

Speaker 1 ([00:00:04](#)):

Good afternoon. This is Chairman Brad Holton. I'm going to call the meeting to order. This is a continuation of a public hearing. And, , this is under case number CU2024-0023-APL. , I guess, how many in the gallery were here last time when we did this originally? All right. Is anyone here that was not here is wanting to speak this time? So we have. Okay. So let me go through the rules and, and then, , we'll go from there. So on the posted date, we opened the meeting. I read the rules of how you are to be conduct yourself through the meeting. And then we had the, , protestant lead, then we had DSD staff, , speak, and then we took public testimony. So today, we're not gonna repeat those. , They're a part of the record and, and they're there. So let me go through what you are gonna need to do if you're gonna speak.

([00:01:18](#)):

So A, let's be sure that we silence our phones and all of that stuff. The commissioner room electronically records everything and we have microphones above your head. I would strongly advise you to do not talk to each other because it becomes part of the public record. As chairman, I'll maintain order by restricting inappropriate discussion or disorderly conduct. If necessary, we will ask you to step out of the room in the event that you would become disruptive or inappropriate. We will follow the rules of Canyon County Ordinances Chapter one, Article 17 and Chapter seven, Article one. And so with that, the, , the applicant does have the burden of proof and they went first last time, followed by DSD staff, followed by testimony, and the board chose to keep the testimony open till today. So, , with that, we will. Is there anyone. Somebody just walked into the room.

([00:02:20](#)):

Are you wanting to testify?

Speaker 2 ([00:02:22](#)):

No.

Speaker 1 ([00:02:23](#)):

Okay, perfect. So those who have testified, let's swear you in first before we get going any further.

Speaker 3 ([00:02:30](#)):

Amber Luder, Brian Burnett, Natalie Johnson, Ryan Upson, Melinda Upson, Holly Grubiak, Trevor Roche, Julia Allen, Kevin Oman, Joe Grubiak, Renee Lonkey, Mary Anne Grubiak, Joe Grubiak Jr. If I could everybody raise your right hand. Do you swear or affirm that the testimony you give will be the truth, the whole truth, nothing but the truth, so help you God? I do.

Speaker 1 ([00:02:53](#)):

Thank you. Okay. Thank you. So now that you're sworn in, the only other thing that I'm gonna add is, , the board is not interested in repetitive testimony, so if somebody goes before you that says what you're gonna say, just you're welcome to come up and add anything additional, but, , we don't need, we don't need to hear it over and over and over. Believe me, we've got it the first time. So with that, let's have DSD staff, , put on the record where we've been and where we're at and where we find ourselves today.

Speaker 4 ([00:03:28](#)):

Good afternoon, chairman and commissioners. My name is Amber Luder, and today I'm presenting the Burnett appeal KCU 2024 - 0023 - APL. The appellant requested that the Board of County Commissioners overturn the planning and zoning's denial of KCU 2024-0023, a conditional use permit for long-term mineral extraction. The Board of County Commissioners heard the appeal on August 12th, 2026 and continued the case to allow mitigation efforts between the appellant and the neighbors, as well as the. To allow the board to review and evaluate the additional information that was received during the hearing. Staff created a visual now on the screen, which is based on the discussion heard on the record, which could be seen in exhibit 6G. On August 17th, 2026, the appellant provided staff with an informal meeting letter that was mailed indicating that two meetings will be held. Staff will defer to the appellant to provide any updates to the board about the meetings.

([00:04:34](#)):

The board has three options this afternoon, approve the appeal and overturn the planning and zoning commission's denial, deny the appeal and uphold the commission's decision or continue the hearing to request additional information. Thank you for your attention. That concludes my presentation and I'd be happy to answer any questions.

Speaker 5 ([00:04:53](#)):

I don't have any questions at this time, Chairman. Thank you, Amber. Of

Speaker 4 ([00:04:56](#)):

Course.

Speaker 1 ([00:04:56](#)):

Okay. Zach, do you have any questions? We do not, Mr. Chairman. Okay. I don't. So let's hear the, , people who have wanted to give additional testimony and, , let's start with them. You'll be called in not any necessary order, so as your name is called, come up and have a chair in front of that microphone. Pull the microphone up pretty close to your mouth and start with your name and address and then the testimony you're wanting to give. You'll have three minutes, , for your time.

Speaker 3 ([00:05:27](#)):

Ryan Upson.

Speaker 6 ([00:05:42](#)):

Hello. Ryan Upson, 24684 Limp Lane, Parma, Idaho. , I'm in opposition of the mining or the gravel pit going in next door. , I. My testimony last time, , I have a lot of concern for our water rights, which are seven water rights and the wetlands that, , is around the property and the wildlife. , Also the safety concerns for the intersection and the railroad tracks. , Also have three boys that are out there a lot and they're just, you know, now learning to drive. , I, I believe the, the applicant, the first time I met him, he was actually trespassing, , him and his son. I caught him at my front gate and he told me that he was gonna turn that whole entire property into a gravel pit. And then he also stated that he was gonna buy the land next door, which was Dan Bilbao's, and also turn that into a gravel pit.

([00:07:01](#)):

, That's the only interaction I've ever had with him. , There's people that live in the house that are tenants. , , So he really is not our neighbor. , I've only seen him out there once and that's when he was looking to hunt on a pond, , in the wetlands. , And I just oppose it and I'm really concerned about the water rights and all the, the canal that runs in between our two properties, , that is spring fed and it's not just wastewater. It flows year round and, , it feeds other ponds that we have on the property, , that are part of that wetlands and wildlife san- sanctuary. And without repeating too much of what I said last time, that's about all I got, unless you guys have questions.

Speaker 1 ([00:08:14](#)):

Yeah, Ryan, can, can you walk up to the map and show us the, where that canal flows through there, please?

Speaker 6 ([00:08:23](#)):

, Canal starts back here and it flows all the way from here into these ponds here. And there's also springs that start right here and flow this way up into that same canal and basically exits out over into the river down here.

Speaker 1 ([00:08:45](#)):

Okay. All right. Thank you.

Speaker 5 ([00:08:50](#)):

Chairman?

Speaker 2 ([00:08:51](#)):

Yes.

Speaker 5 ([00:08:52](#)):

I have a couple of questions for you. There was discussion at the last hearing about other properties that have been mined by Mr. Burnett. Did you go out and look at those or have you looked at those in the past?

Speaker 6 ([00:09:06](#)):

, I drive by one on the freeway that's -

Speaker 5 ([00:09:10](#)):

Oh, okay. So just to drive by?

Speaker 6 ([00:09:12](#)):

Just to drive by, yeah.

Speaker 5 ([00:09:13](#)):

Okay. And then did you attend the two hearings that Mr. Burnett provided for neighborhood meetings?

I

Speaker 6 ([00:09:19](#)):

Was not in town.

Speaker 5 ([00:09:21](#)):

Okay. Thank you.

Speaker 1 ([00:09:27](#)):

Questions?

Speaker 7 ([00:09:28](#)):

No, no, Mr. Chairman.

Speaker 1 ([00:09:30](#)):

Okay. Thank you. Yep.

Speaker 3 ([00:09:33](#)):

Melinda Upson.

Speaker 8 ([00:09:48](#)):

Hello. My name's Melinda Upson. I live at 2301 East Deer Point Court, Eagle, Idaho, but I own the property that Ryan, my son, lives on. , And, , I just wanna say that I oppose the gravel pit coming in and I agree with all the, , all the opposition, all the, , reasons for it. And I just wanted to add that I have several children that use that property and other grandkids besides my son and his three boys. And, , I just want them to be safe while they're out there and, , just to be able to use the property for what it was intended. My husband had bought it for the wildlife, for the fishing, the hunting, and I really oppose it becoming a gravel pit next door. That's all I have. Any questions? <Laugh>

Speaker 1 ([00:11:01](#)):

Nope. Okay. Thank you. Thank you.

Speaker 3 ([00:11:05](#)):

Holly Grubiak.

