

Legal Transcript Analysis and Summary

General Overview

Case Summary

This transcript documented a continuation of a public hearing before the Canyon County Board of County Commissioners regarding Case Number CU2024-0023-APL, the Burnett River Bend Gravel Pit appeal. The hearing was chaired by Chairman Brad Holton and included two additional commissioners identified as Commissioner Van Beek (Speaker 5) and a third commissioner (Speaker 7). The appellant, Brian Burnett, had applied for a conditional use permit (CUP) for long-term mineral extraction on a parcel located near Lemp Lane and Highway 2026 in the Parma, Idaho area. The Planning and Zoning Commission had previously denied the CUP, and Burnett appealed that denial to the Board of County Commissioners. The board had continued the hearing from August 12th, 2026, to allow mitigation efforts between the appellant and neighboring residents, and to allow review of additional information submitted during the prior hearing. At this continuation, additional public testimony was received from neighboring residents and the appellant, after which the board voted to close public testimony and recess for deliberation.

Speaker Backgrounds

- **Amber Luder (Speaker 4):** DSD (Development Services Department) staff member who presented the case summary and procedural status to the board. She served as the primary staff liaison and reference point for procedural and zoning questions.
- **Ryan Upson (Speaker 6):** Adjacent property owner at 24684 Lemp Lane, Parma, Idaho. He testified in opposition, citing concerns about water rights, wetlands, wildlife, and safety.
- **Melinda Upson (Speaker 8):** Property owner at 2301 East Deer Point Court, Eagle, Idaho, and mother of Ryan Upson. She testified in opposition on behalf of family members who used the adjacent property.
- **Holly Grubiak (Speaker 9):** Resident at 24811 Lemp Lane, Parma, Idaho. She testified in opposition and raised procedural, agricultural, and safety concerns.
- **Trevor Roche (Speaker 2/Speaker identified as Roach):** Resident at 25451 Clar Road, Parma, Idaho. He testified in opposition, focusing on agricultural land loss and railroad crossing safety.
- **Julia Allman (Speaker 11):** Resident at 25301 Dawn Lane, Parma, Idaho. She testified in opposition and reported on her direct communication with the appellant following the prior hearing.

- **Kevin Allman (Speaker 12):** Resident at 25301 Don Lane, Parma, Idaho. He held a Bachelor of Science in Ranch Management, a national certification in construction health and safety, an OSHA 510 certification, and worked as an environmental health and safety professional. He testified in opposition with technical concerns regarding traffic safety, dust, noise, and groundwater.
- **Joe Grubiak (Speaker 13):** Resident at 24811 Lemp Lane, Parma, Idaho. He testified in opposition, citing the comprehensive plan, precedent from a prior denial, and the projected volume of truck traffic.
- **Renee Lonkey (Speaker 14):** Resident at 25019 Lemp Lane, Parma, Idaho, located directly across from the proposed gravel pit. She testified in opposition, citing longstanding agricultural use, safety history, and groundwater concerns.
- **Marianne Grubiak (Speaker 10):** Resident of Meridian, Idaho, and mother of Joe Grubiak. She testified in opposition on behalf of her son's family and expressed personal safety concerns about the railroad crossing.
- **Joe Grubiak Senior (Speaker 15):** Resident of Meridian, Idaho, and father of Joe Grubiak. He testified in opposition, supporting his son's arguments regarding the comprehensive plan and the injurious nature of the proposed use.
- **Brian Burnett (Speaker 17):** The appellant, residing at 2205 West Mace Road, Eagle, Idaho. He was the applicant seeking approval for the mineral extraction conditional use permit and testified in rebuttal.
- **Natalie Joneson (Speaker 16):** Co-presenter with Brian Burnett, also residing at 2205 West Mace Road, Eagle, Idaho. She testified in rebuttal on behalf of the applicant.

Key Points

- The Board of County Commissioners was considering whether to approve the appeal and overturn the Planning and Zoning Commission's denial, deny the appeal and uphold the denial, or continue the hearing for additional information.
- The hearing was a continuation from August 12th, 2026, during which the board had directed the appellant to attempt mitigation meetings with neighboring residents.
- The appellant held two neighborhood meetings, but attendance and communication were disputed by both sides.
- Neighboring residents testified uniformly in opposition, citing concerns about water rights, groundwater, agricultural land loss, traffic safety at the Lemp Lane and Highway 2026 intersection, railroad crossing hazards, noise, dust, property values, and quality of life.

