

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

APPLICATION OF: Conditional Use Permit for the Operation of a Gravel Pit/Mining – Crushing/Excavation, in an “A” Agriculture Zoning District.

PROPERTY OWNERS: SLT Properties LLC

APPLICANT: Knife River LLC

Requested Action: Property Owners SLT Properties, LLC, and Applicant Knife River LLC, requested a Conditional Use Permit to establish a gravel mining operation with onsite crushing, on approx. 79.58 acres of land assessed as approx. 80.60 acres, zoned “A” Agriculture, located west and northwest of 574 W 200 N, Blackfoot, ID.

The desired land use may be considered for approval pursuant to Bingham County Code Section 10-5-3 *Land Use Chart*. A Conditional Use Permit will only be issued if the Planning and Zoning Commission approves the Conditional Use Permit Application. This land use is required to comply with the *Specific Use Performance Standards* of Section 10-7-19 *Gravel Pits, Rock Quarries, Sand and Clay Pits* and Title 10 Chapter 8 *Conditional Use Permit*.

Property Location: Approx. Location: West and northwest of 574 W 200 N, Blackfoot, Idaho, Parcel No. RP0304400, Township 2S, Range 35E, Section 19, on approx. 79.58 assessed acres.

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

Public Hearing Date: June 10, 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. 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) Sean Schupack, Sr. Director of Government Affairs for Idaho Associated General Contractors, 1649 W Shoreline Dr., Boise, Idaho 83702, submitted testimony in support of the Application.
- (T-2) Allan Johnson, Regional Engineering Manager for the Department of Environmental Quality (DEQ), provided testimony in a neutral position, providing information on permitting and best management practices for gravel mining sites.
- (T-3) Bingham County Public Works submitted testimony in a neutral position and stated if the CUP is approved, the following conditions should be considered:
 - 1. Shoulder widening to 200 N and 600 W as they approach Highway 26 for approx. 200 feet. Construction drawings must be submitted and approved by both Bingham County and ITD District 5.
 - 2. Construction on left turn lanes at intersection (#1) 600 W 200 N and (#2) 200 N Highway 26. Construction drawings must be submitted and approved by both Bingham County and ITD District 5.If the above conditions are met, Bingham County Public Works has no other concerns.

The following written testimonies were submitted in opposition of the Application:

- (T-4) Bradley & Dianne Adams, of 185 N 600 W, Blackfoot, Idaho.
- (T-5) Nathan & Sarah Ellis, of 341 N 690 W, Blackfoot, Idaho.
- (T-6) David & Mitzilyn Wagner, of 665 W 200 N, Blackfoot, Idaho.
- (T-7) Kimberly Sykes, of 625 W 350 N, Blackfoot, Idaho.
- (T-8) Debra Bricker, of 625 W 350 N, Blackfoot, Idaho.
- (T-9) Benjamin Sykes, of 625 W 350 N, Blackfoot, Idaho.
- (T-10) Bill Bricker, of 625 W 350 N, Blackfoot, Idaho.
- (T-11) Keith & Catherine Salisbury, of 226 N 500 W, Blackfoot, Idaho.
- (T-12) Neil Murdock, of 568 W 200 N, Blackfoot, Idaho, submitted a Petition signed by 60 individuals in opposition.
- (T-13) Neil Murdock, of 568 W 200 N, Blackfoot, Idaho.

(T-14) Carla Murdock, of 568 W 200 N, Blackfoot, Idaho.

(T-15) Tara Lyon, of 546 W 200 N, Blackfoot, Idaho.

(T-16) Brent Lyon, of 546 W 200 N, Blackfoot, Idaho.

(T-17) Royce Lyon, of 546 W 200 N, Blackfoot, Idaho.

(T-18) Riley Lyon, of 546 W 200 N, Blackfoot, Idaho.

(T-19) Cayden Cornell, of 546 W 200 N, Blackfoot, Idaho.