Speaker 9 ([00:11:22](#)):

Holly Grubiak, 24811 Lemp Lane, , is where my family resides. , I appreciate your time today, commissioners. Thank you very much. , With the exception of the neighborhood meeting, they were required to hold an order to submit their application. The applicant did not make any concessions, propose any changes or change one word of their application after the initial denial or try to reach out to any neighbors during the time period after the denial or prior to submitting the appeal to the commission. Instead, they came in front of the commission and kind of turned into a yes man scenario to say all the changes that you wanted to see. , Then was charged by the commission to try to meet with the neighbors. , This seems a little unfair and a little too late. , The applicant was late to his own meeting. Neither the applicant nor his representative were in attendance.

(00:12:13):

There were only neighbors present. I received a call from the applicant just after 6:30, , stating that he was late. We had already, , left the meeting site prior to the applicant getting there. , I was there to represent myself and, , the Upsons, , because they were out of town and not able to be there. , They keep trying to say poor soil quality, even though the first paragraph of the soil report states that it could be productive farmland. Currently, there are approximately 45 cattle, several horses, and one really big fat pig that is grazing on that property currently. , That's the dairy, very definition, , of CCO070203 for productive agricultural and grazing property. , In pre - in previous testimony, the applicant stated that they have an approved acceleration lane by ITD. There's no documents of this in the original application or the appeal submittals.

(00:13:05):

, ITD stated that they do not have an application or an approval for an acceleration lane on file. , Regarding criteria seven, I've seen many cookie cutter letters from ITD and other applications, but, , stating that they do not directly abut the state highway system, that if there are safety issues that need to be addressed after, they reserve the right to review it. , The applicant keeps falling back onto, "Well, we have to trust them," but I believe that the planning and zoning and the county commission have all seen examples of where ITD has fallen short. They've neglected the needed attention to specific projects, and I feel that this application has been compartmentalized. They have not given detailed attention to the overall bigger picture and surrounding impacts to the project that supposedly does not directly abut the state highway system, yet all of the trucks are dumping directly from Lempland directly onto the state highway system.

(00:13:57):

Sometimes things need a closer look as we had submitted prior to exhibit C and E. , In a nutshell, regarding criteria three, four, and seven, for all of us in our surrounding neighbors, it will be injurious. It will compromise our safety. It will have undue interference with existing and future traffic patterns. It will injure surrounding properties. It will change the essential character of our area. It will create undue noise, dust, and interference. It will ruin our quality of life, and it will destroy property values, ours and our neighbors, places that we have worked our entire lives to achieve. In an intensive agricultural zone, in an agricultural zone with an intensive agricultural overlay, and that is what it was specifically set aside to preserve. There are no conditions, mitigations, or concessions that could possibly change the facts of the direct impact of this application that goes directly against Canyon County 070705, criteria three, four, and seven.

(00:14:56):

I appreciate your time. Thank you so much, and we appreciate your consideration.

Speaker 5 (00:15:03):

Questions? Chairman, I have the same question. Same for your question? Thank you. I have the same question I had for Mr. Upson. Have you looked at other properties that Mr. Burnett has reclaimed, , after a mineral extraction?

Speaker 9 (00:15:15):

, Y- yes, I have seen one of them, yeah.

Speaker 5 (00:15:19):

Okay. So it was not a drive-by on the freeway, you were on site and looked at it?

Speaker 9 ([00:15:23](#)):

Yes, I've driven around it, yeah.

Speaker 5 ([00:15:25](#)):

Okay. Thank you. And you s - you're stating that you attended the meeting, but that Mr. Burnett was not available, that's your comment?

Speaker 10 ([00:15:32](#)):

That's correct.

Speaker 5 ([00:15:33](#)):

Okay. And then, , for Amber, I had a question after the last hearing, because there's a lot of concern on safety, and you specifically pointed to a document in the file that, , a semi or a, some kind of a truck hauling out of there has. They can be at that s - intersection and not be on the railroad tracks. I'm just confirming that. Yeah,

Speaker 4 ([00:16:01](#)):

Commissioner Van Beek, , staff was on site with Union Pacific Railroad, ITD, and Highway District. It was confirmed that a truck could safely be there without being on the railroad. , The document is on the appeal, , staff report, exhibit 3E6. It is the diagnostic team's notes, and it shows where the, , the tr - the truck would land, , on the ra - not on the railroad.

Speaker 5 ([00:16:40](#)):

Thank you, and I appreciate the reference - Of

Speaker 4 ([00:16:43](#)):

Course.

Speaker 5 ([00:16:43](#)):

Anybody else that's looking for that? , Are you able to verify or not Ms. Grubiak's statement that ITD does not have an application for an acceleration or deceleration lane?

Speaker 4 ([00:16:58](#)):

Mr. Van Beek, I cannot, , s- say if they do. I was looking through the, all of the exhibits. I don't have documentation that they already have an application in. It was something that was suggested to do though during that di - same diagnostic meeting.

Speaker 5 ([00:17:17](#)):

Okay. And your analysis of this, Amber, this met the criteria in the staff report you submitted to Planning and Zoning Commission?

Speaker 4 ([00:17:29](#)):

That is correct. Thanks,

Speaker 5 ([00:17:30](#)):

Amber.

Speaker 1 ([00:17:33](#)):

Any other questions? I

Speaker 5 ([00:17:35](#)):

Don't have any, Chairman.

Speaker 1 ([00:17:37](#)):

Okay. Thank you. Thank

Speaker 9 ([00:17:38](#)):

You.

Speaker 1 ([00:17:39](#)):

Thank you.

Speaker 3 ([00:17:41](#)):

Trevor Roche.

Speaker 2 ([00:17:52](#)):

, Trevor Roach, 25451 Clar Road, Parma, Idaho. , I'm here and in dispute of it. , My main focus is, , once again, we're tearing out more ag ground. I have rented, bought forage, or run cows on all boundaries of that property besides the, , highway. And in fact, on Monday, we're chopping the corn off of his place. , I bought the hay off of the ground that we are gonna rip up. To say that it's unusable or worthless is an absolute lie. , Here I am. I bought it. I can, I can show you the receipts. , In fact, I mean, I'm guessing there have been pictures submitted that it looks like a swamp. , I think everything would look a little rough if a nine, 90-year-old man with dementia was taking care of it, and that was, was the previous owner named Lee Douglas.

([00:18:48](#)):

Great guy, but lost his marbles there at the end. , That ground is functional, and once again, here we are gonna take ag ground out, and that's my biggest problem. I used to feed a thousand head right out here side of Caldwell at Diamond A feedlot. Rambo bought it. That's gone. I used to winter a couple hundred cows south of Notice on productive farm ground. That's all gone. It's all in gravel pits. It's, it's. I'm not sitting here playing my fiddle. I can move and find somewhere else to go, that's no big deal. I don't even rent. I don't run cows on that ground exactly right now. But it's just a matter of time. This isn't an 18 acre gravel pit. This. I mean, Mr. Burnett, he knows how to do this. He's forgot more about this than we'll ever know. You start with 18, that, in, in a couple years, that whole thing's dug up.

(00:19:39):

And then the minute these gravel pit guys catch wind that one got approved, every neighbor's gonna get an offer for 40, 50,000 an acre. And that whole interchange from Notice to Parma changes overnight, and it's gonna look just like South Notice. And if you think that's pretty, then I guess plow ahead, because it looks pretty rough, you know? My other issue is safety. , I rent the place to the west in the last couple. I shouldn't say couple years. Ever since I've rented it, we've had two semi-trucks hit there on the railroad tracks. This isn't in the ITD report. I don't know why. I got pictures I can show you. , And it's not a ma. It's. The, the problem is, is that this would be the, would be the first gravel pit where there is an adjacent train track to the highway. Everything else is separated, like the ones between Notice and Caldwell, they, they cross the train, then they go half a mile, quarter mile, then they get on the highway.

(00:20:36):

What happens, and both drivers told me the same thing, you come up and you start looking for traffic as you cross the train and you st - and you forget that there's a train track there as well. Luckily, both of these trucks were empty, cut the one right in half. It's pretty cool what a train can do to a cattle trailer, but it's not good. <Laugh> So I, I'm just going back to the safety side of things. I think that, , they're right. A truck will fit because I have my cattle truck fit. It fits about that close and you can make it. I mean, your truck goes right to the white line and then your trailer has got about two or three feet to make it. So ITD's right, but just because they're right doesn't mean it's common sense. Sometimes we need to think for ourselves instead of what a government report says.

