment is better than the prior ones. Mr. Mills stated the original DA was based on the previous owner keeping the property and moving his kids on site. This amendment reduces the number of houses by 18 and utilizes the ground which takes pressure off of potentially better ground.

R. Mark Otters – IN NEUTRAL – 17949 Goodson Rd, Caldwell, ID 83607

Mr. Otters lives directly across from phase 3 of this project. The subject property is above water, so there are no water rights. He agreed that the property looks much better than it used to. Mr. Otters' concern is that he was under the impression that there would be underground utilities installed, but after talking to Idaho Power, they commented that they did not want to put underground utilities in. There are a lot of power poles being installed along Goodson when the original agreement was underground utilities.

Todd Lakey (Representative) REBUTTAL – 12905 Venezia Ct, Nampa, ID 83651

Mr. Lakey stated it is mutually beneficial for the county to reduce the number of lots for this project. He mentioned that Idaho Power controls the utilities on the road, but there will be underground utilities within the project. Mr. Lakey reminded the Commission about the letter from the farmer saying this will not impact his agricultural operations. This change is beneficial and does not substantially deviate from the overall plan.

Commissioner Sheets asked for clarification on how many lots are platted now. Mr. Lakey answered 136 final platted. There was further discussion on the overall number of lots.

Planner Nelson provided a more detailed history on the original plat that was approved in 2007, along with each modification request since then.

Chairman Sturgill asked if there is a plat drawing depicting the 165 lots, to which Planner Nelson explained the drawn out concept is in the staff report, but they have not received it as a preliminary plat.

Commissioner Johnston asked for clarification on what is already approved versus what is being presented as the modification, and Planner Nelson explained the preliminary plat would allow for 138 instead of 178 on property one and 14 instead of 3 on property 2. The original 178 number would've left no land for roads.

MOTION: Commissioner Sheets moved to close public testimony on Case No. PH2016-61-MOD, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:

Commissioner Nevill mentioned the letter from the Middleton School District describing the condition of Middleton schools, which should be taken into consideration as this modification seems to be increasing the total number of lots.

Commissioner Mathews believes the thought behind this modification is there were not as many homes as they wanted to build, so they'll add to property 2.

Commissioner Sheets does not see the necessity for this modification. Familial needs and desires are irrelevant as the property could easily change hands, and the number of lots are essentially just being transferred.

MOTION: Commissioner Sheets moved to **recommend denial** for Case No. PH2016-61-MOD to the Board of County Commissioners, adopting the recommended FCOs that the application does not meet criteria. Seconded by Commissioner Nevill.

Discussion on the Motion:

None.

Roll call vote: 6 in favor, 0 opposed, motion passes.

Item 2C:

Case No. CU2024-0023 – Burnett-Riverbend: The applicant, Brian Burnett, represented by Professional Engineering Services, requests a Conditional Use Permit to allow a long-term mineral extraction for up to 20 years for surface mining, which includes stockpiling, crushing, screening, and hauling the sand and gravel off the site using approximately 26 acres of the 50.2 acres in an "A" (Agricultural) zone. The subject property is located at 25192 Lemp Ln, Parma, also referenced as Parcel 38505.

Chairman Sturgill affirmed the applicant to testify.

Natalie Jonsson – (Representative) IN FAVOR – 2205 W Mace Rd, Eagle, ID 83616

Ms. Jonsson described the location and demographics of the subject property. She then went into the project outline, explaining this will be a sand and gravel extraction area and the plan is to mine out 26 of the 50 acres. While the CUP allows for operations for up to 20 years, they hope their duration will be shorter, but it also depends on the demand within the Treasure Valley. There will only be about 6 employees on site at a time, and operating hours are from 7:00 a.m. to 7:00 p.m. Monday through Saturday. Ms. Jonsson noted that the