(T-20) Beverly Salisbury, of 556 W 200 N, Blackfoot, Idaho.

(T-21) Chelsey Campbell, of 550 W 200 N, Blackfoot, Idaho.

(T-22) Annmarie Campbell, of 550 W 200 N, Blackfoot, Idaho.

(T-23) Natalie Baldwin, of 602 W 350 N, Blackfoot, Idaho.

3. Commissioner Winder asked Staff to clarify the location of the south buffer and that it is being increased from 100 feet to 150 feet. Director Olsen showed the location on the Applicant's Site Plan Map of the area in the southeast portion of the proposed gravel pit with the referenced increased buffer.
4. With no additional questions for Staff, the Applicant's Representative (T-24) Van Elg, with JUB Engineers, with an address of 2760 W. Excursion Lane #400, Meridian ID, clarified with County Civil Legal Counsel, Paul Rogers, that a late submission of Application materials could not be accepted as the materials were greater than 2 pages within 8 days of the hearing following Bingham County Code Section 10-3-6(A)(8). Instead, Mr. Elg submitted two pages of images (1) a radial distance map, and (2) a groundwater flow map, both of which were introduced into the record as Exhibits T-24A and T-24B.

Mr. Elg presented the Conditional Use Permit application on behalf of Knife River, explaining that the Applicant retained JUB Engineering and the Langdon Group to conduct public outreach and incorporate community feedback into the proposal. As a result of those meetings, Knife River revised the project by eliminating the proposed asphalt and concrete batch plants and implementing additional measures intended to reduce impacts on neighboring properties.

Mr. Elg testified that the operation would generally occur between 7:00 a.m. and 7:00 p.m., Monday through Friday, with crushing and screening occurring only periodically based on demand, rather than continuously throughout the year. He explained that the majority of site activity would consist of excavation, stockpiling, and hauling. The operation would

not require a domestic well, septic system, or permanent utilities, relying instead on portable facilities and imported potable water.

He described the proposed mining operation, including a three-phase extraction plan, compliance with the Idaho Surface Mining Act, noxious weed control measures, and a Reclamation Plan. Mr. Elg testified that mineral extraction is an anticipated conditional use within the Agricultural Zone and is recognized by both the Bingham County Zoning Ordinance and Comprehensive Plan as an important land use when appropriate mitigation measures are implemented.

Mr. Elg addressed concerns regarding property values, testifying that statewide market conditions generally have a greater influence on home values than nearby gravel operations. He cited examples of residential properties near an existing Knife River operation that experienced significant increases in assessed value over the past decade. He further testified that setbacks, berms, landscaping, and operational restrictions would minimize visual and noise impacts.

Mr. Elg outlined several revisions made to the proposal in response to public concerns, including:

- Removal of the asphalt and concrete batch plants;
- Relocation of the crusher farther from neighboring residences, with plans to eventually move crushing activities below grade within the pit;
- Increasing reclamation slopes to 3:1;
- Expanding perimeter berms from 100 feet to 150 feet adjacent to residential properties; and
- Implementing dust suppression measures using magnesium chloride.

Regarding transportation, Mr. Elg testified that a Traffic Impact Study (TIS) concluded the project would have minimal impacts on the surrounding roadway network. He explained that Knife River would complete the recommended roadway improvements, including shoulder widening, and that truck traffic would be limited to approximately 45 trips per day during peak operations. He also testified that trucks would comply with applicable weight limits through the use of an on-site scale and suggested that truck weight and trip limits could be incorporated as conditions of approval.

Mr. Elg testified that groundwater studies indicated approximately 21 feet of separation between the mining floor and groundwater, with groundwater generally flowing away from nearby residences. He stated that the operation would comply with all applicable state and federal environmental regulations and that Knife River would be willing to monitor neighboring wells if required as a condition of approval.