(00:21:25):

So I can take my truck down 10th Avenue here too, but I probably wouldn't advise it. It fits. So questions?

Speaker 5 (00:21:36):

Any questions? I don't think I have any, Chairman, but thank you for your testimony. Thank you for being here.

Speaker 3 (00:21:43):

Julia Allman.

Speaker 11 (00:21:54):

Hello. , Julia Allman, 25301 Dawn Lane. , Good afternoon, commissioners. Last meeting you asked us to speak from personal experience to be neighborly and to meet with our neighbors. I wanted to share my experience doing exactly that. As you know, Mr. Burnett invited us by mail to a neighborhood meeting. Due to my husband and I's work schedules, we attended the September 1st meeting promptly at 6:00 PM. However, no one was present at the address. We waited a good amount of time and ultimately decided to leave because we had other obligations. Later on September 2nd, I received a message from Mr. Burnett explaining he had not realized the bridge at the Highway 2026 oversec - intersection, sorry, was closed. Commissioners, respectfully, that experience was significant because this is something a local resident would reasonably ex - be expected to know. The bridge has been closed since August 4th when it was struck by a vehicle, and the closure is also marked by signs and reflected on electronic maps.

(00:22:47):

I returned Mr. Burnett's phone call on September 2nd and left a message. He returned the call this morning. During the conversation, he suggested very small options such as child at place signs. I explained that while those are concerns and options, traffic and permanent land change are some of my personal top concerns about this project. When I raised a comment about the intensive agriculture overlay, the can - in the Canyon County 2030 Comprehensive Plan, Mr. Burnett became very defensive. He interrupted and said, "Do you know that that overlay got repealed at a hearing two weeks ago?" He also told me he would send me the information supporting that statement. The information was not sent. I cannot know whether this statement was a misunderstanding or intentional, but it was represented to me as fact and it was indeed incorrect. I spoke with planning and zoning this morning and reviewed the documentation.

(00:23:32):

I was reassured that the intensive agricultural overlay is still in place and that nothing has changed. I found that extremely concerning, particularly because this statement was made dismissively in the middle of discussion about concerns with the project. The conversation became increasingly argumentative. Mr. Burnett told me that I or anyone else should not have a say in what he does with his land and that he is able to build or do whatever he wants with it. I understand that property owners have rights, but those rights exist within laws, ordinances, comprehensive plans, and land use processes that bring us here today. , If the property owner could simply do what they wanted, again, we wouldn't be here today. , One wrapping up comment that he made that I felt particularly, you know, uncomfortable with was that he said, "I'm used to dealing with 200 plus neighbors, so yeah, 20 isn't a problem." Commissioners, I'm not here to repeat the entire conversation to you.

(00:24:21):

I am sharing this because you specifically asked us to speak from personal experience and to make an effort to be neighborly. I made that effort. I attended the meeting as requested, attempted to communicate with the applicant, returned his call, and participated in the conversation in good faith. Unfortunately, that conversation left me more concerned, not less. I felt that my concerns were met with defensiveness and arguments rather than genuine effort to understand them. I also found it to be concerning, giving information as fact about the hom - comprehensive plan that after checking with planning zoning is incorrect. I have never been a bad neighbor, nor are other neighbors behind me bad people. We are simply residents who live immediately next to this proposed operation and who care deeply about what this change means for our lives, agriculture, land, safety, and the surrounding community. Can I get like 30 seconds?

(00:25:07):

<Laugh> Basically, this brings me back to my point that I do believe that the planning and zoning was correct and that it goes against the criteria three, four, and seven. As a resident of Don Lane, I do fear it will be very, , interfere with existing traffic patterns and especially future traffic patterns. Thank you all.

Speaker 1 (00:25:24):

Any questions? Comments? Okay. Thank you. Thank

Speaker 5 (00:25:27):

You.

Speaker 3 (00:25:28):

Okay. , Kevin Allman.

Speaker 12 ([00:25:45](#)):

Good afternoon. My name's Kevin Allman. I live at 25301 Don Lane, Parma, Idaho, , and I am in opposition to the, , pit. I hold a bachelor's degree of science and ranch management. I am a nationally certified construction health and safety technician. I hold an OSHA 510 certification and have extensive hands-on experience in heavy civil construction, road building, and heavy equipment operation. My current profession is an environmental health and safety professional. A very serious unresolved problem, a- as been stated, is the intersection of Lemp Lane and Highway 2026. Not only does this affect the residents and neighbors, but the general public safety. The applicant has stated that his trucks will be 70 feet long. The existing distance from the railroad tracks to the stop sign at Lemp Lane is only 52 feet measured. What will a truck driver choose, get hit by a train or cut in front of a car?

([00:26:42](#)):

I don't wanna watch accidents in front of my house or have vehicles end up on my property. Engineering studies and design data for lo - , for loaded class eight trucks on level ground show it typically takes roughly 2,800 to 3,500 feet to reach 55 miles an hour, way longer than the proposed 850 feet. The applicant has offered no concrete enforceable mitigations that adequately protect neighboring and, neighboring homes and art - agricultural properties. The dust language is limited to, , comply with a plan and watering the crusher. The larger, larger, more continuous dust source in this, , type of operation include heavy equipment and trucks moving material throughout the site and onto Lemp Lane. There's no wind speed shutdown requirements, no opacity limits, no monitoring requirements, and no independent verification addressing those primary sources. The noise, the noise language is simply requires the compliance with OSHA and MSHA standards and the use of non-beeping backup alarms.

([00:27:37](#)):

Those are baseline worker protection requirements. They are not standards designed to address the impact on neighboring properties. There are still no property line noise limits, no noise study, and no enforceable ambient noise limits for the surrounding homes and agricultural properties. The berm and limited operation hours do not adequately address ongoing impacts. Another significant issue that has not been adequately addressed on. In any of the previous meetings or informal discussions or the papers that I read is the groundwater and subsurface conditions at this site. What is the groundwater level at the site and how will groundwater be managed during excavation and construction? How many pumps will be required? How much water would need to be removed? Where would that water be discharged? How much, , how much will flood onto neighboring properties? Water accumulating requires continuous dewatering using pumps and generators, and if pumps and generators must operate continuously, what will the resulting noise impact be on the neighbor- neighboring properties?

([00:28:33](#)):

I have not seen a groundwater evaluation, de-watering plan, or clear explanation of where displaced water would be discard - discharged. I visited the proposed site and observed standing groundwater. The planning and zoning commission reviewed the full record and denied the application because the CUP criteria was not met. The same core problems still exist. I ask the board to deny the appeal and uphold the planning and zoning commission's denial. Thank you. Any questions?

Speaker 7 ([00:28:58](#)):

No questions. Thank you.

Speaker 2 ([00:29:00](#)):

Thank you.

Speaker 5 ([00:29:03](#)):

Chairman, I- I'm sorry. I do have a question. It was. Can you discuss again, you were talking about acceleration speed? Yes.

Speaker 2 ([00:29:13](#)):

Can

Speaker 5 ([00:29:14](#)):

You go over that part again and then tell me specifically what section you're referencing, if it's on the highway or if it's in the.

Speaker 12 ([00:29:22](#)):

So, , the study goes over. So there's studies for traffic patterns as, you know, we're all aware of. There's different classes of vehicles. So a class eight vehicle would be that 70 foot, , loaded down truck, , weighing about 80,000 pounds, , which is typical. So trucks coming off of a, a mine, mining operation, whether it's gravel pit or any other, , typically weigh between 80,000 and 105 and 500 pounds. , So that's what that's referencing. , I, I could, I could've, I should've brought my book to show you the math on it. , This, this is what my profession is. , , Health, safety, and environmental. And so when you're

Speaker 5 ([00:30:03](#)):

Cons - you expressed concern about the acceleration and the length of time, so that's all engineering stuff, but tell me how that's relevant. What's your nexus in saying that?