aggregate along the riverbed is rated for state highway and infrastructure projects because of its hardness, which makes it more durable and is in high demand. Upon completion of the project, the site will be reclaimed in accordance with the approved reclamation plan from Idaho Department of Lands. Ms. Jonsson showed the site on the screen, explaining the setback, the stockpile, the staging area, and the sediment pond for stormwater management and water quality. There is a natural bench separating the adjacent land. Acceleration lanes off of Lemp Lane will be installed, which will be beneficial to preventing backup of semi-trucks onto Hwy 20/26. Ms. Jonsson explained this project aligns with Canyon County's Comprehensive Plan and supports regional growth, providing aggregate for infrastructure, housing, future development and creates local employment. The land is not suitable for real crops as it does not hold water well. This plan is consistent and compatible with a rural character and it falls within the permitted use in the area. The main concerns that have been brought up during a neighborhood meeting regarding maintenance and irrigation supply and waste ditches in the area have been addressed. Ms. Jonsson stated that there are no requests for use of public utilities. She presented before and after photographs of a prior mining site and what it looks like after the reclamation plan was completed.

Commissioner Nevill confirmed that all 18 conditions of approval were agreed with. Commissioner Nevill asked if the reclamation plan could have returned the prior mining site back to agriculture. The question is pending public testimony. Commissioner Nevill referenced an exhibit that states this is an unnecessary loss of productive agricultural land, and asked if there was any rebuttal. Ms. Jonsson stated that while she appreciates the pasture use as ag land, finding that the demand for aggregate to continue to build infrastructure is equally as important right now.

Commissioner Johnston asked for clarification on the hours of operation. Ms. Jonsson stated the applicant was surprised to see the proposed 7 days a week, and emphasized the goal is the Monday through Saturday hours she previously mentioned.

Associate Planner Amber Lewter reviewed the Staff Report for the record.

Commissioner Sheets referenced exhibits E5 and E5.1 and asked about the change in requirements for a TIS. Planning Supervisor Lister described the process in receiving agency responses through an initial/courtesy notice and sending those comments and giving ownership to the applicant to reach out to the agency if necessary. Commissioner Sheets asked how the Commission is supposed to make the finding for criteria 7 without the TIS. Planning Supervisor Lister explained ITD's procedures in that they trust the hearing body can either condition the CUP accordingly to mitigate the concern prior to commencement or continue the case to request more information.

Commissioner Nevill asked about the distance from the subject property to Hwy 20/26. Without a traffic impact study, the proposed acceleration lane needs to be considered further. Planner Lewter clarified that ITD and the railroad company determined there was enough space for an acceleration lane, as depicted in exhibit E6. She stated she was approximately 1,330 feet from where she was standing to Hwy 20/26. Commissioner Nevill asked for clarification on the hours of operation. Planner Lewter specified that her condition includes occasional 24-hour operations if the need arises, but mostly adheres to the Monday through Saturday hours. She confirmed the 24-hour condition can be removed. Commissioner Nevill asked about the definition of an intensive agriculture overlay zone. Planner Lewter reviewed the definition from the 2030 Comprehensive Plan. Commissioner Nevill asked how the reclamation plan is compatible with that definition. Planner Lewter explained that with mitigating conditions, staff found the use to be compatible with the surrounding area with gravel pits and feedlots nearby.

Planning Supervisor Lister explained that the definition of agriculture also includes recreation open space, which is a protection of character as well. A pond can be used recreationally or for water for farm ground, and ponds in that location are to restore the biology and provide a habitat by the river.

Chairman Sturgill confirmed that ITD's recommendations of repaving the approach and structural analysis of the intended intersection are covered under condition 10. Chairman Sturgill asked where the recommendations from Union Pacific Railroad in exhibit E6 are depicted in the conditions. Planner Lewter stated that condition 16 addresses those recommendations. Chairman Sturgill asked for clarification on requirements versus recommendations. Planner Lewter agreed that the condition could be modified to reflect required and recommended conditions.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Kimberly Britton – IN FAVOR – 25192 Lemp Ln, Parma, ID 83660

Ms. Britton lives in the house to the north of the proposed gravel pit. She currently runs cattle on that property, and although she realizes the gravel pit will be an inconvenience for a period of time, the restoration plan will be beautiful and she hopes to buy the house with the land at the end of the project.