- The intersection of Lemp Lane and Highway 2026 was identified as a critical safety concern, with the distance from the railroad tracks to the stop sign measured at only 52 feet, while the applicant's trucks were stated to be 70 feet long.
- Kevin Allman testified that engineering data indicated a loaded Class 8 truck required approximately 2,800 to 3,500 feet to reach 55 miles per hour, making the proposed 850-foot acceleration lane inadequate.
- Staff confirmed via a diagnostic team report (Exhibit 3E6) that a truck could be positioned at the intersection without occupying the railroad tracks.
- The property was confirmed by staff to be within the intensive agricultural overlay of the Canyon County 2030 Comprehensive Plan.
- Julia Allman reported that during a phone conversation, Brian Burnett incorrectly stated that the intensive agricultural overlay had been repealed two weeks prior, which she subsequently confirmed with planning and zoning was false.
- Joe Grubiak cited a prior board denial of a gravel pit application (CU2025-0011) on Center Point Road on April 14th of the same year, arguing the same standards should apply. Chairman Holton distinguished the two cases on factual grounds.
- Brian Burnett estimated 1,500,000 cubic yards of gravel on the parcel, which Joe Grubiak calculated would require approximately 166,666 truck trips and nearly eight years to mine at stated rates.
- Brian Burnett offered several concessions, including reducing the permit term from 20 to 10 years, limiting operations to Monday through Friday, constructing a berm, fronting the cost of an acceleration lane, and committing to address any neighbor well issues at his own expense.
- Burnett stated that the applicant's business partner had lost family members in a train accident at another gravel pit location, and that safety was a primary concern for his operation.
- Burnett acknowledged being late to the first neighborhood meeting due to a bridge closure and traffic rerouting, and stated he arrived at the second meeting at 6:15 PM.
- Natalie Joneson noted that the applicant was not instructed to bring additional supporting witnesses and that they attended alone as directed by the board.
- Burnett described his reclamation process, stating that completed pits had become desirable properties with wetlands and wildlife, and that he intended to build a home at one reclaimed site.

- Burnett disclosed that under existing Canyon County ordinance, a property owner could mine up to two and a half acres per parcel without a conditional use permit through lot splits, and that he could theoretically mine a significant portion of the property without board approval.
 - Commissioner Van Beek confirmed that the process for applying for a conditional use permit was the same regardless of whether the property was in an agricultural zone or an intensive agricultural overlay.
 - Staff read the definition of the intensive agricultural overlay from the 2030 Comprehensive Plan, which described its purpose as protecting working lands from incompatible uses and reducing conflicts related to noise, dust, smells, and safety.
 - The board voted unanimously to close public testimony and recess until 3:00 PM for deliberation.
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Notable Quotes

- **Holly Grubiak (12:13):** "The applicant was late to his own meeting. Neither the applicant nor his representative were in attendance. There were only neighbors present."
- **Holly Grubiak (13:05):** "ITD stated that they do not have an application or an approval for an acceleration lane on file."
- **Holly Grubiak (13:57):** "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."
- **Trevor Roche (18:48):** "To say that it's unusable or worthless is an absolute lie. Um, here I am. I bought it. I can, I can show you the receipts."
- **Trevor Roche (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 stop - and you forget that there's a train track there as well."
- **Trevor Roche (21:25):** "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."
- **Julia Allman (22:47):** "Commissioners, respectfully, that experience was significant because this is something a local resident would reasonably 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."

- **Julia Allman (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."
- **Julia Allman (24:21):** "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."
- **Kevin Allman (26:42):** "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?"
- **Joe Grubiak (35:46):** "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."
- **Joe Grubiak (36:42):** "This is not about running out of gravel. This is about greed."
- **Renee Lonkey (41:29):** "I was at home when Marian and Buck Ferris were killed. I heard that."
- **Brian Burnett (53:24):** "We're in the safety business. We don't get to do the next one if we're not safe on this one."
- **Brian Burnett (54:06):** "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."
- **Brian Burnett (1:14:43):** "I could go mine out 10 of this 20-something acres if I wanted to without going through a process."
- **Chairman Holton (1:02:14):** "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."
- **Amber Luder (1:13:09):** "This designation aims to protect agriculture operations from incompatible uses and reduce the conflicts concerning noise, dust, smells, and safety."

Detailed Insights

1. Main Arguments

Opposition Arguments:

- (7:01) **Ryan Upson** argued that the applicant was not a true neighbor, having been seen on the property only once, and raised concerns about seven water rights, wetlands, wildlife, and the safety of the Lemp Lane and Highway 2026 intersection and railroad crossing.
- (12:13) **Holly Grubiak** argued that the applicant made no concessions or changes to the application after the initial denial, that the applicant was absent from his own neighborhood meeting, that the soil report's first paragraph described the land as potentially productive farmland, that ITD had no record of an acceleration lane application, and that the application failed criteria three, four, and seven of the Canyon County ordinance.
- (18:48) **Trevor Roche** argued that the land was actively productive agricultural ground, that he had personally purchased hay from it and was harvesting corn from it at the time of the hearing, and that the railroad crossing had already been the site of two semi-truck accidents during his tenancy of the adjacent property.
- (22:47) **Julia Allman** argued that the appellant had provided false information during their phone conversation by claiming the intensive agricultural overlay had been repealed, that the appellant became defensive and argumentative when she raised concerns, and that the appellant stated neighbors should have no say in what he does with his land.
- (26:42) **Kevin Allman** argued that the 52-foot distance between the railroad tracks and the stop sign was insufficient for a 70-foot truck, that the proposed 850-foot acceleration lane was inadequate for a loaded Class 8 vehicle to reach highway speed, that dust and noise mitigation language in the application was insufficient, and that no groundwater evaluation or dewatering plan had been submitted despite observed standing water on the site.
- (34:34) **Joe Grubiak** argued that the property was designated agriculture with an intensive agricultural overlay in the comprehensive plan, that the board had denied a comparable application (CU2025-0011) on the same grounds, that the projected 166,666 truck trips constituted an injurious use, and that the applicant was not a neighbor and bore none of the personal impact of the proposed operation.
- (39:08) **Renee Lonkey** argued that she had lived directly across from the proposed site since 1984, that the land had been in continuous agricultural use for over 40 years, that her well was at 20 feet and was vulnerable to groundwater disruption, and that she had personally witnessed a fatal accident at the nearby intersection.

Applicant Arguments:

- (49:39) **Brian Burnett** argued that he was late to the first meeting due to traffic caused by a bridge closure, not ignorance of the closure, that he arrived at the second meeting at 6:15 PM, that the drainage concern had been addressed by designing a pond to contain water on site, that the soils on the lower shelf were not economically viable for farming due to high fertilizer and water costs, that he had previously paid \$25,000 to drill a deeper well for

a neighbor affected by one of his other operations, and that completed reclamation projects had become desirable properties with wetlands and wildlife.

- (49:39 - 54:57) **Brian Burnett** further argued that the acceleration lane was not required by ITD but was being offered voluntarily, that safety was a personal priority given his business partner's family tragedy at a nearby railroad crossing, and that he was willing to accept conditions including a reduced 10-year permit term, Monday through Friday operations, and various neighbor-protective measures.
- (1:00:16) **Natalie Joneson** argued that several opposition witnesses were not neighbors themselves, that the applicant's group had made genuine efforts to contact neighbors, that the applicant bore responsibility for being late to the first meeting but that grace should be extended, and that the applicant was proposing extraction on only 26 acres while leaving the remainder untouched.

2. Supporting Evidence

- (4:34) **Amber Luder** referenced Exhibit 6G as a visual created by staff based on the discussion from the August 12th hearing, and noted that the appellant had provided an informal meeting letter on August 17th, 2026.
- (16:01) **Amber Luder** confirmed via Exhibit 3E6, the diagnostic team's notes, that a truck could be positioned at the Lemp Lane intersection without occupying the railroad tracks, based on a site visit conducted with Union Pacific Railroad, ITD, and the Highway District.
- (16:58) **Amber Luder** stated she could not confirm whether ITD had an application on file for an acceleration lane, and that the acceleration lane had been suggested during the diagnostic meeting rather than required.
- (17:29) **Amber Luder** confirmed that the application met the criteria in the staff report submitted to the Planning and Zoning Commission.
- (26:42) **Kevin Allman** cited engineering data showing that a loaded Class 8 truck weighing 80,000 to 105,500 pounds required 2,800 to 3,500 feet to reach 55 miles per hour on level ground, compared to the proposed 850-foot acceleration lane.
- (34:34) **Joe Grubiak** cited the board's prior denial of CU2025-0011 on April 14th of the same year, quoting the board's written findings that the proposed use was not consistent with the 2030 Canyon County Comprehensive Plan and that it would be injurious to surrounding properties and negatively change the essential character of the area.
- (44:22) **Amber Luder** confirmed that the subject property remained within the intensive agricultural overlay of the 2030 Comprehensive Plan.
- (1:13:09) **Amber Luder** read the definition of the intensive agricultural overlay from the 2030 Comprehensive Plan into the record.

- (55:51) **Brian Burnett** referenced a Western Labs soils test submitted as part of the application, which he stated showed the lower shelf soils were farmable but economically impractical due to high fertilizer and water requirements.
 - (1:11:30) **Brian Burnett** stated that a pond was being designed to contain all storm water and drainage on site, and that he owned 132 acres adjacent to the proposed pit that could be used for water discharge and groundwater recharge after settling.
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Context and Background

1. Contextual Information

The hearing concerned a conditional use permit application for long-term mineral extraction on a parcel near Lemp Lane and Highway 2026 in the Parma, Idaho area of Canyon County. The parcel was designated as agriculture with an intensive agricultural overlay in the Canyon County 2030 Comprehensive Plan. The Planning and Zoning Commission had previously denied the application, and the appellant appealed that denial to the Board of County Commissioners. The board had continued the hearing from August 12th, 2026, directing the parties to attempt neighborly communication and mitigation. The subject parcel was described as containing approximately 1,500,000 cubic yards of gravel, with the lower shelf characterized by a high water table and standing groundwater. The surrounding area included active agricultural operations, residential properties, wetlands, wildlife habitat, and a spring-fed canal. The Lemp Lane and Highway 2026 intersection was identified as a critical safety concern due to its proximity to a railroad crossing, with only 52 feet between the tracks and the stop sign.