Speaker 12 ([00:30:14](#)):

So, , the proposed 850 feet is inadequate because as he's pulling. So he, that, that, , acceleration lane is going to end, which will force the drivers onto the highway. I

Speaker 5 ([00:30:25](#)):

See. Okay. And

Speaker 12 ([00:30:26](#)):

So now the, the driver who's coming up, up and over the crest, who can't see if that semi's there or how fast they're going, because there's almost no reference points, they're either going to have to dive, , either slam on their brakes, you know, or they're gonna have to dive off onto oncoming traffic, , or off, you know, one way or another.

Speaker 2 ([00:30:46](#)):

Okay.

Speaker 12 ([00:30:47](#)):

So the 850 feet isn't adequate enough, , for that driver to make a safe merge onto the highway.

Speaker 5 ([00:30:55](#)):

Thank you. It, for clarification, I'm gonna say that back to you. The 850 proposed acce - feet of acceleration lane you're saying is inadequate?

Speaker 12 ([00:31:03](#)):

Yes, ma'am.

Speaker 5 ([00:31:03](#)):

Thank you. Did you attend the meeting or did you reach out to Mr. Burnett at all?

Speaker 12 ([00:31:08](#)):

No, ma'am. This is, , my first time, , coming to this meeting. I, I did, yeah. I did attend the neighborhood meeting. , I was there with my wife, , like she stated before. , You guys asked that I don't restate, so that's why I did not bring that up.

Speaker 5 ([00:31:22](#)):

That's fine.

Speaker 12 ([00:31:22](#)):

So, so thank you for asking. , But yes, I was there.

Speaker 5 ([00:31:25](#)):

- Okay. And then have you looked at the rec - you've referenced a reclamation plan in your testimony. Mm-Hmm. So have you looked at the reclaimed properties that Mr. Burnett referenced in his last testimony?

Speaker 12 ([00:31:37](#)):

, What do you mean? I, I don't recall, , the reclamation projects.

Speaker 5 ([00:31:42](#)):

He referenced a different site that had been reclaimed.

Speaker 12 ([00:31:47](#)):

I, I did not reference a separate site. I just said the site that I visited, which is the proposed site. Sorry.

Speaker 5 ([00:31:52](#)):

Yes.

Speaker 12 ([00:31:52](#)):

Maybe I didn't clarify that.

Speaker 5 ([00:31:54](#)):

No, that's fine. That's why I ask questions. , So

Speaker 12 ([00:31:56](#)):

Yes, I, I, I, , visited the proposed site - Right.

Speaker 5 ([00:31:58](#)):

And

Speaker 12 ([00:31:59](#)):

Observed standing groundwater.

Speaker 5 ([00:32:00](#)):

Okay.

Speaker 12 ([00:32:01](#)):

And - Which, which tells me as, you know, with my professions and background, , groundwater can't, doesn't allow the water on the surface to percolate down, which means he's gonna have to continuously run pumps, , run generators. , And even if it, he decides to run, , electric lines to run electric generators, , the pumps are still gonna create noise. , And if one of those fails, which if you've, you know, working in construction, I can't say I've ever not seen a pump fail. , So he's gotta have backups. He's gotta, , calculate how many more pumps he's gonna need, , either on standby or, , in use. So that way when one fails, there's not a, , there's not an emergency situation.

Speaker 5 ([00:32:52](#)):

Sure. Thank you for answering the questions.

Speaker 12 ([00:32:55](#)):

No problem. Sorry for my, -

Speaker 5 ([00:32:56](#)):

No, you're good. And the question was simply if you had visited initially the question that were confused on.

Speaker 12 ([00:33:03](#)):

Okay.

Speaker 5 ([00:33:03](#)):

The other site that was referenced at the last hearing for property. Yeah.

Speaker 12 ([00:33:07](#)):

I, I did not know about the other site that was referenced.

Speaker 5 ([00:33:10](#)):

Okay. Thank you. Thank you for being here.

Speaker 12 ([00:33:12](#)):

No problem. Any other questions?

Speaker 2 ([00:33:14](#)):

Thank you.

Speaker 7 ([00:33:15](#)):

Thank

Speaker 3 ([00:33:15](#)):

You. Joe Grubiak?

Speaker 13 ([00:33:31](#)):

, Joe Grubiak, 24811 Limp Lane, Parma, Idaho. Commissioners, thank you for your even-handed consideration of all of our property rights. I know your job is difficult and thankless. I hope you've had a chance to re-review the exhibits, , A through I that were attached to my original narrative and the arguments against that we believe make your denial of this application logical, reasonable, and with precedent. I'd like to address two fundamental questions that you've been charged to answer. Number one, is the proposed Burnett River Bend gravel pit consistent with the comprehensive plan? The answer is no. The comprehensive plan designates the subject parcel as agriculture with an intensive agricultural overlay. This board of commissioners rightfully denied Knife River's gravel pit application on Center Point Road, CU20250011 on April 14th of this year because it found the gravel pit is not compatible with the intensive agricultural overlay.

([00:34:34](#)):

We ask that you apply the same standard. Number two, will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area? The answer is yes. The applicant has testified that he estimates there is 1,500,000 yards of gravel on this parcel. At 18 yards a truckload, that's 83,333 heavy truckloads or 166,666 trips. I'd say that qualifies as injurious. At eight trips per hour, five days per week, 12 hours per day, equals almost eight years to mine out. So let's remove this notion in the last meeting that all of this could happen quickly once the applicant identifies a job, or if quicker, acknowledge the falsity of one truck, two trips every 14 minutes. Not to mention that this application is for a full scale retail gravel operation, meaning that the applicant has no control over how many or when additional trucks arrive each day.

([00:35:46](#)):

Regarding the commission's appeal that we work things out as neighbors, this is a false equivalency. The applicant is not our neighbor. The applicant does not live on this property. He doesn't even live in Canyon County. To be clear, the applicant is not advocating for 166,666 gravel truck trips in front of his house. He's proposing them in front of ours. As the applicant testified, this is simply one of 17 different

projects he has in the valley. For us, this is our whole world. Commissioners, the fate of my family, the equity in our homes and land and that of our neighbors is in your hands. The same cannot be said for the applicant. This is not about running out of gravel. This is about greed. Throughout this process, we have endured being talked down to by the applicant and our traffic and traf - safety concerns dismissed because we aren't experts.

(00:36:42):

Rescheduled work and life multiple times to accommodate this process. We respectfully ask that you apply the same standard of consideration as applied to CU2025-0011 and deny this application. With that, I'll stand for questions.

Speaker 1 (00:37:04):

So the application you just referred to, how did you come to that conclusion?

Speaker 13 (00:37:10):

Because it says that you denied it.

Speaker 1 (00:37:12):

You made assertions that we denied it for specific reasons, which I would take exception for.

Speaker 13 (00:37:19):

So when I read your denial, it says, "Is the proposed use consistent with the comprehensive plan?" The Board of County Commissioners found that the proposed use is not consistent with the 2030 Canyon County Comprehensive Plan. And it says, "The Canyon County Comprehensive Plan designates the subject parcels as agriculture with an intensive agricultural overlay on the future land use map." And then it also says in your denial, "The Board of County Commissioners agrees with Planning and Zoning Commission finding regarding the request, finding the proposed use will be injurious to other property in the immediate vicinity and will negatively change the essential character of the area." So tho- those are your, your conclusions in this report.

Speaker 1 (00:38:06):

I'm well

Speaker 13 (00:38:06):

Aware

Speaker 1 (00:38:07):

Of our conclusions on that application.

Speaker 13 (00:38:09):

Okay.

Speaker 1 (00:38:10):

What I'm taking exception to is there were properties that were surrounded on three sides. In this location, there isn't. You just have locations that are down the road. So you can have that opinion. It's your opinion and you're entitled to that opinion. I'm just trying to understand how you take those exceptions and you apply them directly to this application. So you've stated what you stated. You don't need to defend it anymore. I, I hear what you said. Other questions?

Speaker 5 ([00:38:47](#)):

I don't think I have any, but thank you for being here and for your very concise testimony.

Speaker 2 ([00:38:52](#)):

Thank you.