Commissioner Mathews asked where the cattle will be ran after the pit is filled with water. Ms. Britton stated she runs her cattle on the opposite side of the road and she has property in the Owyhee's that she'll run cattle through the summer.

Brian Burnett – IN FAVOR – 1125 W Two Rivers Lane, Eagle, ID 83616

Mr. Burnett, the applicant, realizes the mission is to protect ag ground; however, it takes too much water to keep the ag production going. The soil is class four and mineral extraction is preferred under the class four code. Mr. Burnett stated that there was an onsite visit with the agencies regarding a traffic impact study, and they approved the acceleration lane, improvements to the tracks in front of the crossing, and repaving Lemp Ln. The traffic impact study will be on Lemp Ln, not on Hwy 20/26. If it is determined Lemp Ln won't hold semis, the road will be replaced to county specs. Mr. Burnett owns several parcels surrounding the subject parcel. The top shelf of the property is really nice farm ground that will remain farm ground. There are many projects that need this type of aggregate, and this location is in proximity to projects that are close.

MOTION: Commissioner Nevill moved, seconded by Commissioner Werhanowicz, to give Mr. Burnett two (2) minutes of additional testimony. Voice vote, motion carried.

Mr. Burnett continued by stating they are flexible on the hours of operation. It is a direct outcome of how fast the gravel moves. A previous project in Middleton was completed in less than 2 years due to being approved to move the gravel more consistently with more hours. His overall goal is to improve the area and make it look beautiful, creating habitat and making money along the way.

Commissioner Sheets asked who will be mining this project. Mr. Burnett stated it will be mined by Superior Excavation and Construction. Commissioner Sheets asked how many trucks are coming and going and what type of trucks they are. Mr. Burnett answered that he estimated 50 semi-trucks, but is based on demand. Commissioner Sheets asked what kind of equipment will be doing the extraction. Mr. Burnett stated one 450 excavator, several pumps pumping water into the settling pond and trucks going around being loaded with gravel. Commissioner Sheets asked about crushing. Mr. Burnett emphasized crushing will only be done if needed, and will only operate Monday through Friday until 5:00 p.m. Commissioner Sheets confirmed there will be 6 employees.

Chairman Sturgill confirmed Mr. Burnett commits to building an acceleration lane turning right onto Hwy 20/26. Chairman Sturgill asked about the improvements on Lemp Lane. Mr. Burnett stated upgrading will be done beforehand.

Commissioner Johnston asked if the mining company verifies that loads are covered when they leave the site. Mr. Burnett said yes, and before they leave the site there is a scale and a camera to verify loads as there may be other companies that need gravel as well. All information about the drivers and loads is recorded. Commissioner Johnston asked about the distance from the railroad tracks to the highway and whether there was enough room for trucks to stop after the tracks. Mr. Burnett clarified that the stop sign had been removed, but the highway district would require the trucks to stop prior to the tracks, then use the acceleration lane to get into traffic.

Doug Pill – IN FAVOR – 4520 W Brennen St, Boise, ID 83702

Mr. Pill wanted to speak about Mr. Burnett as a developer. He takes pride in being a good neighbor to his community and is highly impactful to the community.

Mary Wall – IN FAVOR – 5636 N Portsmouth Ave, Boise, ID 83714

Ms. Wall clarified that the traffic impact study is not about the traffic moving in and out, but rather about the structure of the road and the repairs necessary. She also clarified that when Mr. Burnett mentioned there would be 50 trucks per day, he meant 50 trips per day.

Commissioner Nevill asked why the traffic impact study was not for Hwy 20/26. Ms. Wall stated that was a determination by ITD because at 50 trips per day, they felt an analysis was not required and there was more concern on whether the lane could carry the trucks that were moving through there.

Chairman Sturgill asked what Ms. Wall's impression of the challenges getting onto the highway were. Ms. Wall stated the traffic did not seem horrible and most trucks would be turning towards Caldwell/Boise.

