

**BINGHAM COUNTY PLANNING & ZONING COMMISSION  
REASON AND DECISION**

**APPLICATION OF:** Conditional Use Permit for a Temporary/Portable Concrete Batch Plant in an “A/NR” Agricultural/Natural Resources Zoning District

**PROPERTY OWNERS:** Property Owner, Foster Land and Cattle Partnership, and Applicant, Idaho Materials & Construction (IMC)

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**Requested Action:** Property Owner, Foster Land and Cattle Partnership, and Applicant, Idaho Materials & Construction (IMC), requested a Conditional Use Permit to establish a temporary/portable Concrete Batch Plant on approximately 20-30 acres of land, located in an “A/NR” Agricultural/Natural Resource Zoning District. The project site is proposed on approximately 742 acres, located south of US Highway 20 accessed from 1600 W Little Butte Road in Bingham County. A Batch Plant is an allowed land use in this zone with an approved Conditional Use Permit pursuant to Bingham County Code Section 10-5-3 *Land Use Chart*.

**Property Location:** Approx. Location: Parcel Nos. RP0105800 & RP0105900, south of US Highway 20 accessed from 1600 W Little Butte Road, at approx. 112°35’58”W 43°31’47”N in Bingham County, ID. T2N, R33E, Sections 4 & 5, consisting of approx. 742 acres.

**Applicable Regulations:** Bingham County Comprehensive Plan, dated November 20, 2018  
Bingham County Zoning Ordinance 2012-08, as amended

**Public Hearing Date:** May 13, 2026

**I. PUBLIC HEARING RECORD AND INFORMATION**

1. The following was reviewed by the Commission:
  - a. Application and materials provided by Bingham County; and
  - b. Staff Report and supplemental maps, notice, testimony, and other materials.
  
2. At the Public Hearing, Planning and Development Services Assistant Director Addie Jo Jackman presented the Staff Report for the Application. She reviewed the requested action and acknowledged that before the Public Hearing, the Commissioners were provided the record of written testimony received, which included:

(T-1) Idaho Department of Environmental Quality (DEQ) submitted testimony in the neutral position stating that, due to the lack of proximity to water of the United States, a



Multisector General Permit (MSGP) is not necessary. The Applicant will need a portable equipment relocation form (PERF) before the operation and location onsite.

(T-2) The Bureau of Land Management (BLM) Upper Snake River Office submitted testimony in a neutral position stating that this property is adjacent to public lands managed by the BLM along the northern portion of the parcel. They would like the applicant to keep in mind that cross-country motorized travel on BLM lands is prohibited, as is the creation of motorized routes without existing authorizations, including through repeated use. The BLM has recently completed the Upper Snake East Travel and Transportation Management Plan (TTMP) for this area. Through TTMP effort, travel (motorized and non-motorized use) on the BLM managed lands were addressed.

(T-3) Bingham County Public Works submitted testimony in a neutral position stating that due to the uncertainty of the jurisdiction of 1600 W and the approach onto US Highway 26, there will be little to no impact on Bingham County's transportation system, and they have no objection to the CUP. *The approach is onto US Highway 20, not US Highway 26. A Board of County Commissioners meeting was held on April 29, 2026, where 1600 W was determined to be a private road.*

3. With no questions from the Commission, testimony was presented by the Applicants' Representative (T-4), Dan Peck, 3889 Pepperwood, Rigby, ID, in response to Commissioner Winder's question of operational hours. Mr. Peck said hours are dependent upon concrete pour schedules and may be as early as 3:00 a.m. on occasion. Commissioner Winder stated that Highway 20 is extremely busy during the 4:00 a.m. to 5:00 a.m. timeframe with traffic to and from the INL site and questioned if the hours of operation could be adjusted to mitigate traffic concerns. Mr. Peck said that adjusting the start time to a later time in the day would be difficult due to rising temperatures. Mr. Peck testified that there would be truck entering and exiting signs on Highway 20 to aid with traffic awareness.

Chairman Adams asked about improving the road to the site from Highway 20 (Little Butte Road/1600 W), and Mr. Peck said there would be no opposition to improving the road and/or shoulders of the road, if need be, due to their truck traffic. Commissioner Thomson clarified that the batch plant operation is on private property only. Commissioner Jolley confirmed that the temporary nature of the batch plant operation is up to approximately 2.5 at this point. Commissioner Carter expressed interest in adding a condition on the temporary nature of the operation so that the requested land use cannot continue indefinitely.

Commissioner Jolley asked about the number of trucks travelling to and from the project site per day, aggregate delivered to the site, and concrete being delivered to the final location. Mr. Peck stated a maximum of 9 loads per day of aggregate, and as the stockpiles are built up, those trip counts may be reduced. He stated that the schedule from the contractor is pouring 900 yards in a single day, which equates to 90 trips with mixers; 10 mix trucks in operational rotations.

