

Burnett - Riverbend CU2024-0023-APL Mineral Extraction (Long Term)

APPELLANT: MARY WALL OF PROFESSIONAL ENGINEERING SERVICES
OWNER: BRIAN BURNETT





REQUEST

The appellant requests the Board to overturn the denial of case CU2024-0023.

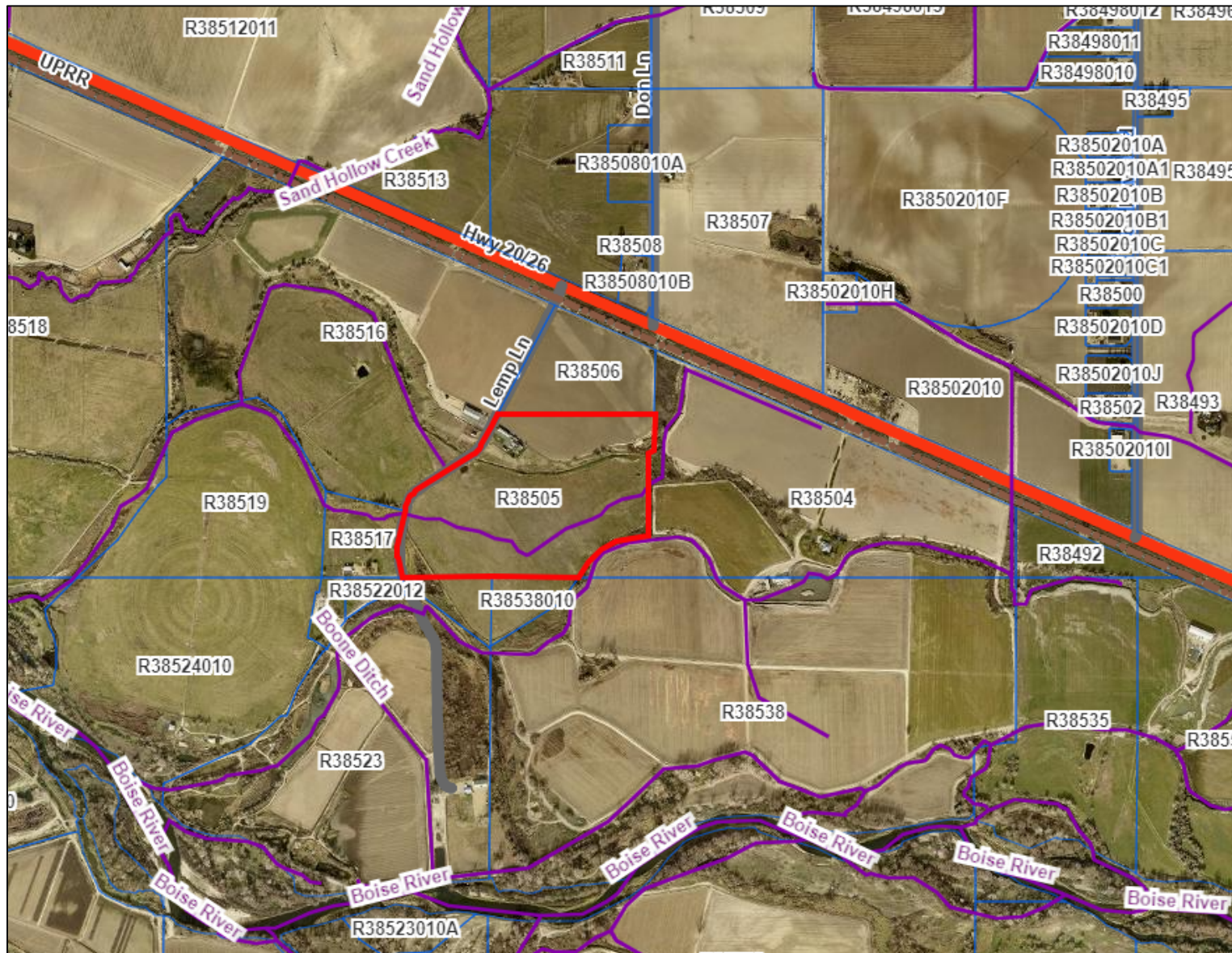
Conditional Use Permit for a **Long-Term Mineral Extraction.**