Joe Grubiak – IN OPPOSITION – 24811 Lemp Ln, Parma, ID 83660

Mr. Grubiak is opposing this application because it is in the wrong location for two reasons. The first reason is concerning the intersection of Lemp Ln and Hwy 20/26. There has not been affirmation that there is proper clearance for gravel trucks to safely navigate, especially with the proximity of the train tracks. The second reason is traffic and train accident data along Hwy 20/26 confirms major safety problems. Mr. Grubiak described an exhibit he created reflecting the proximity of the train tracks to Hwy 20/26 from Caldwell to Parma. He believes the location of all the current permitted gravel pits that are east or south of Notus is related to where the railroad tracks are along the highway. Mr. Grubiak gave an example of a gravel truck and train accident that happened in 2020 that closed Deb Lane in Parma, and emphasized that it is too dangerous with limited clearance to navigate heavy truck traffic.

MOTION: Commissioner Nevill moved, seconded by Commissioner Mathews, to give Mr. Grubiak three (3) minutes of additional testimony. Voice vote, motion carried.

Mr. Grubiak continued by explaining that exhibit B he created shows the distance between the stop sign on Lemp Ln and the highway is 25 feet. Exhibit C is the applicant's existing gravel pit that is east of Notus, which shows that stop sign is 62 feet, which is a 37 foot difference. This gives adequate turning space for turning into an acceleration lane, which Lemp Ln lacks. There are also concerns of trucks turning left onto Lemp Ln, causing backup issues. Mr. Grubiak concluded by stating there have been 220 accidents between I-84 and Parma on Hwy 20/26 including 14 fatalities.

Commissioner Nevill asked what the traffic volume issue is on Hwy 20/26. Mr. Grubiak stated it is an unbelievable amount of traffic and is hard to get out onto the highway. He commented that most of it is due to gravel pits and the amount of truck traffic is exponentially higher now because of the growth of Boise too.

Chairman Sturgill expressed a concern with trucks turning onto the highway and spooking other drivers, potentially causing more issues. Mr. Grubiak agreed and suggested doing more research on the physical geometry of intersections to consider how much of a turning radius is required.

Holly Grubiak – IN OPPOSITION – 24811 Lemp Lane, Parma, ID 83660

Ms. Grubiak stated there has not been enough studies conducted or correct information provided to be considered for the traffic impact study. This and the next application could add 100 truck trips per day, which meets ITD's requirements for a traffic impact study. Ms. Grubiak also explained that Canyon County does not appear to maintain a complete inventory of active and approved gravel pits, making it difficult to evaluate and make an informed decision on the impacts of mineral extractions in the area. Mr. Burnett also operates a crushing facility near Notus that should be considered when evaluating overall impacts. Ms. Grubiak stated that this property is located within the intensive agriculture overlay, and has historically been productive farm and grazing land. This proposal would conflict with the agricultural preservation goals and is incompatible with surrounding rural and residential character.

MOTION: Commissioner Nevill moved, seconded by Commissioner Werhanowicz, to give Ms. Grubiak two (2) minutes of additional testimony. Voice vote, motion carried.

Ms. Grubiak continued by explaining this proposal would create significant impacts from fugitive dust, noise, and heavy truck traffic on a road that is not designed for that type of use. Most surrounding property owners have lived in the neighborhood for 10-25 or more years and chose to live in a rural agricultural community. Approval of this project would substantially reduce the quality of life, create safety concerns, destroy wildlife habitat and agricultural property, and devalue surrounding property. Ms. Grubiak stated that this property is adjacent to a national wildlife refuge and wetland conservation easement, and the Idaho Foundation of Parks and Lands submitted a letter in opposition that was not included in the staff report. Their concerns regarding potential impacts to water quality, wetland hydrology, habitat integrity, biodiversity, groundwater recharge and increased sediment runoff were not fully considered. Ms. Grubiak concluded by stating that this is not a suitable location for this proposal and she hopes that it is denied.