Commissioner Thomson asked about the reclamation of the site when complete and how the washout pits would be taken care of. Mr. Peck testified that the excess aggregate would be hauled back to the originating pit, and any excess concrete left from the concrete slab would be removed and hauled off at the landowner's request if desired. Commissioner Thomson asked about water storage and the use of 13,000 gallons per day, seeking confirmation that usage is appropriate with the water right. Mr. Peck said the proposed water storage (between 20,000 and 33,000 gallons) is permitted, along with the daily use staying under the maximum allowed use of a domestic right.

4. There was no testimony presented from the public; therefore, Chairman Adams closed the Public Hearing on this Application.
5. Commissioner Winder testified he doesn't have a concern about the Application, but encouraged the Commission to have an operation end date and suggested a 36-month timeframe. He did express concern about traffic during the hours of 3:00 a.m. to 7:30 a.m. and again from 3:30 p.m. to 6:00 p.m. He also noted there is planned construction on Highway 20 in the near future, which causes him concern with safety when vehicles are travelling 70 mph (more like 95 mph), and a truck coming from a standstill at the intersection breaches the Highway.

Commissioner Bingham questioned whether, because the project site is privately owned, the County has a role in reclamation and enforcement. Director Olsen confirmed with the Idaho Department of Lands that an approved Reclamation Plan for a concrete batch plant is not required where the aggregate is coming from another location.

Commissioner Winder wondered what authority the County has to place conditions on Highway improvements, such as illuminated signs or other improvements. Director Olsen responded that the County has the authority to place conditions on the operation, and if those conditions included Highway 20, she would encourage the condition to be *subject to the approval of ITD*. Commissioner Carter asked if a merge lane could be conditioned. Chairman Adams reminded the Commission that the project's use was already approved by ITD with the current road conditions.

Commissioner Jolley noted he didn't see testimony from IDWR regarding the use of domestic water for this land use. Director Olsen advised the Commission that in the Applicant's Narrative, he specified he consulted with IDWR and confirmed the use of the domestic water right, with up to 13,000 gallons of water per day, is permissible, under Idaho Code 42-111(1)(b)(iv). Director Olsen also confirmed written testimony from IDWR had not been received but believed the Applicant's response to be accurate.

## II. REASON


The Planning and Zoning Commission found:


1. the Application met the requirements of Bingham County Code Section 10-8-2 as the contents of the Application were complete; and
2. the requested land use of a Temporary/Portable Concrete Batch Plant in an "A/NR" Agricultural/Natural Resource Zoning District is an allowed land use with an approved Conditional Use Permit pursuant to Bingham County Code Section 10-5-3 *Land Use Chart*; and
3. the Application met the requirements of Bingham County Code Section 10-4-2(A) as the purpose of the Agricultural/Natural Resources Zoning District is to provide for the protection and orderly development of the County's natural resources, which include, in addition to known and unknown mineral deposits, timber, wind, agricultural lands, watershed, recreation, and scenic areas and wildlife habitat; and
4. that the project site is surrounded by lands owned by BLM, the State of Idaho, and the Applicant, and would not result in a decreased supply of agricultural land or an impact to the public; and
5. the Application provided a Site Plan as required by Bingham County Code Section 10-8-2(F)(1-3). The Commission discussed concerns relating to Bingham County Code Section 10-8-3(A)(4) pertaining to the welfare of the public from an increase in traffic on Highway 20. The Commission found the project site to be an ideal and suitable location for such operation, where it is on private property, and found that the Applicant has an approved Permit with the Idaho Department of Transportation, given current road and traffic conditions, with measures in place to reduce such impacts; and
6. the Application met the requirements of Bingham County Code Section 10-8-3(A)(8) as the Commission did not find that this property and proposed land use would result in the destruction, loss or damage of a scenic or historic feature of major importance; and
7. and the Application met the notice requirements of Idaho Code Title 67, Chapter 65, and Bingham County Code Section 10-3-6.

## III. DECISION

Based on the record, Commissioner Jolley moved to approve the request by Foster Land and Cattle Partnership and Idaho Materials & Construction for a Conditional Use Permit to operate a temporary/portable Concrete Batch Plant, on Parcel Numbers RP0105800 & RP0105900, as proposed. Commissioner Bingham seconded the motion.

Commissioners Jolley, Bingham, Thomson, and Winder voted in favor of the motion. Commissioner Carter voted against the motion, stating that if the motion had included an operational timeframe end date, he would have approved it. With a 4 to 1 vote, the motion to approve carried.

  
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Stephen Adams, Chairman  
Bingham County Planning and Zoning Commission

  
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Date