Timeframe: 20 years

Includes:

- Stockpiling
- Crushing
- Staging
- Hauling the sand & gravel





LOCATION

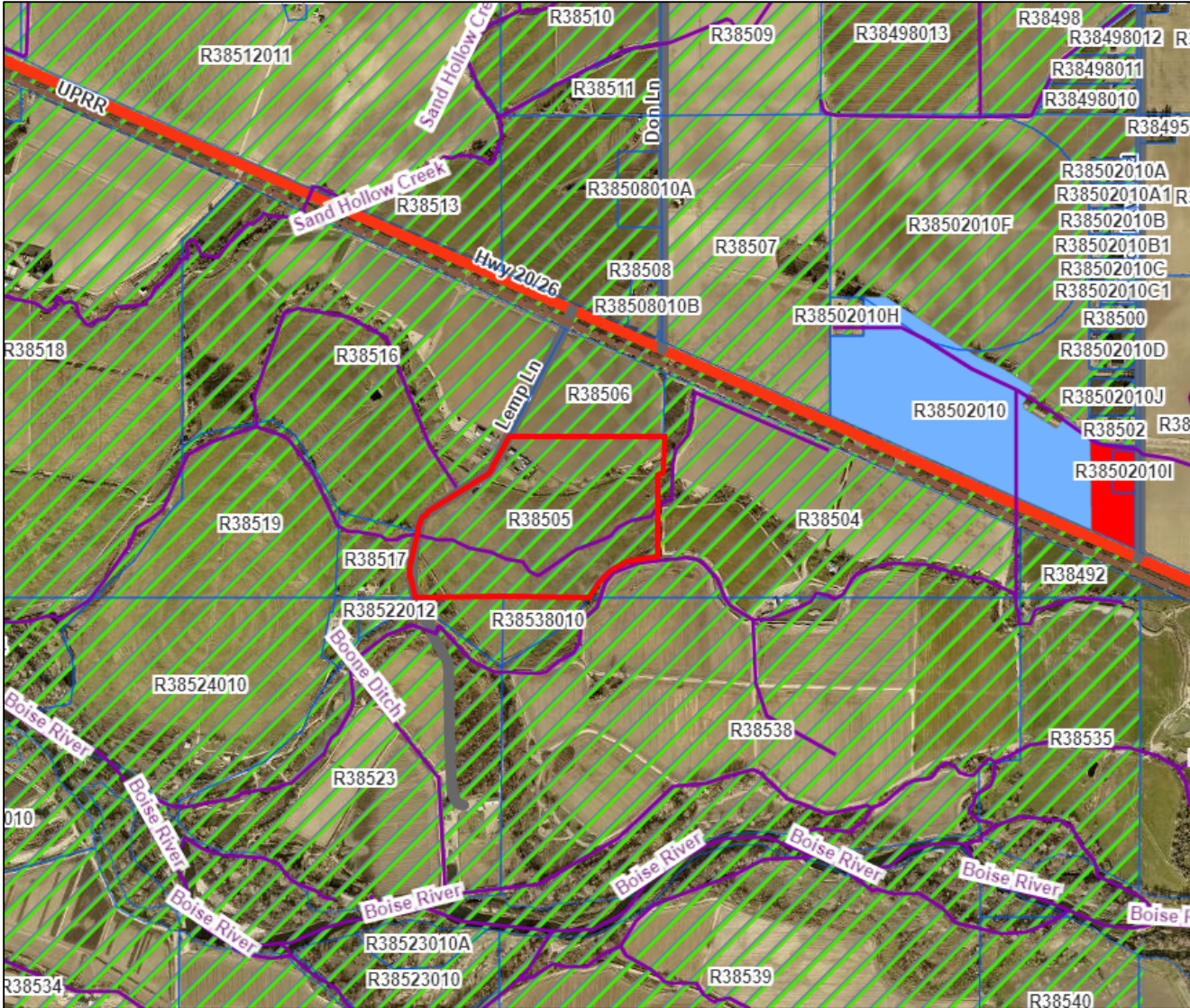
- Parcel R38505
- Located at 25192 Lemp Lane, Parma
- 26 acres of the 50.2 acres
- Zoned "A" (Agricultural)