Commissioner Nevill asked what the number of active gravel pits is. Ms. Grubiak answered 26, but her daughter will be testifying as well.

Commissioner Sheets asked about the letter that was submitted. Ms. Grubiak stated it was from Kendra Kenyon, the Executive Director at Idaho Foundation for Parks and Lands. Commissioner Sheets confirmed the letter is referencing a conservation easement adjacent to the subject property. The letter was dated March 18, 2026.

Chairman Sturgill asked what could be done to address the expressed concerns. Ms. Grubiak stated the crushing operation is unnecessary. Truck traffic and railroad safety are also concerns. Dust mitigation and noise may help address some of the issues.

Ryan Upson – IN OPPOSITION – 24684 Lemp Ln, Parma, ID 83660

Mr. Upson is a neighbor to the proposed gravel pit and asks for the application to be denied based on safety and testimony from Mr. and Ms. Grubiak. The wetlands next to the gravel pit is a wildlife habitat and is held in a deed of conservation easement that assures the property will be in its natural condition and prevent any use of the property that will impair the ability to carry out the purpose. Mr. Upson agrees with all of the key concerns from the letter read in prior testimony. He believes a gravel pit will affect the water table and surrounding properties. Mr. Upson stated that Canyon County has been on probation with FEMA for not following requirements around the Boise River in recent years, and asked if the Army Corp of Engineers or FEMA weighed in on this project. Mr. Upson asked that a traffic study is completed at Hwy 20/26.

Dusty English – IN OPPOSITION – 997 E Chateau Dr, Meridian, ID 83646

Ms. English stated 4 of the 5 homes around the subject property have children and this will take away from their childhood. Ms. English finished the letter from the Idaho Foundation for Parks and Lands, which express concerns regarding habitat disruption and a biodiversity risk, legal and easement compliance risks, community resilience and equity considerations, and economic considerations and opportunity costs.

Chairman Sturgill asked if the reclamation plan, although it would take time and disruption, would provide the improved habitat that have been expressed as concerns. Ms. English stated she would fall back on the letter from the Idaho Foundation of Parks and Lands recommending it would be detrimental or at least needs further investigation. Chairman Sturgill asked if the Idaho Foundation of Parks and Lands has seen the proposal for the reclamation at the conclusion of this project. Ms. English said they have not.

Brian Burnett – (Applicant) REBUTTAL – 1125 W Two Rivers Lane, Eagle, ID 83616

Mr. Burnett stated that the Idaho Foundation of Parks and Lands is a non-government agency, so they would not normally be noticed. He stated they would be a proponent of this proposal knowing about the pond at the end of the conservation. Mr. Burnett understands the concerns in preserving wetlands, but also understands that the impacts of intersections and roads in Idaho for development. He has found a way to turn these pits into something beautiful where wildlife can live. Mr. Burnett is willing to work with that agency again on this project so they can help maintain the habitat. Referring to the Grubiak's testimonies on gravel pits from Caldwell to Notus, Mr. Burnett stated that there is more of an overburden on top of the gravel closer to the Snake River. The engineers that inspected the property said there is an adequate turning radius. Mr. Burnett is aware of the safety issues, but those are addressed upfront. The crushers would go down into a hole that is dug out to mitigate noise concerns, and there will be water trucks for dust mitigation. Mr. Burnett wanted to point out that there is a law that allows mining out 2-acre sections on each parcel without approval or a CUP, but he wants to do it the right way and create an opportunity for a pond in the end.

Commissioner Mathews asked about the distance from the tracks to the highway, as well as the stop sign. Mr. Burnett said it depends on which side of the tracks this applies to. He admits it is a very short distance, but emphasizes the requirements for the stop sign before the tracks on Lemp Ln, no left turns, and a very extended acceleration lane that can hold 2-3 semis before getting into traffic. Commissioner Mathews asked for clarification on where the stop sign will be located. Mr. Burnett answered it will be before the tracks on Lemp Ln before getting to the highway.

