BINGHAM COUNTY PLANNING & ZONING COMMISSION
REASON AND DECISION

APPLICATION OF:	Conditional Use Permit: Gravel Pit/Mining – Crushing/Excavation in an "M1" Light Manufacturing Zoning District
PROPERTY OWNER/ APPLICANT:	Platinum Real Estate Investments, LLC

Requested Action:	Platinum Real Estate Investments, LLC requested a Conditional Use Permit to establish a gravel mining operation with on-site crushing on approximately 64.06 assessed acres, zoned "M1" Light Manufacturing. The Application may be considered pursuant to Bingham County Code Section 10-5-3, *Land Use Chart*, and is subject to the specific use performance standards of Section 10-7-19.
Property Location:	North and east of approximately 874 E 1400 N, Shelley, Idaho; Parcel Nos. RP0458504 and RP0458700, Township 1 North, Range 37 East, Section 21; approximately 64.06 assessed acres.
Applicable Regulations:	Bingham County Comprehensive Plan dated November 20, 2018; Bingham County Zoning Ordinance 2012-08, as amended.
Public Hearing Date:	October 14, 2026

I. PUBLIC HEARING RECORD AND INFORMATION

1. The Planning and Zoning Commission reviewed and considered the Application and supporting materials submitted by the Applicant, the Staff Report and accompanying exhibits, maps, approved Reclamation Plan, Traffic Impact Study, public hearing notices, written testimony received before the Public Hearing, and all other documents and evidence admitted into the official record.

2. The Public Hearing oral testimony included the Applicant, Bryan Sargent, 1426 N 750 E, Shelley, ID, who testified regarding the proposed mining operations, surrounding uses, and reclamation. He explained that the property is being considered for a groundwater recharge project with the Idaho Department of Water Resources (IDWR) and irrigation interests, but that no final recharge agreement or state purchase had been completed. The Applicant intends to mine gravel and considers a recharge facility as a potential long-term use, subject to subsequent arrangements. He discussed the presence of other gravel operations in the immediate area, the "M1" Light Manufacturing zoning designation, the 100-foot setback, and the economic benefits of local gravel supply.

Mr. Sargent testified that construction of perimeter berms was not preferred due to neighboring concerns about berm appearance and maintenance. He presented perimeter berm designs in Exhibit A-9 for consideration and testified that they intend to continue farming the undisturbed setback areas. He discussed phased mining and stabilization, topsoil management, coordination with the United States Department of Agriculture (USDA) concerning Pale Cyst Nematode (PCN) restrictions, and reclamation obligations under an Idaho Department of Lands (IDL) approved plan and required bond. Mr. Sargent expressed willingness to consider berms or other mitigation if required. He testified that mining below grade would reduce noise, although the timing depended on operations; that fencing was not presently proposed for the entire perimeter; and that any recharge use remained prospective.

In response to Commission questions, Mr. Sargent addressed site access from 1400 N, the proposed phased internal haul route (illustrated in Exhibit T-5A), noise and screening, the potential effects of a recharge site on wells, possible alternative industrial uses, and outreach to neighboring owners. Mr. Sargent stated that the access point from 1400 N would remain the same, that the internal road would change as mining advanced, and that phase placement was intended to limit neighboring impacts. The Commission discussed whether the reclamation plan should be updated to accurately reflect the preferred berm treatment.

3. Testimony in a neutral position was received from the following:

   (T-6) Randy Adams, Shelley/Firth Fire District Chief and neighboring property owner, 924 E 1400 N, Shelley, ID, acknowledged the Applicant's outreach, described nearby development and infrastructure limitations, expressed a preference for a recharge use over a subdivision, and discussed differing maintenance conditions at other local gravel pits. He maintained a neutral position.

   (T-7) Scot Keeler, of 899 E 1400 N, Shelley, ID, asked about comparative noise or other effects of berms versus no berms and whether trees could provide screening.

   (T-8) Nathan Guerrero, of 870 E 1400 N, Shelley, ID, raised concerns regarding maintenance of an irrigation culvert beneath the proposed access, the adequacy of the access width for truck movements, the location of scales, setbacks, and nearby well depths.

4. No oral testimony in support or opposition was received.

5. In rebuttal, Mr. Sargent testified about potential fencing and screening, concerns with trees near truck sightlines, future ditch improvements, possible use of a stronger culvert, the location of the scale shack, and an access road approximately 20 feet wide that would flare at the public road. He also explained the proposed groundwater recharge concept and did not believe the contemplated recharge depth would harm nearby wells. With no further questions, the Public Hearing was closed.