EVALUATION CRITERIA (07-07-05):

- (1) Is the proposed use permitted in the zone by conditional use permit?
- (2) What is the nature of the request?
- (3) Is the proposed use consistent with the comprehensive plan?**
- (4) Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?**
- (5) Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?
- (6) Does legal access to the subject property for the development exist or will it exist at the time of development?
- (7) Will there be undue interference with existing or future traffic patterns?**
- (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?



Planning and Zoning Commission's Findings:



EVALUATION CRITERIA (07-07-05):

(3) Is the proposed use consistent with the comprehensive plan?

No.

- Future land use is Agriculture with an Intensive Agriculture Overlay.

"This overlay is applied to protect working lands and operations. These areas may have higher quality soils, water availability, and relatively flat topography. Uses may include seed production, crops, orchards, vineyards, concentrated animal feeding operations, grazing, and other agriculturally-based uses. This designation aims to protect agriculture operations from incompatible uses and reduce the conflicts concerning noise, dust, smells, and safety."



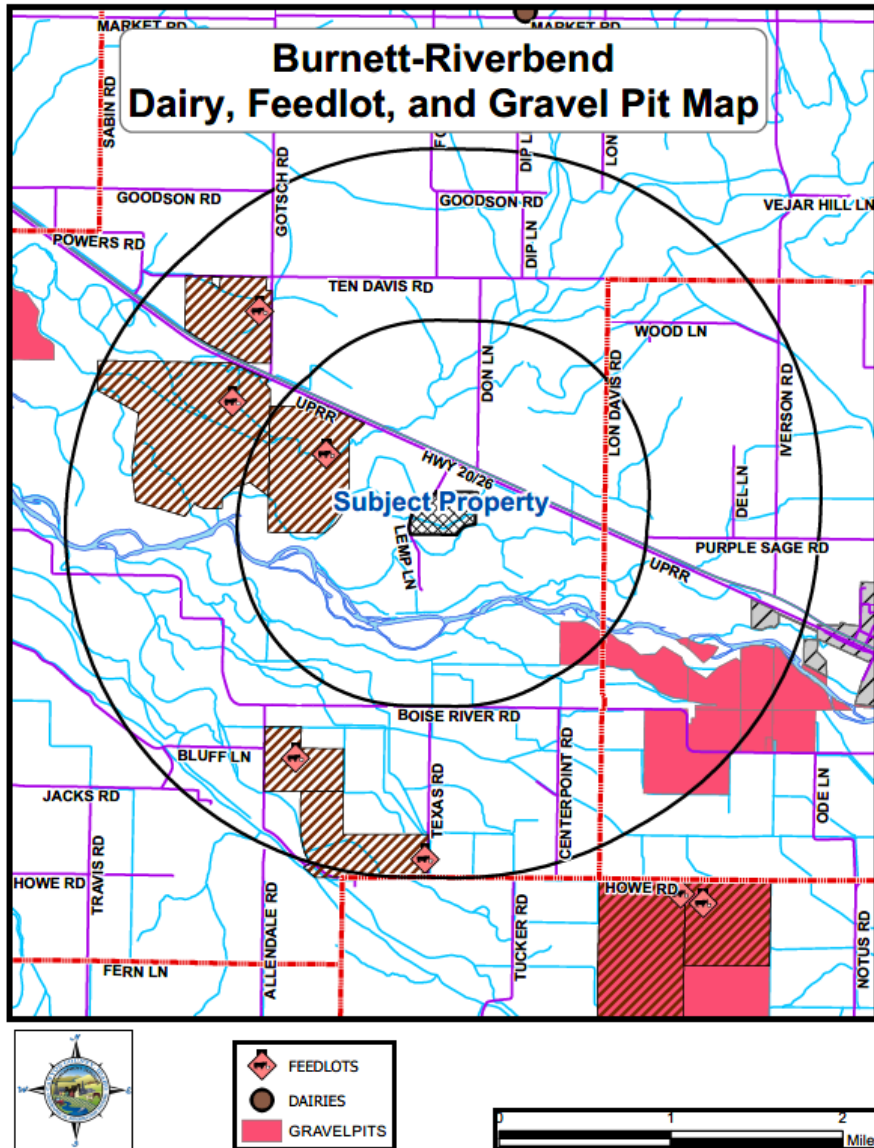
[illegible]

(3) Is the proposed use consistent with the comprehensive plan?