Commissioner Sheets asked how deep the pit will be. Mr. Burnett answered 20-30 feet, depending on where the clay layer is at. Commissioner Sheets asked where the water table is at. Mr. Burnett stated the water table usually runs about 3 feet below. Commissioner Sheets confirmed there will be 26 acres and this will be a wet mine. He asked where the water will be pumped into while being mined. Mr. Burnett described the process of settling and screening the sediment before going back into the ditches.

Commissioner Nevill asked about putting in an "only right turns allowed" sign. Mr. Burnett said he will do whatever is required from ITD. He also specified that most of these trucks will be turning right as there would be minimal reasons why they would need to turn left towards Parma.

Commissioner Werhanowicz asked if condition 16 could be modified to reflect requirements and recommendations. Mr. Burnett does not have a problem with that amendment.

Commissioner Johnston asked about traffic turning onto Lemp Ln from Hwy 20/26. Mr. Burnett stated that wasn't a requirement, and there isn't much traffic heading east so there shouldn't be too much backup. Commissioner Johnston inquired on noise mitigation for the crusher. Mr. Burnett said the crusher is operated Monday through Friday 7:00 a.m. to 5:00 p.m. with 2 hours after for maintenance only.

Planner Lewter suggested modifications to condition 2b regarding business hours and crushing hours, condition 10 regarding ITD requirements and adding condition 10a regarding structural analysis and mitigating actions, and condition 16 regarding Union Pacific Railroad requirements and recommendations. Planner Lewter referenced exhibit E6 regarding the diagnostic meeting, stating it was determined a deceleration lane would not be necessary and there was enough space. She also referenced exhibit B9 that showed a distance from the railroad to the highway, and emphasized ITD was not concerned with a traffic impact study, even being aware of the other proposed project up the road.

Planning Supervisor Lister reminded the Commission that they have the ability to add whatever conditions they feel are appropriate and will limit the impacts and mitigate any concerns, such as requiring a TIS now or adding it as a condition for the agency to consider and trusting the agency to review it based on the code that is required. The agency has jurisdiction on whether a condition meets codes and requirements or not. There was further discussion on agency requirements and what the P&Z Commission is able to require.

Commissioner Mathews asked if this property is working land and operations according to the intense agriculture definition. Planner Lewter commented it is in grazing currently.

MOTION: Commissioner Nevill moved to close public testimony on Case No. CU2024-0023, seconded by Commissioner Sheets. Voice vote, motion carried.

Deliberation:

Commissioner Mathews does not believe this application can be properly conditioned because of the intensive agriculture definition and what it's intended to protect.

Commissioner Nevill believes they cannot sufficiently answer the question to criteria 7 regarding traffic, and thinks the answer is no. He agrees with the concern regarding intensive agriculture as well.

Commissioner Sheets agrees with not having enough information to make a finding for criteria 7 and suggested a continuance of the application to get that information.

Commissioner Mathews proposed denying the application based on the intensive agriculture overlay. Chairman Sturgill asked if there is any information that could be provided to mitigate that concern. Commissioner Mathews answered no.

Commissioner Sheets reiterated that he does not feel like there is enough information to understand if there's undue interference with traffic, which is why he asks for a continuance rather than outright denial.

Commissioner Johnston agrees that a continuance would be helpful to obtain missing information. She also stated that there are soils that are incompatible with watering, and would like to have more information on whether this property is more adapted to having the gravel pit.

Chairman Sturgill is not convinced that the entrance onto Hwy 20/26 can be properly conditioned and constructed based on the proximity of the railroad tracks.

MOTION: Commissioner Nevill moved to **deny** Case No. CU2024-0023, finding that the application does not meet the criteria for approval under article 07-06-05, specifically in regard to criteria 3, 4, and 7. Seconded by Commissioner Mathews.

Commissioner Nevill does not believe there is a way to gain approval based on the intensive agricultural overlay.

Commissioner Sheets is still in favor of a continuance.