Addressing noise concerns, Mr. Elg testified that equipment noise decreases substantially with distance and would be further reduced once crushing operations occur below grade within the excavation. He compared anticipated sound levels at various distances to

common everyday noises, concluding that noise impacts would be moderate to minimal for surrounding residences.

Mr. Elg acknowledged that neighbors had expressed concerns regarding the project but maintained that those concerns could be effectively addressed through enforceable permit conditions, including limits on hours of operation, setbacks, buffering, dust control, traffic management, noise mitigation, and ongoing monitoring. He testified that, with those conditions, the proposed gravel operation would be consistent with the Bingham County Zoning Ordinance and Comprehensive Plan.

During questioning by the Commission, Mr. Elg confirmed that many of the proposed modifications resulted directly from public input received during neighborhood meetings. He indicated that Knife River would not oppose limiting operating hours to 8:00 a.m. through 5:00 p.m. if imposed as a condition of approval. He also testified that crushing would occur primarily during the spring and summer months for an estimated cumulative total of three months each year, although the overall mining project could continue for approximately 20 years, with reclamation occurring over time as mining progresses. He further confirmed that the mobile crusher would operate using electric power rather than diesel.

5. Testimony in support was received by:

(T-25) Megan Winter, with Knife River, with an address of 5450 W. Gowen Rd, Boise, ID, testified that the Applicant made significant revisions to the proposed project in response to community feedback. She explained that Knife River retained the Langdon Group, an independent third-party public outreach firm, to conduct meetings with neighboring property owners, present updates to the proposal, and gather additional concerns from the public.

Ms. Winter addressed concerns regarding respirable crystalline silica dust, explaining that aggregate mining operations are regulated by the Mine Safety and Health Administration (MSHA), which establishes strict standards for airborne particulate matter, including silica. She testified that Knife River utilizes established engineering controls, including water suppression, magnesium chloride applications, and dust collection hoods at crusher transfer points, to maintain dust levels below federal standards while also minimizing off-site impacts.

She further testified that relocating the crusher to the northwest corner of the site increased the distance to the nearest residence to more than 2,000 feet. Citing studies conducted by Mine Safety & Health Administration (MSHA) and the Occupational Safety and Health Administration (OSHA), she explained that fugitive dust concentrations decrease rapidly with distance from the source, generally returning to ambient background levels within approximately 100 feet downwind. Based on these controls and studies, she testified that the operation was designed to comply with all applicable state and federal regulations while minimizing impacts to surrounding properties.

Ms. Winter also testified regarding the regional need for aggregate materials, explaining that numerous infrastructure projects rely on a dependable local aggregate supply. She noted that the site's proximity to Blackfoot and the U.S. Highway 26 interchange would provide efficient access to these projects, reduce transportation distances, lower costs, and lessen environmental impacts. She stated that Knife River was willing to work with the County to develop reasonable conditions of approval that would allow the operation to coexist with the surrounding community.

In response to questions from the Commission, Ms. Winter testified that water for dust suppression would initially be delivered by water trucks or storage tanks supplying the crushing equipment. Although Knife River possesses transferable water rights that could be used if necessary, she did not anticipate they would be needed.

When asked about community concerns, Ms. Winter acknowledged that potential impacts on property values remained the primary issue raised by neighboring residents. She testified that Knife River's experience and research from similar operations, including an existing site operating since 2018 near Idaho Falls, indicated no measurable negative impact on surrounding property values. She also identified dust, traffic, and groundwater protection as recurring concerns discussed during the public outreach process.

Regarding construction activities, Ms. Winter testified that the site contains approximately four to five inches of topsoil. During initial site development and berm construction, dust would be controlled with water trucks, followed by routine magnesium chloride applications once the operation is established. She also referenced the Traffic Impact Study prepared by Forsgren Engineering, indicating that anticipated truck weights were analyzed to ensure compliance with applicable roadway standards.