6. During deliberations, the Commission discussed compatibility with the surrounding manufacturing, agriculture, transportation, and gravel-mining uses. Furthermore, the Commission expressed appreciation for the Applicant's outreach to neighbors, screening practices, consideration of berm appearance, continued farming setback areas, phased development, reclamation, potential recharge, traffic safety, drainage, irrigation facilities, dust, noise, and proposed operating hours.

Bingham County Road and Bridge Supervisor Troy Lenhardt testified that Public Works identified no concerns with the Traffic Impact Study and that projected 2050 turn-lane needs reflected overall growth rather than the proposed gravel pit alone.

The Commission reviewed the applicable conditional use criteria in Bingham County Code Section 10-8-3. The Commissioners discussed the project's proximity to other gravel pits, the canal and railroad, established setbacks, the ability to retain agricultural use in undisturbed areas, and the fact that a recharge facility was not yet assured. Concerns were raised about truck movements on the highway, although Public Works identified no current deficiency in the Traffic Impact Study. The Commission also considered whether additional landscape screening, berms, fencing, or active farming should be imposed as conditions.

The Commission specifically discussed the hours of operation proposed in the Application: Monday through Friday, 7:00 a.m. to 6:00 p.m., and limited Saturday operations, 8:00 a.m. to 4:00 p.m., with the operation generally closed Sundays and major holidays. The Commissioners expressed a desire to avoid an unrestricted twenty-four-hour operation and to make the represented hours enforceable. Discussion included potential approval of extended operations for special projects.

II. FINDINGS & DETERMINATION

The Commissioners reviewed the Application and the evidence submitted in the record to the Application in the context of Bingham County Code Section 10-8-3, *Conditional Use Permit, Review of Application*, and made the following findings and determinations:

1. *Constitute a conditional use as established on the official schedule of zoning regulations or as determined by the commission to be a conditional use for the zone involved.* The Commission found that the proposed gravel mining operation with on-site crushing constitutes a conditionally permitted land use within the "M1" Light Manufacturing Zoning District, in conformance with Bingham County Code Sections 10-5-3 *Land Use Chart*, and 10-8-3(A)(1), subject to the applicable Conditional Use Permit requirements and Specific Use Performance Standards of Section 10-7-19 *Gravel Pits, Rock Quarries, Sand and Clay Pits*; and

2. *Be in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or this title.* The Commission found that the proposed gravel mining operation is consistent with the specific purposes (a) through (l) of the Bingham County Comprehensive Plan in conformance with Bingham County Code Section 10-8-3(A)(2).

The property's "M1" Light Manufacturing zoning designation, proximity to existing gravel mining and manufacturing operations, railroad and highway infrastructure, and availability of mineral resources support the suitability of the proposed use and its compatibility with surrounding development patterns and the physical characteristics of the land (referencing subsections (f) and (h)).

Based on the Applicant's testimony regarding local gravel availability, reduced hauling distances, and support for construction activities, the Commission determined that the proposed use supports the County's economy and productive utilization of mineral resource lands (referencing subsections (c) and (e)), while balancing property rights with the protection of neighboring properties through the proposed setbacks, phased excavation, and reclamation requirements (referencing subsection (a)).

The Commission further relied upon the submitted Traffic Impact Study and Public Works' testimony identifying no project-related roadway deficiencies to determine that the operation would not create excessive public facility costs (referencing subsection (b)).

The approved Reclamation Plan, applicable environmental regulations, and proposed operational limitations provide measures to protect environmental resources, public health and safety, and air and water quality (referencing subsections (d), (i), and (k)).

The Commission also considered the Applicant's intention to continue agricultural activities within undisturbed areas and the potential future use of the property for groundwater recharge, recognizing that the latter was not guaranteed. Based on the nature of the proposed use and the evidence presented, the Commission did not identify conflicts with the remaining Comprehensive Plan purposes concerning population concentration, fish, wildlife and recreation resources, or school district planning (referencing subsections (g), (j) and (l)); and

3. *Be designed, constructed, operated and maintained to be appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area as far as is possible.* The Commission found that the proposed gravel mining operation can be designed, constructed, operated, and maintained in a manner appropriate to the existing and intended character of the general vicinity, in conformance with Bingham County Code Section 10-8-3(A)(3).

This determination was supported in the record by the Commissioners stating that there is a presence of existing gravel mining and industrial activities in the surrounding area, the proposed one-hundred-foot (100') buffer, phased excavation, and progressive reclamation. The Commission further considered testimony from Mr. Adams, Mr. Bybee, and Mr. Keeler regarding the visual appearance and maintenance of perimeter berms, tree screening, as well as the Applicant's stated intention to continue agricultural use of undisturbed and setback areas.