- Yes, as conditioned.
- It is not reasonable to expect property owners to limit the use of their property to agricultural purposes when the soil is poor quality, and the land is not highly productive.



Planning and Zoning Commission's Findings:



EVALUATION CRITERIA (07-07-05):

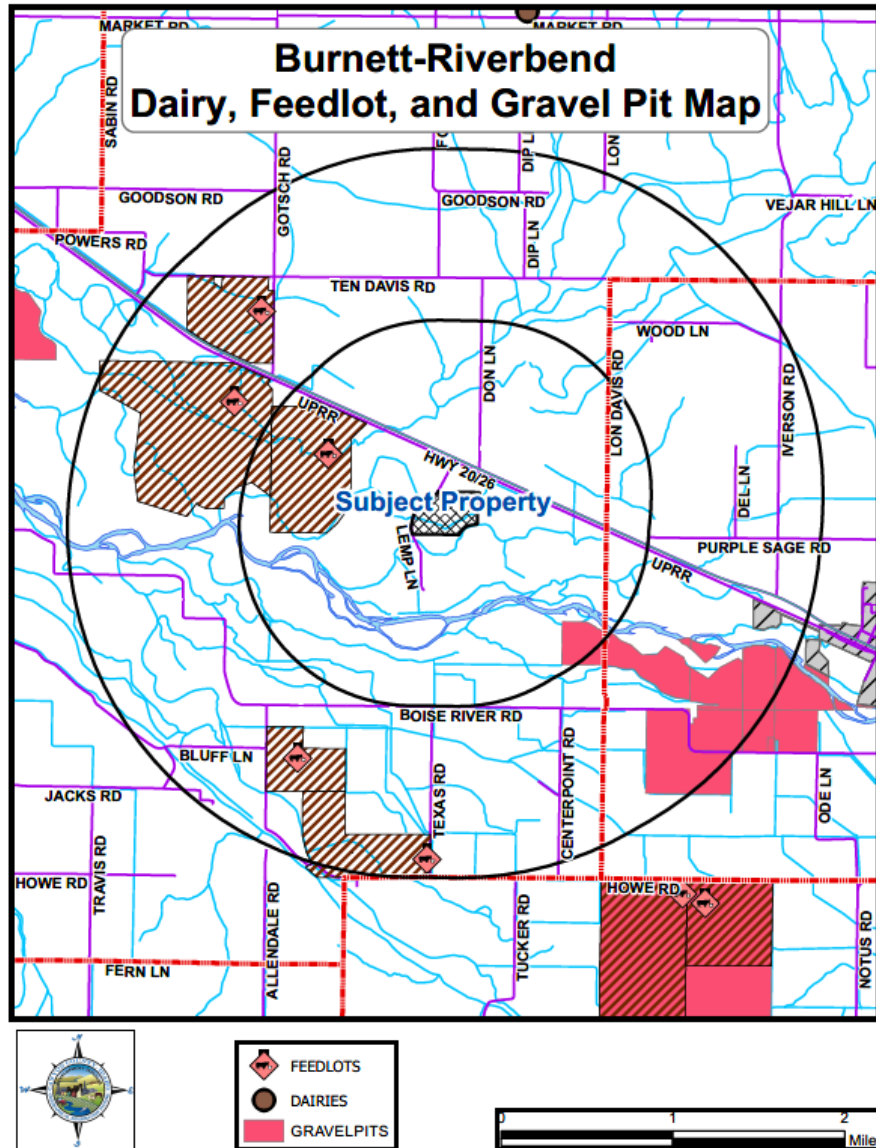
(4) Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?