Finally, Ms. Winter testified that Knife River would support additional groundwater testing and monitoring to address public concerns. She explained that the existing groundwater baseline information was developed using monitoring wells established by Basic American Foods, which Knife River was authorized to utilize in preparing its groundwater evaluation.

(T-26) Scott Searle, of 959 E 1400 N, Shelley, ID, testified in support of the Application and provided background regarding the property's history and agricultural use. He confirmed that the site contains approximately four to six (4–6) inches of topsoil and explained that he purchased the property from Basic American Foods and has farmed the property for approximately four years. He testified that he initially intended to grow potatoes but determined the soil contained too many rocks to successfully produce the crop. Mr. Searle presented a video showing potatoes being processed through a rock separator, which he stated demonstrated that the number of rocks exceeded the number of potatoes; the video was entered into the record as Exhibit T-26A.

Mr. Searle testified that, due to the rocky conditions, he first attempted to sell the property but was unsuccessful. He then evaluated alternative uses for the property and determined

that gravel extraction was the most suitable option given the surrounding area, including nearby gravel operations and a Confined Animal Feeding Operation within approximately one mile. He noted that only one residence is located near the southeast corner of the property, with other homes approximately three-quarters of a mile to one mile away from the proposed operation.

Mr. Searle stated that he had successfully rezoned the property to the "A" Agricultural District and subsequently reduced the proposed gravel mining boundary. He testified that prevailing winds generally come from the southwest and believed dust generated from the proposed operation would move away from nearby residences. He also stated that he has experienced more dust from exposed bare ground than from active gravel operations. Mr. Searle addressed concerns regarding existing gravel on the property, explaining that he had personally removed gravel from the northwest corner for his own use and that property owners are not prohibited from using resources located on their own land.

Mr. Searle concluded that the property is currently planted in hay because the soil conditions are not suitable for potato production, and he believes gravel mining is the best use of the property. In response to Commissioner Thomson's question regarding the remaining portion of the property, Mr. Searle testified that the eastern portion is considered for a water recharge site and would continue to be used for agricultural purposes.

6. Testimony in a neutral position was not received.

7. Testimony in opposition was received by:

(T-27) Chelsea Campbell, of 550 W 200 N, Blackfoot, ID, Ms. Campbell testified that during the prior Zone Change Public Hearing for the same property, SLT Properties LLC stated that the purpose of the zone change was to preserve the property for agricultural purposes. She stated that, in her opinion, a gravel pit is not an agricultural use and does not contribute to food production. She noted that the property has historically been productive farmland, growing crops such as corn, wheat, and grain, and has also been used as pasture. She expressed concern that once agricultural land is removed, it cannot truly be restored, regardless of a Reclamation Plan. She emphasized that agriculture is a primary industry in Bingham County and questioned why additional farmland should be converted when numerous gravel pits already exist.

Ms. Campbell expressed concerns that Knife River and SLT Properties LLC had demonstrated a willingness to modify or work around regulations to achieve their desired outcome. She referenced Bingham County Code Section 10-7-19 regarding minimizing exposed bare ground for the shortest feasible period and stated that a twenty (20)-year mining operation does not meet that standard. She noted that the original Application involved a larger area of land but maintained the same twenty-year operational timeframe. She further expressed concern that approval of the Conditional Use Permit could create an opportunity for future expansion or the addition of an asphalt plant, making future restrictions more difficult.

Ms. Campbell testified that gravel mining should be considered an industrial use and is not compatible with agricultural or residential areas. She stated that the proposed use does not align with the Bingham County Comprehensive Plan and believed the request was more similar to a variance than a Conditional Use Permit. She referenced the Comprehensive Plan goal of restoring mined lands “to its original condition as closely as possible” and questioned whether the proposed reclamation would adequately address the permanent changes to non-renewable agricultural land.

Ms. Campbell also expressed concerns regarding the long-term community impacts of the project, stating that Knife River is located outside Bingham County and questioning the lasting benefit to the local community once construction-related jobs are complete. She testified that dust impacts would continue despite proposed berms due to the strong winds common in Bingham County and expressed concern that nearby downwind residences would experience ongoing impacts from dust generated by the gravel operation.