Speaker 3 ([00:38:56](#)):

Renee Longe.

Speaker 14 ([00:39:08](#)):

Hi. I'm Renee Lonkey and I live at 25019 Lemp Lane, Parma, Idaho, which is directly across from the property of the proposed gravel pit. Now we picked that property back in 1984 because it's on a dead end road, has little noise, traffic, is a good place to raise kids. There's a lot of wildlife and it's agriculturally based.

Speaker 1 ([00:39:37](#)):

Can I interrupt you?

Speaker 14 ([00:39:38](#)):

Yes.

Speaker 1 ([00:39:38](#)):

On the, on the -

Speaker 14 ([00:39:40](#)):

Sure.

Speaker 1 ([00:39:40](#)):

Yellow stars are up there, can you go show me where you're at?

Speaker 14 ([00:39:47](#)):

Lemp Lane. So there's my house and my property goes to this line. So this, all of this is fronting my property.

Speaker 2 ([00:40:01](#)):

Okay.

Speaker 14 ([00:40:02](#)):

And while I'm here, another point is the drain from this property goes into my land and drains into a, a spring fed, year round spring fed creek. Okay. So wastewater from here is sent to my place.

Speaker 1 ([00:40:24](#)):

Okay. Thank you for clarifying that. Mm-Hmm.

Speaker 14 ([00:40:30](#)):

Also looking at that map, also looking at that map, the, , zoning on my play, I actually have two parcels which can be split and have building permits, can have building permits for that. So I can have a, according to planning and zoning in 2024, I can have four total building permits on my nine acres. All of that would be terribly impacted by having a gravel pit across the road. Safety has been gone over by many, many people, but I'd like to reiterate a little bit. I was at home when Marian and Buck Ferris were killed. I heard that.

([00:41:29](#)):

These safety concerns that we've had, the whole community has had, are compounded by inattentive drivers, speed and weather. Fog in that area can be down to zero visibility and crossing those tracks and entering that highway is a really high stakes gamble at those times. Anytime we have an inversion and we have snow or ice and the lower temperatures, we get zero visibility fog in that area, clear along that highway through notice. The impact on my life would be awful. They're talking seven days a week, 7:00 AM to 7:00 PM for 20 years running trucks and equipment that close to my house. That completely changes the, my land, my home and my life. Another big point is the groundwater. My well is at 20 feet, as I suggest - I may, , assume that a lot of the neighbors are within that range. So disruption to that water table really stirs up sand, dirt, and other things.

([00:42:57](#)):

It just completely can take your well out.

([00:43:02](#)):

Because of the safety concerns and the gravel pit, which, well, the land that the gravel pit is proposed is on, I've been there since 84 and during that time, I have never seen a year without that land being used for agriculture, including today on my way in here. That's over 40 years. I don't think that there's any way that he can say that that land is not useful for growing cows. Just an ending, I just want you, I'm just hoping, asking you to oppose the Riverbend gravel pit request because it does not, is not compatible with the intensive agricultural zoning, , list of safety concern and the pit's detrimental impact on people and property. Thanks. Thank

Speaker 2 ([00:44:07](#)):

You. Thank you.

Speaker 5 ([00:44:10](#)):

Thank you. Chairman, I have a question for staff. Amber, did, can you confirm, is this still in an intensive ag area?

Speaker 4 ([00:44:22](#)):

Yes, commissioner it is a intensive agricultural overlay for the 2030 comprehensive, , plan.

Speaker 2 ([00:44:29](#)):

Thank you.

Speaker 3 ([00:44:33](#)):

, Marianne Grubiak.

Speaker 10 ([00:44:47](#)):

Hello, my, all of you. , My name is Marianne Grubiak. I live at 1208 East Meridian Road or East Rightwood Drive in Meridian, Idaho. And the reason I'm here is because I wanna support my son and his wife. And just to let you know what, how, how much this has really affected their lives and our lives as we worry about them. This is their home. They love it. The, the reason we came to Idaho was because they lived here and it's always been a wonderful place for us to come visit. I have to say that I'm afraid to come now if they put a gravel pit in because I'm afraid of even coming into, , cross that, , railroad track as an older person trying to get into, to visit them. So I'm afraid it's gonna affect our, our, just our lives. So that's why I'm here.

([00:45:46](#)):

So you have any questions for me?

Speaker 7 ([00:45:50](#)):

No, thank you.

Speaker 10 ([00:45:50](#)):

No, thanks.

Speaker 3 ([00:45:55](#)):

Joe Grubiak, , I'm sorry, Senior.

Speaker 15 ([00:46:17](#)):

My name's Joe Grubiak Senior. I live at 1208 East Wrightwood Drive, Meridian, Idaho, and we've been here for a little over 10 years, but I've been in the area and have been in the area where my son lives for over 20 years. So I have a feel for what we're talking about in terms of area. , The, what I did was I did look at my son's presentation and I also reviewed the appeal of the applicant in regard to the points that he made. And it's my judgment that, , the gravel pit should be denied. And I think the two, there are a lot of reasons, but the two primary reasons that I call is what my son pointed out, and that is this property is on the, , Canyon County, , Commission's planning, , 20 year, or 2030 plan. And, , it's, , I understand the option of the, , owner, , of the land saying he can use what he wants, , to do with it.

([00:47:21](#)):

But what I look at there is it's in the intensive agriculture area, and, , what happens the next time, the next time somebody makes a particular, , request and, , and now you're moving further and further into the agricultural zone, you might say. So I would say that that's a very, very important point in regard to, , your decision as to, , whether to, , deny this particular, , , approach. And the other one is this injurious

thing. I didn't see in the particular appeal of there by the applicant that he made the case about that. And I sent my son, , laid that out pretty nicely in regard to the impact of what that is to the surrounding, not only area, but also the, those that live close by. I couldn't imagine living next to a gravel pit with all this activity. So I'll just say in summary that, you know, I would hope that after your review of my son's application, or not application, excuse me, but of his, , his presentation and the information that you have that the commission does the right thing and denies the, , , gravel pit, , applicant, , , the, , to do this.

(00:48:41):

So I'd be glad to answer any questions.

Speaker 1 (00:48:46):

Questions?

Speaker 15 (00:48:49):

Okay.

Speaker 5 (00:48:50):

Thank you. Thank you. Thank you. All right.

Speaker 11 (00:48:51):

Thank you.

Speaker 1 (00:48:53):

Next time. So we're down to Brian and Natalie. , Is one of you gonna do the rebuttal? Are you gonna both do the rebuttal? How do you wanna do this?

Speaker 16 (00:49:08):

I think we both like to speak, but it's up to you.

Speaker 17 (00:49:11):

I can go perfect. Yeah.

Speaker 1 (00:49:12):

They both speak. We've had -

Speaker 16 (00:49:15):

I'll let him go.

Speaker 17 (00:49:16):

I can go.

Speaker 1 (00:49:17):

You, you can both come up and speak. We've had others that have had two times to speak, so trying to keep everything fair.

Speaker 17 ([00:49:26](#)):

Brian Burnett, 2205, West Mace Road, Eagle, Idaho, 83616.

Speaker 16 ([00:49:31](#)):

Natalie Joneson, 2205 West Mace Road, Eagle, Idaho, 83616.

Speaker 2 ([00:49:36](#)):

Thank you. And

Speaker 16 ([00:49:37](#)):

We won't repeat each other.

Speaker 2 ([00:49:38](#)):

Okay.

Speaker 17 ([00:49:39](#)):

Yeah. So I guess I'm, I, I don't wanna say I'm not prepared, but I thought this was gonna be about what, not rehash the past or the traffic engineering or what ITD said, but more as direction from you commissioners was, you know, what we were gonna try to do to make it be neighborly. Obviously, you probably figured out that we're not gonna do that. Or we tried to do that. I do wanna rebut some testimony that I, I was 15 minutes late to my first meeting on Saturday because of the traffic, because of the bridge closer. Not that I didn't know it was closed, but that I had to reroute a different way and the traffic backed me up. I tried to make phone calls. I tried to get there on Tuesday. I tried to get there. I got there at exactly 6:15.