2. Related Events

- The Board of County Commissioners had previously denied a gravel pit application by Knife River on Center Point Road (CU2025-0011) on April 14th of the same year, citing incompatibility with the intensive agricultural overlay and injurious impact on surrounding properties. This denial was cited by opposition witnesses as precedent.
- Two semi-truck accidents had occurred at the Lemp Lane railroad crossing during Trevor Roche's tenancy of the adjacent property, with one truck being cut in half by a train.
- A fatal accident involving Marian and Buck Ferris had previously occurred at or near the intersection, as referenced by Renee Lonkey.
- Brian Burnett's business partner had lost family members in a train accident at a railroad crossing near another of Burnett's gravel pit operations in the Notice area.
- A bridge at the Highway 2026 intersection had been closed since August 4th after being struck by a vehicle, affecting access to the neighborhood meeting location.

- Brian Burnett had previously operated a gravel pit in Middleton that was mined out in approximately 18 months and subsequently reclaimed.
- A second gravel pit application by Burnett, referred to as the Arrowhead project, had been approved and was described as having an even more constrained railroad and highway configuration than the proposed Riverbend site.

3. Potential Impact

The outcome of this hearing had significant potential impact on multiple stakeholders. For neighboring residents, approval of the appeal would have meant exposure to up to 166,666 heavy truck trips over a period of years, potential groundwater disruption to shallow wells, noise and dust impacts, altered traffic patterns on a rural road, and a fundamental change to the agricultural and residential character of the area. For the appellant, denial would have meant the loss of a commercially significant gravel extraction opportunity in a market described as having high demand and rising prices. For Canyon County, the decision carried precedential weight regarding the application of the intensive agricultural overlay and the criteria for conditional use permits in agricultural zones. The board's prior denial of CU2025-0011 on similar grounds was cited as directly relevant precedent. The safety concerns raised regarding the railroad crossing and highway intersection had potential public safety implications extending beyond the immediate neighbors to the general traveling public. The hearing also raised questions about the adequacy of ITD's review process and the sufficiency of the applicant's proposed mitigation measures for dust, noise, and groundwater management.

Argumentative Behavior

Several instances of argumentative, defensive, or challenging behavior were documented during the hearing:

- (23:32) **Julia Allman** reported that during a private phone conversation, Brian Burnett stated that the intensive agricultural overlay had been repealed at a hearing two weeks prior, presenting this as fact. Allman subsequently confirmed with planning and zoning that this statement was incorrect. Allman described the statement as having been made dismissively during a discussion of project concerns, and characterized the conversation as having become increasingly argumentative. She further reported that Burnett told her that she and other neighbors should not have a say in what he does with his land and that he could build or do whatever he wanted with it.
- (23:32) **Julia Allman** also reported that Burnett stated, "I'm used to dealing with 200 plus neighbors, so yeah, 20 isn't a problem," which she described as making her feel uncomfortable.

- [\(37:04 - 38:10\)](#) An exchange occurred between Joe Grubiak and Chairman Holton in which Grubiak cited the board's prior denial of CU2025-0011 as directly applicable precedent. Chairman Holton challenged this assertion, stating that the prior case involved a property surrounded on three sides, which was factually distinct from the current application. Grubiak defended his position by reading directly from the board's written denial findings. Holton acknowledged the findings but maintained that the factual distinctions between the two cases were significant, and stated that Grubiak did not need to further defend his position.
- [\(1:01:57 - 1:02:52\)](#) During Natalie Joneson's testimony, she directed a question toward members of the gallery, asking whether any of them had driven on the private reclaimed property. Chairman Holton immediately intervened, instructing her not to address gallery members and warning that further disruption would result in law enforcement being called and individuals being removed. Members of the gallery were also called out of order by the chairman during this exchange. Holton stated, "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."
- [\(1:04:58\)](#) **Natalie Joneson** challenged the opposition's characterization of the applicant's lateness to the neighborhood meeting, arguing that if neighbors were given grace for being incorrect about the time of a phone call by seven to nine minutes, the applicant should similarly be given grace for being nine minutes late to the meeting.
- [\(50:17\)](#) **Brian Burnett** disputed Julia Allman's account of the timing of his phone call, stating that records showed he called at 6:21 PM rather than after 6:30 PM as she had stated, and that he had timestamped photographic evidence of his arrival at the second meeting location.