Yes.

- Removes land from productive agriculture.
- Comment expressed concern for future residential around the lake.
- Dust, noise, and traffic.



Appellant's Response:



EVALUATION CRITERIA (07-07-05):

(4) Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?

No.

- Concerns are mitigated with conditions.
- The land has been used for agriculture; it has not been productive and should not be restricted to the use.
- Long-term mineral extraction is allowed in an agricultural zone with a Conditional Use Permit.



Planning and Zoning Commission's Findings:



EVALUATION CRITERIA (07-07-05):

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

Yes.

- Without a TIS, there is not enough evidence to suggest that the use will not interfere with traffic patterns.



Appellant's Response:



EVALUATION CRITERIA (07-07-05):

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

No, as conditioned.

- Improvements will be made as required by ITD, NPHD, and UPRR.
- Offered to construct an acceleration lane.



Photo 1:



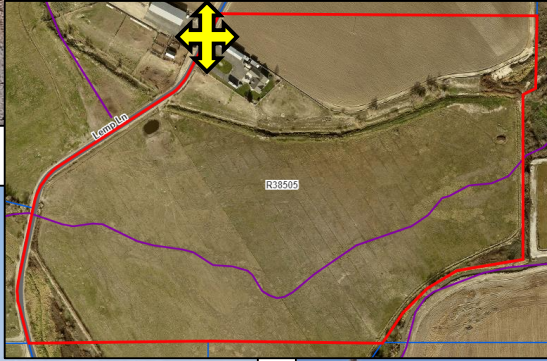
Photo 2:



Photo 3:



Photo 4:



NOTIFICATION (07-07-05) & COMMENTS:

Agencies were notified on May 5, 2025, February 12, 2026, and June 30, 2026, 2026.

The following agencies responded:

- Southwest District Health
- Idaho Department of Environmental Quality
- Idaho Transportation Department
- Notus Parma Highway District
- Canyon County Floodplain Administrator
- Union Pacific Railroad
- Canyon County Historic Preservation Commission
- U.S. Army Corps of Engineers

Neighbors within 1000' were notified on February 12, 2026, and June 30, 2026.

- One (1) public comment was received in opposition for the P&Z Hearing.
- Ten (10) public comments were received in opposition for the BOCC Hearing.