([00:50:17](#)):

We took a picture on the truck. I called the Grubiacs. I called everybody I could. I actually have it timestamped. It wasn't at 6:30. It was at 6:21 after I made it waited for six minutes. And I said, "Here's what I wanna do. I can put child play signs out. I can do this." She said, "We have family commitments, so we don't have time." So that told me that if they had family commitments, they couldn't be there more than 15 minutes. I was 20 minutes early to the next morning to that meeting, and I was here 30 minutes early to talk, and I called them and tried to talk to them. I know they pay me as a villain, but that is not what I am. And I'm gonna go over a couple things I wanna make straightforward. The drain that's at the bottom of this property was taken into consideration for the pond that was built.

([00:51:02](#)):

So I do own these two five acre tracks too. That's 10 acres. We brought the pond inside so that it would not affect those. We would not be touching this drain. We also brought it in so in the future, you could have home lots on here. So along the road, there isn't any major impacts. Matter of fact, that's where we're staging a huge berm to insulate the entire property so that they can't hear it. So that drain that's way down here, it's on their property, yes, but I don't plan on touching that. And I left this huge buffer. I do believe in the Canyon County overlay, so I'm not going to touch all of this farmland that's up there,

and that's why I did the soils testing to see how it was. And yes, you can grow stuff on there. You just have to pound it with fertilizers and spend a lot of money and it's not economical.

(00:51:44):

So, , I also will rebut Holly that she drove by my reclamation plan because she's talking about a different pit notice that is still active. The ones in Middleton and the ones that I've done that actually are done and reclaimed, I will be building a house there, , because they look so amazing when they're done. And I believe that the wetlands of the neighbor and the impacts are substantial, but then the end goal is to get the project and the property to look like everybody desires, which is to have all the wetlands, to have all the wildlife, and to make it absolutely beautiful. And that's what happens. If you drive by one of these, you've got a little bit of pain, you know, to get it out of there, and then it looks absolutely amazing. So that is my intention. And there's the drawing of the staging areas and the stockpiles to border everything and the land that won't be touched that, you know, that doesn't look very big, but those are acres, and this is 10 acres, and the drain goes around it.

(00:52:39):

So, , you know, I, I think also the application for the acceleration lane isn't in your file because it's not required. We actually came out. I think all of these people know that my business partner in this Kelly Fulfer, his whole family died on the train tracks three miles down and noticed at our other gravel pit. So we take safety more seriously than they could ever imagine, and it's not in there because we haven't applied because we don't have approval. It's not a requirement by ITD. They say it's safe without the acceleration lane. We're saying we're building an acceleration lane. Matter of fact, in our other bit, we're asking to build a deceleration lane on the other side, not because they're requiring us to, because we want it to be safe. So that's why I had IT issue a letter that says, "You know who I am.

(00:53:24):

If there's any problem when this starts up or we think that the traffic patterns aren't working, tell us what we need to do and we will go do it. We're, we're, we're in the safety business. We don't get to do the next one if we're not safe on this one." So I just want everybody to know that. I think people who have followed my developments know I'm a team player. I have not talked to, , the neighbor that has a 20-foot well in Middleton when I did that project. I had a neighbor with a 20-foot well, and he came to me and said, "I think my well's going dry. It's starting to slow down. I spent \$25,000 and I punched a 200-foot well in for him. I am that guy. , If you wanna put in, you know, the approval, take it from 20 years to 10 years, take it to five days a week, I'm fine with that.

(00:54:06):

Those are the type of neighbor conversations I thought we were gonna have. , And I'm still willing to do that if you give me 15 minutes with them, but that's what I would think that the, that's meeting what the intentions were. , And I'm still here to do that. I'm still here to say someone's well goes dry, I'll punch them a deeper well. You know, if you need the berm four feet higher so you can't hear anything, I'll push the berm four feet higher. , If you need child play signs and you need us to slow down, we'll do that. Acceleration lanes, like I'm here to make this work and I promise you when it's done, like the people in Middleton and next to my other pits that we've done, they come to me and say, "This is crazy. We live on a park that's absolutely beautiful and has more wildlife than anywhere in Boise." So that's, I guess, my tes- testimony to rebut this and just to say to the commissioners, I hope you will approve this.

(00:54:57):

I think it's a good project. I think it's a better use of this land than grazing cattle and letting the water that's going to become way more important drain through gravel, and it's utilized in better crop land that's up on the upper shelf. So, , there's wetlands all over the place that are in the ag overlay. Does that mean that it should be ag? No. That's why I did the soils test. So I really do think it's a better use of the land and I'm here to make it as beautiful as I can.

Speaker 1 ([00:55:28](#)):

Questions?

Speaker 5 ([00:55:29](#)):

Well, I, and thank you. You've provided us a pretty comprehensive soils test in there. I'm not, I'm not qualified to read that like I maybe would like or not, but give us the overview and, of the Western Labs. Like what are the findings that you thought were significant?

Speaker 17 ([00:55:51](#)):

Well, what I thought was significant is there, there were no other neighbors at the other gravel extraction that I got approved the same night. So the traffic pattern, they actually have the railroad tracks, and Amber knows this. She was out because we did site visits with all the agency on both of them on the same day, , are even more constrained than this site. This has limp lane that is, you know, a half, a quarter mile long that can have trucks on it waiting so they don't have to try to race the traffic unlike the arrow, arrowhead one that we got approved. I took a soil sample from there, the one that got approved, which is a better soil than is, is at this, this location. , It's right outside of the overlay of Canyon County though, half of his property. I'm, I don't own that property.

([00:56:38](#)):

I'm doing it for a gentleman, , mining it for him. But that soil was better than this. And, and it, if you drive out there, you can just see it. Most of the stuff that is farmed on the lower shelf of the river, , the soils do not hold all the nutrients in them and they've got a lot of iron in them because the water table's high. So if you have cattle down there or whatever, you're supplementing them with minerals, , and the water, you're using a tremendous amount of water because it drains through the gravel base and goes back out into the river and it's constantly, you know, flowing and moving. So if you look at the original application, the farmer who's actually farmed it out there for 10 years, farms the upper shelf for me, and it's great. I wouldn't change that. That is really good farm ground.

([00:57:22](#)):

, I'm like you, I'm not a soils expert, that's why I went to Western Labs and said, "Hey, tell me what this says, what's good and what isn't." And it says, yes, it's farmable, but it's really expensive to farm and it doesn't make sense because you've got to use so much fertilizer and water.

Speaker 5 ([00:57:36](#)):

Thank you for that. And I'm assuming that what they've measured for in parts per million on that, you have a DEQ standard says that you're not above the threshold of what the tolerance is for that. Do I interpret that correctly?

Speaker 17 ([00:57:48](#)):

Yeah, and what's really hard is, , you know, ag people will say this needs to be ag. Wetlands people will say the water table's too high, it needs to be wetlands. And so, you know, I, I, I do agree with everybody. I think, , like I said, once the project's done, this will be wetlands. It will be a beautiful pond. It will have the wildlife and the upper shelf that's farmed around it will continue to be farmed.

Speaker 5 ([00:58:09](#)):

Yeah. Thanks for fielding the questions. Mm-Hmm.

Speaker 17 ([00:58:12](#)):

, one, one more thing I'd like to point out is behind the Krubiacs, the next door neighbor, Rocha, , he owns the 200 next to me and he has an entire 100 acre pivot behind their house that he keeps grass on and he has cows on. And he's asked me a hundred times to trade my upper shelf of corn and good crops for his ag land behind them because it doesn't produce enough. And he would trade me, and I don't trade him, and he thinks that that needs to go to gravel, and it was purchased by him and four investors a long time ago to actually extract gravel out of it. But the homeowner that owned the price property I had didn't like gravel, so he didn't want the trucks to go through, which is really ironic. So they know that that crop land isn't high producing.

([00:59:02](#)):

, And I, I just think, I, I know it's emotional because it's next to their houses and I deal with this almost every time we do a gravel mine, but when it's done, I promise you they'll thank me. And also, I do not believe in the argument that I'm going to kill their real estate values because up along this corridor, anything that has been mined and left a chunk next to it to be sold off are million dollar lots, you know, next to the, next to the water. Everybody really wants to live next to them for a reason. There's a reason why even in Eagle, they're digging ponds everywhere because it's, people wanna live next to them and see the wildlife.