4. *Not be unduly hazardous or disturbing to existing or future neighboring uses; nor involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to persons, property or the general welfare of the public by reason of excessive production of traffic, noise, smoke, fumes, odors or other pollutants.* The Commission found that the proposed gravel mining operation with on-site crushing, when conducted in accordance with applicable regulations and the proposed hours of operation, would not be unduly hazardous or disturbing to existing or future neighboring uses or detrimental to persons, property, or the general welfare of the public, in conformance with Bingham County Code Section 10-8-3(A)(4).

   This determination was supported in the record by the proposed one-hundred-foot (100') buffer, phased excavation, proximity to existing industrial and gravel mining operations, as well as the Applicant's efforts to address concerns received in testimony from Mr. Guerrero and Mr. Keeler regarding dust, noise, traffic, a culvert, berms, and screening. The Commission further considered the submitted Traffic Impact Study and testimony from Bingham County Public Works identifying no deficiencies attributable to the proposed operation. Although concerns were raised regarding gravel truck movements along Highway 91, the Commission determined that the findings from the Traffic Impact Study, proposed site design, and applicable regulatory requirements sufficiently addressed potential operational impacts; and

5. *Not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the County.* The Commission found that the proposed gravel mining operation would not create excessive additional requirements at public cost for facilities and services or be detrimental to the economic welfare of Bingham County, in conformance with Bingham County Code Section 10-8-3(A)(5).

   This determination was supported by the record in that the submitted Traffic Impact Study and testimony from Bingham County Public Works, which identified no concerns with the Study or additional roadway improvements currently required as a result of the proposed operation. Public Works further testified that the projected need for a right-turn lane in 2050 was associated with anticipated regional growth rather than the gravel operation alone. Although Commissioner Winder raised concerns regarding gravel truck turning movements at the intersection of Country Club Road and Highway 91, the Commission determined that the findings from the Traffic Impact Study, Public Works testimony, proposed site design, and applicable regulatory requirements sufficiently addressed

potential operational impacts. The Commission further determined that the availability of locally produced gravel could benefit the County's economy by reducing transportation distances and costs, supporting local construction and development activities, and retaining associated economic activity within Bingham County; and

6. *Be served adequately by essential public facilities and services or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide such services.* The Commission found that the proposed gravel mining operation can be adequately served by existing public facilities and services, or that necessary facilities and services can be provided by the Applicant or responsible agencies, in conformance with Bingham County Code Section 10-8-3(A)(6).

   This determination was supported by the record in that the property's access to an established public roadway system, the submitted Traffic Impact Study, and testimony from Bingham County Public Works identifying no present concerns regarding impacts on public roads. The Commission further relied upon the Applicant's Narrative, which identified commercially supplied bottled water for potable use, existing surface-water rights associated with the property for operational water needs, protection of existing irrigation facilities, and portable sanitary facilities provided by a licensed commercial sanitation provider during initial operations. The Narrative also identified the potential for future permanent sanitary facilities through connection to the Eastern Idaho Regional Sewer District, subject to applicable permitting and approvals, and extension of electrical service as operational needs develop. Based on this information, the Commission determined that essential facilities and services are available or can be provided to accommodate the proposed use without requiring excessive additional public infrastructure; and

7. *Have legal access to the subject property for the development. Have vehicular approaches to the property that are designed to eliminate a traffic hazard on adjacent public thoroughfares.* The Commission found that the proposed gravel mining operation has an identified access point from 1400 North Country Club Road and that the proposed vehicular approach can be designed to accommodate gravel truck traffic while minimizing traffic hazards on adjacent public thoroughfares, in conformance with Bingham County Code Section 10-8-3(A)(7), subject to an Approved Approach Permit and compliance with applicable County Approach Standards. T

   This determination was supported by the record in that the submitted Traffic Impact Study and testimony from Bingham County Public Works, which identified no concerns with the Study or proposed access. The Applicant further testified that the proposed twenty-foot (20') internal haul road would widen at its intersection with Country Club Road to facilitate truck ingress and egress, and that the access location would remain unchanged throughout the proposed mining phases. Commissioner Winder raised concerns regarding truck turning movements at the intersection of Country Club Road and Highway 91. The Commission considered these concerns in conjunction with the Traffic Impact Study and Public Works' testimony. The Commission also considered concerns from Mr. Guerrero's

testimony regarding the existing irrigation culvert beneath the proposed access road and the access width. The Applicant acknowledged these concerns and expressed willingness to address them through potential culvert replacement or piping of the ditch. Based on the evidence presented, the Commission determined that the proposed access could adequately accommodate the operation, subject to applicable roadway and approach requirements; and

8. *Not result in the destruction, loss or damage to a scenic or historic feature of major importance.* The Commission found that the proposed gravel mining operation would not result in the destruction, loss, or damage to any identified scenic or historic feature of major importance, in conformance with Bingham County Code Section 10-8-3(A)(8).