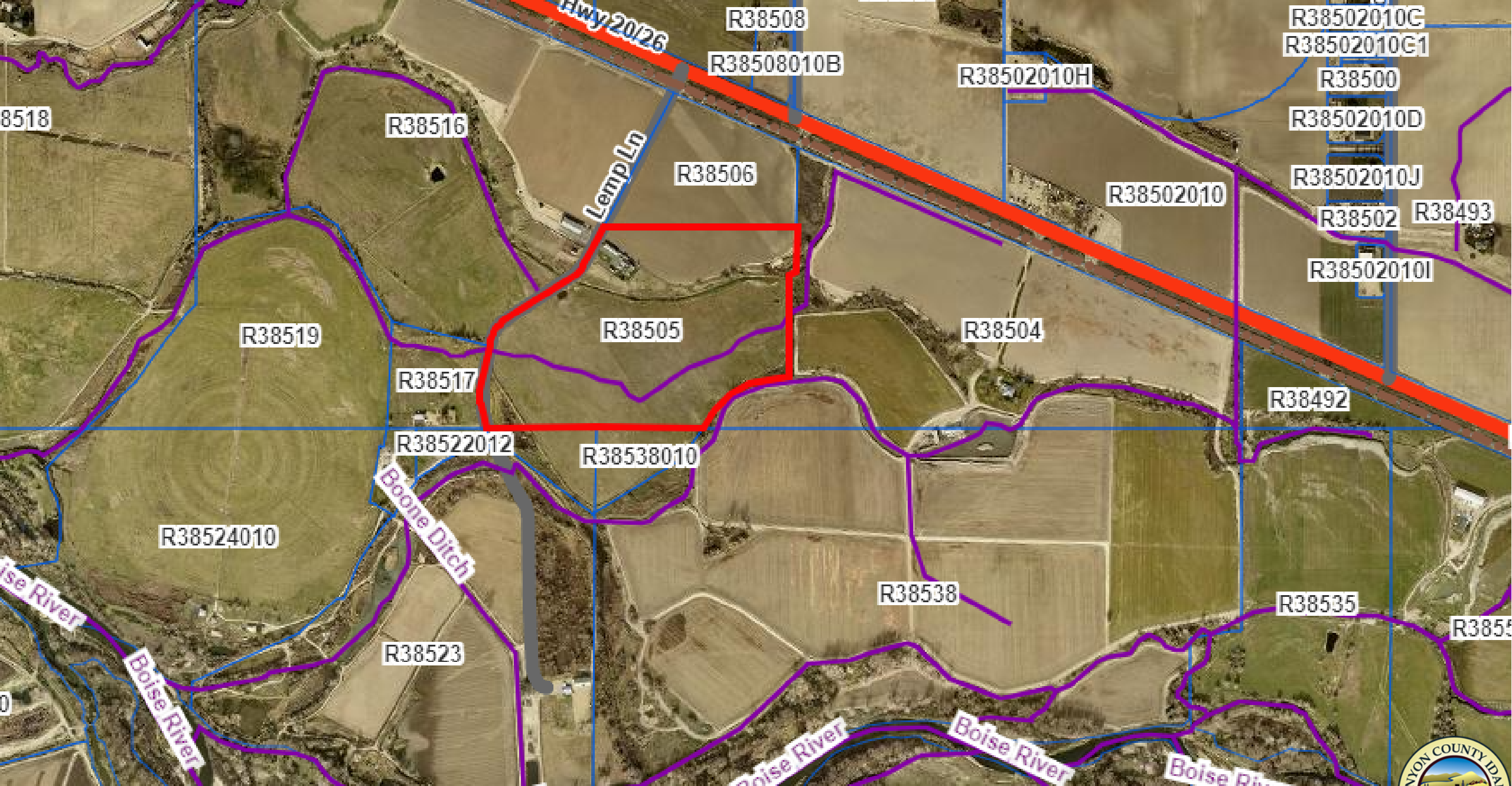
Decision Options:

The Board of County Commissioners **may approve the appeal** and **overturn** the Planning & Zoning Commission's denial of the conditional use permit.

The Board of County Commissioners **may deny the appeal** and **uphold** the Planning & Zoning Commission's decision and direct staff to make findings of fact to support this decision.

The Board of County Commissioners **may table the hearing** and request additional information on specific items.





QUESTIONS?



RECOMMENDATION & CONDITIONS:

In consideration of the application, staff concludes that the proposed mineral extraction is compliant with Canyon County Ordinance Section 07-07-05. A full analysis is detailed within this staff report.

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.



RECOMMENDATION & CONDITIONS:

2. The operator shall be in substantial conformance with the proposed letter of intent and site plans (**Exhibits B2, B2.1, B5, and B5.1**). Any expansion or extension of the operation shall require a conditional use permit modification. A conditional use permit is required to establish a batch plant.
 - a. Normal day-to-day business hours for the gravel pit shall be Monday through Saturday, 7:00 a.m. through 7:00 p.m. The operation will be closed on Sundays and on traditional legal holidays. If the applicant obtains a contract that requires night-time operations, it may operate for the limit of that contract, twenty-four hours a day, seven (7) days a week. 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 a $\frac{3}{4}$ -mile radius and Canyon County a minimum of 10 days 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.
 - b. The setbacks from the subject property boundaries shall be a minimum of thirty (30) feet from adjacent property boundaries in accordance with CCCO §07-14-19(1)A (**Exhibit B2**).
 - c. The mineral extraction operation shall not operate past 20 years from the time of approval.
 - d. The rock crusher shall be contained within the staging area outlined in **Exhibit B4**.
3. Stockpiling shall not exceed 30 feet in height.