Speaker 5 ([00:59:37](#)):

Yeah. Chairman, I have another question. Tell me again how long you've owned this property.

Speaker 17 ([00:59:42](#)):

, This property, three years.

Speaker 5 ([00:59:45](#)):

Okay. And I'm assuming you know the area, but has this, do you know if this has ever grown a high dollar crop, onions, mint, anything that's other than grazing or like a grain crop?

Speaker 17 ([00:59:59](#)):

, Just up On that top shelf, on the top shelf, but not on the lower shelf. I think it's always been grazing land.

Speaker 5 ([01:00:05](#)):

Okay. And probably because of the water table.

Speaker 17 ([01:00:07](#)):

Correct.

Speaker 5 ([01:00:08](#)):

Yep. Okay. Thank you. Okay.

Speaker 1 ([01:00:12](#)):

Any questions?

Speaker 7 ([01:00:14](#)):

Not yet. I think she wants to speak.

Speaker 16 ([01:00:16](#)):

Yes. Great. , I also feel slightly unprepared because I think we left the last meeting and were granted this continuance with the instruction that no one was to present any more information. We were just simply to come and share our feelings about our, our neighborly communication. So, , I feel a little unprepared and we were told not to do that. , We were also asked not to stack the audience, so Brian and I came by ourselves as instructed, , not to do that. I think what's difficult is that Brian is being painted as not being someone who lives on the property and not being neighborly. And I would argue that many of the people who have testified against this project are also not neighbors. , They may be family to the neighbors or someone who wanted to hunt on their land, et cetera. But, , the number of people who have come to testify and oppose against this are also not neighbors.

([01:01:13](#)):

, I hear the concerns about the pumps failing. I assure you that this is a professional outfit who would come in here. This is not their first rodeo at a gravel extraction. So concerns about how this pit will be run, I think are, , I understand concerns, but this is a group who has done this repeatedly. I do take exception. , Perhaps she was, , misstating, but no one from this group has taken time to come see Brian's project, his completed reclaimed property where he's done this in, , Middleton. Have, have you driven on this private property?

Speaker 1 ([01:01:57](#)):

Don't. Just don't. We'll run this - don't talk to

Speaker 2 ([01:02:03](#)):

Them.

Speaker 16 ([01:02:03](#)):

Understood. Understood. We'll,

Speaker 1 ([01:02:05](#)):

We will address -

Speaker 16 ([01:02:06](#)):

It's gated and private. Just

Speaker 1 ([01:02:08](#)):

A minute.

Speaker 16 ([01:02:08](#)):

Sure, sure.

Speaker 1 ([01:02:09](#)):

I have people behind you that are out of order.

Speaker 16 ([01:02:11](#)):

Understood.

Speaker 1 ([01:02:14](#)):

I won't ask again. I will contact law enforcement and we'll have you removed. We will keep this civil or we'll shut it down and you can smile about it all day long. But I will run this with respect. I gave you respect, you give them respect. One and only call for respect. After this, it goes a different direction. I'm sorry for interrupting. You may come back with where you were at.

Speaker 16 ([01:02:52](#)):

Thank you. , The property is private and gated, so if that happened, , as we were told we were trespassing on someone else's property, then they perhaps were doing the same. , I don't believe we have ever once stated that this land is useless. Never, not one time. , I think we are asking for a 26 acre gravel extraction pit, , and leaving the rest of the acreage that Mr. Burnett owns, , untouched. , I think that's the difficulty for me. We're not calling this land useless and to answer, , Commissioner Van Beek's earlier question, the best soil is on the opposite property and the other, , viable soils are up on the top shelf. That is clearly in the soils testing. So I think we are doing the best, , we can to, to preserve what is, , viable out there. , I hear all of the concerns.

([01:03:56](#)):

I think it was also important to hear that there, , is a neighbor who, who trucks a, a trailer the same size as these gravel trailers and he makes it. So are we just going to say that no one with a trailer of a certain size is allowed or permitted to cross that railroad track? , I think it might be unfair to say it's permitted for one and not for another. So I, again, I feel unprepared, but I just am grateful for the opportunity to hear the testimony and then get up and have a chance to, to speak again on behalf of this project and say that the applicant will absolutely do the best, , and, and produce a beautiful project. , And, and efforts were made to reach out to these neighbors. Phone numbers were withheld, phone calls were unanswered, , additional meetings were not attended and we absolutely are at fault for being late to that first meeting and tried many ways, , to contact neighbors after that.

([01:04:58](#)):

But if, if these neighbors are offered a grace period of seven minutes for being wrong about quoting a time that they were called or nine minutes wrong, we certainly should be offered grace for being nine

minutes late to a meeting. So if we're gonna throw that around. , Anyway, I am so grateful for this chance to speak and I'll stand for questions.

Speaker 5 ([01:05:19](#)):

Chairman? Thank you for your testimony. I have a question for you. So we've had a lot of land use hearings. There's transportation needs all across the county and in the state. And if we're depending on ITD, you got input on site for that, but the cost of construction, I'm just clarifying for the record, you're fronting the cost rather than waiting for ITD to build an acceleration lane. Is that correct?

Speaker 16 ([01:05:48](#)):

That's correct. That's right.

Speaker 5 ([01:05:49](#)):

Yeah. And thank you for that. , I think for now those are the questions that I have, Chairman.

Speaker 17 ([01:06:02](#)):

And, and if it's not in the application, you can just make it a condition because we've already offered it. I think we were just waiting to make sure that we got through public hearing to do it.

Speaker 5 ([01:06:10](#)):

Right. And what I heard you say between the lines perhaps is that you are willing to work with the agency to ensure safety, that you have a personal vested interest in that.

Speaker 17 ([01:06:21](#)):

100%.

Speaker 5 ([01:06:23](#)):

Thank you.

Speaker 7 ([01:06:35](#)):

Mr. Chairman, I'm reading the, , application and whatnot. You requested 20 years, but you are, excuse me, trying to find a, a project. So is it still your opinion it's gonna take one to two years if you were to find a project to extract the gravel out of this?

Speaker 17 ([01:06:55](#)):

That's correct. Yeah. , I mean, I, honestly, probably five years, but I, I think last time what we kind of considered and talked about before you said maybe go discuss it with the neighbors was not having the clock start until we had a project. So if you were gonna limit the time and not just keep it open for 20 years, you would do something like 10, but the clock doesn't start until you get that contract and then you can get rid of it as, as soon as possible. You don't know what's gonna happen though. You get one year into it two years and there could be an economic downturn and state funding goes away and you're not building the highway anymore. So I think it still needs to be 10 years, which is half the time of most of the. I, I've never had one not be 20, but 10 years I think gives me enough time.

(01:07:39):

Usually 10-year cycles in the stock market you can recover, right? So there's some economic downturn in the middle, but it comes back. So a 10-year window is probably acceptable. , If you wanna be an optimist, in Middleton, that's what they did for me and I had it mined out in 18 months and it was a little bit smaller than this, but the demand was high. , So it, it really just depends on the times. But a 10-year cycle is doable.

Speaker 5 (01:08:09):

And Chairman, can I pull that question up? What are the number of days and the hours of operations if we accelerate and use a schedule like that?

Speaker 17 (01:08:19):

Yeah, and that was the other thing I, I brought up in the la, in the last one. If you, if you wanna remove it as fast as you can, then you've gotta allow, you know, the timeframes to be seven days a week, you know, 7:00 AM to 7:00 PM. But, you know, if that bothers you more than how long it takes, then we scale it back to Monday through Friday during work times when people are working at school and we do try to do, you know, just Monday through Friday. And I'm open to whatever the council wants to do.

Speaker 16 (01:08:47):

I also think that's one of the positions where we would like to get agreement from the neighbors. Do they want it, the project to take longer and we have shorter days and hours or do we want the opposite? Do we wanna go as fast as possible and shorten the timeframe on the project? So those are the kinds of things that we would like to be neighborly about and we've just never been able to get there. , There's just opposition. We just, there's a no rather than how can we find a way that might be agreeable. So I think as far as days and hours of operation, we are, we are flexible. We are willing to commit to something flexible.