Discussion on the Motion:

None.

Roll call vote: 4 in favor, 2 opposed, motion passed.

Item 2D:

Case No. CU2024-0024 – Burnett-Arrowhead Springs Ranch: The applicant, Arrowhead Springs Ranch, LLC, requests a conditional use permit to allow long-term mineral extraction on approximately 18 acres of the 120.8 acres for surface mining that would include stockpiling, crushing, screening, sorting, and blending in the "A" (Agricultural) zone. The subject property is located at 21793 Highway 20/26, Parma, also referenced as Parcels R38535 and R38550.

Chairman Sturgill affirmed the applicant to testify.

Natalie Jonsson – (Representative) IN FAVOR – 2205 W Mace Rd, Eagle, ID 83616

Ms. Jonsson shared that there is a different landowner for this application, who is not present but she will be speaking on his behalf. Ms. Jonsson described the site location and commented that the project outline is the same as the prior application. The site plan is different but with the same idea, boundaries, 30-foot easement, staging area and pit to put the crusher in. Ms. Jonsson emphasized that there is nothing growing on this property, which differs from the prior application that had pasture growing on it. There are also no neighbors to consider for this property. Ms. Jonsson empathized with not having enough information, but they are at the mercy of their rules and regulations and will do what they have been guided to do. There will also be no public utilities needed.

Commissioner Werhanowicz asked if there was a difference with the traffic concerns enumerated previously as it is the same road. Ms. Jonsson stated she wasn't sure she could speak to whether there is any real difference. There are going to be the same conditions and approvals from the same government agencies.

Commissioner Nevill pointed out that the agenda reads 18 acres and the presentation shows 14 acres, and asked which one is accurate. Ms. Jonsson stated it is 18 disturbed acres, but the lake will end up being 14. Commissioner Nevill confirmed there are no concerns with the 17 proposed conditions of approval.

Commissioner Sheets asked for clarification on the hours of operation. Ms. Jonsson stated it would be 7:00 a.m. to 7:00 p.m., 6 days a week. Commissioner Sheets asked who will be mining this project. Ms. Jonsson stated Superior Excavation and Construction. Commissioner Sheets asked how many truck trips there will be. Ms. Jonsson stated 50 trips. Commissioner Sheets asked what kind of equipment will be on site. Ms. Jonsson answered semis trucking to and from, a crusher on site in the pit, excavators digging the pit and 2 additional loaders moving gravel around the site. Commissioner Sheets asked how deep the pit will be. Ms. Jonsson stated 25-30 feet. Commissioner Sheets asked what the water table is at. Ms. Jonsson answered 3 feet. Commissioner Sheets confirmed this will be a wet pit and asked where the dewatering water will go. Ms. Jonsson stated there will be a dewatering pond. The water will go into a sediment pond and percolates. Commissioner Sheets asked how many employees there will be. Ms. Jonsson answered 6. Commissioner Sheets asked about the access from and onto Hwy 20/26. Ms. Jonsson stated it is the driveway to the personal residence.

Associate Planner Amber Lewter reviewed the Staff Report for the record.

Commissioner Nevill asked if there will be any digging proposed for the portion parcel R38535 that is in the intensive agriculture zone. Planner Lewter does not believe there is any proposed digging to the parcel to the west. She clarified that one parcel was intensive agriculture and one was not and it appears the proposal is in the parcel that is not in the intensive agricultural overlay. Commissioner Nevill commented on the concerns about traffic from Notus. Planner Lewter mentioned the correspondence with ITD and their conclusion that a TIS was not warranted.

Commissioner Werhanowicz commented on the exhibits that show site plans for both parcels, and asked if both properties will be dug on. Planner Lewter clarified that the original proposal was a much larger scope and the applicant had since reduced the scope to get out of the FEMA area. The new revised plan is exhibit B4.1 and only encompasses the parcel to the east. Commissioner Werhanowicz reflected on the agencies not being in favor, such as Flood District 11 and the City of Notus, and asked if Planner Lewter was still in favor. Planner Lewter clarified that Flood District 11 was not in favor of the original site plan, but has conditions they've provided in relation to the updated site plan.