RECOMMENDATION & CONDITIONS:

4. A minimum height of 3-foot topsoil berm shall be constructed as part of the removal of overburden. The height shall be sufficient to prevent any drainage from the gravel pit from entering the irrigation drains. The 3-foot berm shall run along the northern boundary, on the south side of the waste ditch (**Exhibits B4 and B5**).
 - a. The weeds shall not become a public nuisance and shall stay in conformance with CCCO §02-13-09.
 - b. A 10-foot high topsoil berm shall be constructed along the southwest quarter of the staging area outlined in **Exhibit B4** to mitigate noise from the crusher.
5. The operation shall comply with the reclamation plan approved by the Idaho State Department of Lands (**S603013; Exhibit B5**—approved July 11, 2024). The operator shall complete the reclamation plan as approved by the Idaho State Department of Lands.
6. The applicant 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.
 - a. 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.
 - b. If any discharge is to take place into the drain ditches located on site, the applicant must get written approval from Farmers Cooperative Ditch Company and/or Drainage District No. 4.



RECOMMENDATION & CONDITIONS:

7. All exterior lighting shall be downward-facing and directed away from adjacent residential properties.
 - a. When lighting is required after operation hours for maintenance purposes, low-impact mobile lighting shall be used.
8. The applicant shall comply with all fire district requirements per State adopted IFC and as evidenced by review and approval documentation from Parma Fire District prior to commencement of use.
9. The applicant shall comply with applicable Notus Parma Highway District requirements prior to gravel pit operations, including but not limited to a traffic impact study, a pavement analysis, and an approach (**Exhibits E5 and E5.1**).
 - a. If a new access is requested by the applicant, an approved approach permit shall be obtained prior to commencement of the use for the new access, as evidenced by the applicant providing Development Services with an approved highway district document indicating the completion of improvements.
 - b. The traffic impact study results and mitigating actions shall be completed prior to gravel pit operations.
10. The applicant shall comply with applicable Idaho Transportation Department requirements prior to gravel pit operations. (**Exhibit E3**).
11. Truck loads shall be covered before leaving the pit.
12. The number of portable restrooms and maintenance shall be as recommended by Southwest District Health.



RECOMMENDATION & CONDITIONS:

13. Dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations, including but not limited to nuisance regulations (Canyon County Code of Ordinances Chapter 2 Article 1: Public Nuisances) and shall be consistent with Idaho Department of Environmental Quality (DEQ) requirements.
 - a. The applicant shall comply with the dust control plan outlined in **Exhibit B11**.
 - b. The applicant shall water the crusher outlined in **Exhibit B11.1**.
14. Stormwater drainage shall be retained onsite (**Exhibit B5**).
15. Vehicle fueling and minor maintenance may take place on site, as an accessory use to the proposed use.
16. The applicant shall comply with Union Pacific Railroad requirements prior to gravel pit operations. (**Exhibit E6**).
17. The applicant shall comply with the requirements to operate in a Floodplain as outlined in the comment from Canyon County's Floodplain Administrator, U.S. Army Corps of Engineers, and the Floodplain Permit (**Exhibits E4, E7 and B12.1**).
18. The applicant shall conduct a professional survey of the area meeting Parks, Cultural & Natural Resources Department, and the County's Historic Preservation Commission (**Exhibit E8**).
 - a. Should any possible historical or archaeological materials be found during excavation of the area, the applicant shall notify and work with the Parks, Cultural & Natural Resources Department, and the County's Historic Preservation Commission (**Exhibit E8**).



APPROVAL OF THE APPEAL:

“I move to approve the appeal and overturn the Planning and Zoning Commission’s denial of case CU2024-0023-APL, Burnett – Riverbend, finding the application **does** meet the criteria for approval under Section 07-07-05 and 07-14-19 of Canyon County Code of Ordinances, with the conditions listed in the Planning and Zoning staff report.”



DENIAL OF THE APPEAL:

“I move to deny the appeal and uphold the Planning and Zoning Commission’s decision of case CU2024-0023-APL, Burnett – Riverbend, finding the application **does not** meet the criteria for approval under Section 07-07-05 and 07-14-19 of Canyon County Code of Ordinances.”



TABLING OF THE APPEAL:

“I move to continue case CU2024-0023-APL, Burnett – Riverbend, to a [*date certain or uncertain*].”