Speaker 2 (01:09:26):

Thank you.

Speaker 7 (01:09:36):

Other

Speaker 1 (01:09:37):

Questions. I

Speaker 7 (01:09:37):

Don't have any more questions. Thank you.

Speaker 5 (01:09:49):

Chairman?

Speaker 2 (01:09:49):

Yes.

Speaker 5 ([01:09:51](#)):

I just have one more, I guess, economic question that you may or may not feel, but in your opinion, what is the demand? I know you don't have a specified project, but do you see any of the either road projects for base or any of a lot of the areas that are being developed require a pad to be above base flood elevation, things like that? What does, what does that look like from your end as a person that's involved in land?

Speaker 17 ([01:10:20](#)):

Right now?

Speaker 5 ([01:10:21](#)):

Mm-Hmm.

Speaker 17 ([01:10:21](#)):

Yeah, right now it's really high. There's a huge demand for gravel and the prices are going up because everybody's kind of running out of it, which is why, you know, these projects, I mean, at some point, some of them have, have to be opened. , So right now it's extremely high. So if you approve it, you know, of course there's all these other state agencies. I think there was, you know, the expert witness in the back that has all the degrees in environmental. , We obviously use Simons for that. They do SWIP plans. They tell us what we're gonna do, where we're gonna put all these things and how we're gonna protect the environment. So that's just the next step. That's why it's not in our reports. , But to get through all those agencies, Army Corps of Engineers, to look at the wetlands, everything, you know, it could probably take us another year to open it.

([01:11:05](#)):

I don't know where the market's at right then, but I know that if I had this open right now, yes, down the street, we are selling, you know, as much gravel as we can put on the ground.

Speaker 5 ([01:11:15](#)):

Okay. And I wanna just state this point again. There was testimony that there was potential drainage because of a slope down, it would be on the, I think, southwest portion of your property, but you are building a pond to contain all the storm water and everything else on site.

Speaker 17 ([01:11:30](#)):

Correct.

Speaker 5 ([01:11:32](#)):

Thank

Speaker 17 ([01:11:32](#)):

You. We will handle it all on site.

Speaker 16 ([01:11:35](#)):

, Also going back to your question about demand, I think what's been stated many times over and over again is the amount of development that's currently happening in the Treasure Valley. Everywhere you look, there's dirt being turned, cranes in the air, all of that. What I think most people don't understand is that almost every project requires gravel in order to build it up, in order to pour a pad. Every piece of development you see, residential, commercial, industrial, everything you see being turned requires some amount of gravel. And for state projects, roads and things like that, you have to have a certain level of gravel, a, a density, a hardness, and that's what comes from the river. So I think when you, if you wanna know about demand, just look around when you drive and if you see dirt being moved, gravel will be trucked in.

Speaker 5 ([01:12:30](#)):

Thank you.

Speaker 16 ([01:12:31](#)):

Yeah.

Speaker 5 ([01:12:34](#)):

And Chairman, I'm just confirming because we've had testimony and the board has wrangled with the overlays on some of the properties, but whether it's an ag zone or an intensive ag overlay, the process for applying is the same through a conditional use permit. There's no distinction, extra standard. I'm, I'm confirming.

Speaker 4 ([01:12:58](#)):

Commissioner Van Beek, that is correct. And if you'd like, I do have the definition of the intensive agricultural that I can provide as well. Sure.

Speaker 5 ([01:13:08](#)):

Yeah.

Speaker 4 ([01:13:09](#)):

So in the 2030 comprehensive plan, the intensive agriculture, 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 productions, crops, orchards, vineyards, concentrated animal feeding operations, grazing, and other agriculturally based uses. This designation aims to protect agriculture operations from inc- incompatible uses and reduce the conflicts concerning noise, dust, smells, and safety. When it comes to the 2030 comprehensive plan, we just have the overlay and the definition, no other standards.

Speaker 5 ([01:13:50](#)):

Thank you for that. Appreciate it.

Speaker 17 ([01:13:53](#)):

I do, I do have one more thing I wanted to point out, , and, and the reason why the last gravel operation and notice kind of went through with that public hearing is because much like, , the neighbor testified that she can now in the county do a certain number of lot splits depending on how big your property is, on every lot split that you create in Canyon County, you're actually allowed to mine out a two acre pond on each parcel that you have without prior approval, conditional use permits, anything. You can mine your own two, two and a half acres underneath that ordinance. So if I wanted to cut this property up, and this was my argument down in notice, and notice I could put 50 holes in the ground, just let me build one lake, right? And so on this piece of property, it is a pain and it's not viable, but you are allowed to go mine out.

(01:14:43):

I could go mine out 10 of this 20-something acres if I wanted to without, without going through a process. , But I think that that also, you know, at least gets the neighbors to know I have rights on my property to mine it. It's just at a certain level and I'd rather put them all together.

Speaker 2 (01:15:00):

Thank you.

Speaker 17 (01:15:01):

Mm-Hmm.

Speaker 1 (01:15:12):

Any other questions?

Speaker 7 (01:15:14):

I don't think so, Mr. Chairman.

Speaker 5 (01:15:15):

Chairman, I just, I guess one other comment because there was a reference, , for surface to groundwater. It, it looks like it's, the groundwater is right there that you don't have to go far. Yeah. And on that, I live next to a mining operation that's significant.

Speaker 2 (01:15:43):

Mm-Hmm.

Speaker 5 (01:15:44):

And so, , the. Tell us a little bit about when you pump that out. This obviously isn't a dry pit, this is a wet pit and you are gonna be running pumps in there -

Speaker 2 (01:15:56):

Uh-Huh.

Speaker 5 (01:15:56):

If you're approved. So where are, are you just discharging that? Do you have a discharge pit - permit back to the river? Tell me where that goes.

Speaker 17 ([01:16:04](#)):

No, it actually goes into another s - it actually goes into another, , settling pond - Okay. Where the sediment comes out of it. And I'd have to look at our lo - like when we go to Simon's, they're actually gonna tell us where we can discharge it without affecting the canals next to us. My guess is, and you know from the previous slides that I own the 132 acres next to it on the left, that is gravel ground. They usually want you to have that water pumped across vegetation so that it dissipates and goes back into the groundwater after you clean it in a settling pond.

Speaker 2 ([01:16:39](#)):

Okay.

Speaker 17 ([01:16:40](#)):

So it goes into a settling pond and then cleans out. The one in Middleton, they did let me discharge it back into the river, but they have someone out there testing it every day to make sure it's clean. So I'm not sure what Simons, , and the Army Corps of Engineer are gonna tell me on this pit once they do their, that analysis, but I have to kinda do whatever they say. Right. They will be really happy though that I own the, all the lowland across the street from it, because I can probably discharge into that.

Speaker 5 ([01:17:04](#)):

And what I'm m - potentially hearing is groundwater recharge on that so that -

Speaker 17 ([01:17:08](#)):

Correct.

Speaker 5 ([01:17:09](#)):

Yeah.

Speaker 1 ([01:17:18](#)):

Okay. Any other questions?

Speaker 7 ([01:17:28](#)):

I don't have any more, Mr. Chairman.

Speaker 5 ([01:17:31](#)):

I've thought of as many as I can, Chairman. Okay.

Speaker 7 ([01:17:38](#)):

Mr. Chairman, I think, , I think I'd like to move to close public testimony and then take a five or 10 minute recess.

This transcript was exported on Sep 04, 2026 - view latest version [here](#).

Speaker 5 ([01:17:46](#)):

I second.

Speaker 7 ([01:17:47](#)):

Okay. So I do actually move that we close public testimony and recess until three o'clock.

Speaker 5 ([01:17:55](#)):

I'll still second.

Speaker 1 ([01:17:56](#)):

Okay. Motion's been made and seconded. All those in favor say aye. Aye.

Speaker 7 ([01:18:01](#)):

Aye.

Speaker 1 ([01:18:01](#)):

Aye. Motion carries unanimously. Let's consider ourselves in recess till three.