Chairman Sturgill asked about proposed condition 4b regarding the 10-foot berm, and asked whether it should be read as immediate construction that mitigates the noise when the residence is built, or delaying construction until the residence is built. Planner Lewter stated the intent for a berm is to protect residences, but since there are currently no residences, the berm should be put in place to protect the residence from noise if one were to be built.

Commissioner Sheets asked about the relation of Purple Sage Road. Planner Lewter said she did receive an email from ITD apologizing that they used the West Purple Sage Road in the comment, but it is not involved in this project.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Brian Burnett – IN FAVOR – 1125 W Two Rivers Lane, Eagle, ID 83616

Mr. Burnett stated the landowner came to him presenting a non-viable ground and wants a recreational amenity for habitat. Watering this property would become a major issue. Mr. Burnett reiterated that he will still follow the same process in doing what the experts are telling him what to do, and is stumped on how to approach development in Canyon County when there is no trust in the experts. He confirmed that the work will only be done on the eastern parcel. Mr. Burnett is open to feedback to know how to meet requirements.

Commissioner Sheets asked about the drain going through the middle of the proposed area. Mr. Burnett stated it is just low land that has the water table exposed because the aggregate has been taken off the top. Commissioner Sheets asked for further clarification on how it affects the drainage patterns in the area during extraction. Mr. Burnett clarified that it is not running water, just surface water because it is low. If it is determined to be flowing water, that concern would have to be mitigated or find an alternative. Mr. Burnett confirmed the operations will not impact someone else's drain off their property.

Commissioner Nevill asked if the Commission asked for a right turn acceleration lane to be built, would that be doable. Mr. Burnett answered they would not have a problem with that, but would still have to rely on the final say from ITD.

Mary Wall – IN FAVOR – 5636 N Portsmouth Ave, Boise, ID 83714

Ms. Wall commented on the entry onto Hwy 20/26, stating it has been measured and determined there is enough room between the railroad and the highway for a truck to potentially wait for a train. The current driveway is going to be expanded to allow for 2-way traffic with only 50 trips per day in addition to the owner.

Chairman Sturgill asked about the length in feet from the railroad to the highway. Ms. Wall answered 85 feet.

Planner Lewter clarified that she did receive the revised letter from ITD removing Purple Sage Road, which is exhibit E3.1. She also mentioned exhibit E6 has the requirement for a right acceleration lane, which is reflected in condition 15. Condition 15 can also be modified to reflect requirements and recommendations.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CU2024-0024, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:

Commissioner Nevill believes that this project can be conditioned enough. He recommends modifying condition 2a regarding business hours of operation, condition 15 to reflect requirements and recommendations from the Union Pacific Railroad. He also suggested adding condition 18 to construct a center turn lane if ITD requirements allow that construction.

MOTION: Commissioner Nevill moved to **approve** Case No. CU2024-0024, amending conditions 2a and 15, and adding condition 18. Seconded by Commissioner Mathews.

Discussion on the Motion:

Commissioner Werhanowicz commented on Notus being upset about the trucks and gravel pits, and this will add to the chaos.

Roll call vote: 4 in favor, 2 opposed, motion passed.

3. DIRECTOR, PLANNER, COMMISSION COMMENTS:

Planning Supervisor Dan Lister emphasized the desire to go electronic and wanted input on how to make that feasible. Not only has there been mailing issues, but this will reduce the costs of mailing. There was discussion on the purchasing and usage of iPads and whether or not they would be user friendly.

4. ADJOURNMENT:

MOTION: Commissioner Sheets moved to adjourn, seconded by Commissioner Werhanowicz. Voice vote, motion carried. Hearing adjourned at 11:37 P.M.

An audio recording is on file in the Development Services Departments' office.

Approved this 18th day of June, 2026



Robert Sturgill, Chairman

ATTEST



Caitlin Ross, Hearing Specialist