   This determination was supported in the record by finding that there are existing manufacturing, agricultural, transportation, and gravel mining uses in the surrounding area, and the absence of evidence identifying any scenic or historic feature of major importance that would be adversely affected by the proposed operation. The Commission further considered testimony from Mr. Bybee recommending reduced berm heights and landscaping, Mr. Keeler's suggestion of tree screening, and Mr. Adams' observations regarding the appearance and maintenance of perimeter berms at existing gravel operations. The Applicant also testified that neighboring property owners generally preferred avoiding berm construction and expressed concerns that trees near the access point could interfere with vehicular traffic visibility.

9. *If applicable, have adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and have utility systems provided to accommodate said use.* The Commission found that the proposed gravel mining operation has, or can provide, adequate water, sewer, irrigation, drainage, stormwater drainage, and utility facilities, as applicable to the proposed use, in conformance with Bingham County Code Section 10-8-3(A)(9).

   This determination was supported in the record by the Applicant's Narrative identifying existing surface-water rights for operational water needs, commercially supplied potable water, portable sanitary facilities, and the potential extension of electrical and permanent sanitary facilities as operational needs develop. The Commission also considered the existing irrigation canal, irrigation ditch, culvert, proposed phased excavation, and applicable stormwater and reclamation requirements. In response to concerns raised by neighboring property owner Mr. Guerrero regarding potential damage to the existing irrigation culvert beneath the proposed access road, the Applicant acknowledged the need to maintain irrigation water flow and expressed willingness to consider culvert replacement or piping of the ditch. The Commission further considered the Idaho Department of Environmental Quality's testimony regarding applicable stormwater permitting and the approved Idaho Department of Lands Reclamation Plan. Based on the facilities identified in the Application, proposed site improvements, and applicable regulatory requirements, the Commission determined that the operation could be accommodated without undue interference with existing irrigation or drainage facilities, subject to compliance with applicable permitting and operational standards; and

10. *Comply with the Specific Use Performance Standards of 10-7-19 Gravel Pits, Rock Quarries, Sand and Clay Pits.* The Commission found that the proposed gravel mining operation with on-site crushing can be conducted in conformance with Bingham County Code Section 10-7-19(A) through (G), governing excavation, buffer areas, crushing operations, reclamation, financial assurance, erosion control, drainage, and excavation setbacks. The proposed one-hundred-foot (100') buffer, phased excavation, and progressive reclamation provide measures to minimize impacts on surrounding properties and ensure the stabilization and rehabilitation of disturbed areas. The Applicant has obtained an approved Reclamation Plan from the Idaho Department of Lands, and any modifications to the Plan remain subject to approval by the appropriate State agency. The Commission further determined that the proposed hours of operation, Monday through Friday, 7:00 a.m. to 6:00 p.m., with limited Saturday operations from 8:00 a.m. to 4:00 p.m., and generally closed on Sundays and major holidays, were appropriate to minimize potential disturbances associated with excavation and crushing activities.

III. DECISION

Based on the record, Commissioner Johns moved to approve the Conditional Use Permit requested by Platinum Real Estate Investments, LLC to establish a gravel mining operation with on-site crushing on approximately 64.06 assessed acres, zoned "M1" Light Manufacturing, north and east of 874 E 1400 N, Shelley, Idaho, with the following condition:

1. Using the hours of operation as stated in the Application.

   For reference: proposed normal operating hours are Monday through Friday from 7:00 a.m. to 6:00 p.m., with limited Saturday operations from 8:00 a.m. to 4:00 p.m. The facility is intended to operate throughout the year, with activity varying by weather, construction demand, and season. The operation will generally be closed on Sundays and major holidays. Routine crushing and screening will generally be limited to weekday operating hours. Occasional activity outside normal hours may occur for emergency public works, highway, utility, or similar projects and is expected to be infrequent.

Commissioner Tominaga seconded the motion. Commissioners Johns, Tominaga, Bingham, Thomson, and Winder voted in favor. The motion carried.

Stephen Adams, Chairman
Bingham County Planning and Zoning Commission

11-18-26
Date