(T-28) Kristina Darrah, of 842 W 390 N, Blackfoot, ID, testified that her biggest concern was safety and the risks on the highway citing that with young drivers in a sixty-five (65)-mile an hour zone and larger trucks on the road that take time to slow down or work up to the speed limit, and with wind blowing or snow drifts, she was concerned there would be increased risk of traffic accidents if this wasn’t taken into consideration.

(T-29) Neil Murdock, of 568 W 200 N, Blackfoot, ID, testified regarding the purpose of the Bingham County Code and Comprehensive Plan, referencing Policy D3, which encourages industrial and commercial growth while ensuring such growth does not occur at the expense of residents’ quality of life. He stated that recent increases in property values over the past ten to fifteen (10–15) years were not relevant to the potential impacts of the proposed gravel pit. He compared the proposal to development near Idaho Falls, where gravel pits and a concrete plant exist near residential areas and the river, and stated that those operations may not have significantly impacted nearby property values.

Mr. Murdock testified that the subject property has historically been productive agricultural ground after sagebrush was removed, producing crops common to Bingham County, including corn, hay, and potatoes, and that it was previously utilized by Basic American. He noted that surrounding properties continue to successfully grow crops such as potatoes and sugar beets. He acknowledged that gravel exists throughout the area, including in fields he has farmed, but stated that agricultural equipment allows farmers to remove rocks without significantly impacting crop production.

Mr. Murdock further testified that the purpose of the Agricultural Zoning District is to preserve and protect the County’s diminishing supply of agricultural land, protect productive agricultural areas, and promote public health, safety, and welfare consistent with the Comprehensive Plan. He stated that although the property may not be the most productive potato ground, it is still valuable agricultural land and not unusable scrub ground. He also acknowledged concerns regarding wind and dust, noting that dust from the Mickelson Gravel Pit coated cabinets at AgWest Credit Union during its construction.

(T-30) Bradley Adams, of 185 N 600 W, Blackfoot, ID, who resides directly south of the proposed gravel pit, testified regarding concerns about potential impacts to his well and groundwater. He stated that the water level in his well is approximately fifty (50) feet and questioned how the proposed gravel pit excavation depth of forty (40) feet could affect his water supply. He noted that there are approximately nine (9) gravel pits within a two-mile radius of his home, including four active pits, while the remaining inactive pits have remained as large holes in the ground that are unsightly and have limited future use.

Mr. Adams also expressed concerns regarding traffic impacts, questioning the timing of the Traffic Impact Study given the seasonal increases in truck and equipment traffic associated with area agricultural operations, including feedlots and spud, grain, and beef production. He testified regarding existing noise impacts in the area, including activity beginning as early as 2:00 a.m., and raised concerns about safety at the Highway 26 intersections due to ongoing traffic accidents.

Commissioner Jolley clarified that Mr. Adams was referring primarily to the intersection of 600 West and Highway 26 and asked whether the intersection of 200 North and Highway 26 was also a concern. Mr. Adams testified that the 200 North intersection was somewhat less problematic but stated that accidents have occurred at both intersections.

(T-31) Lori Mecham, of 458 W 100 N, Blackfoot, ID, testified she has a farm nearby and attended the community meetings. She testified that she considered this Application to be a devaluation of her property, stating that the Applicant testified that in twenty (20) years, the properties surrounding other gravel pits increased in value by one hundred (100) percent, but that is a big devaluation as property values have skyrocketed over the last twenty (20) years. She concluded that she was concerned they would only be putting 6 inches of soil back and leaving a pit and that Bingham County already had many gravel pits.

(T-32) Ann Marie Campbell, of 550 W 200 N, Blackfoot, ID, respectfully requested denial of the Application, expressing concerns that the proposed gravel pit would negatively impact the community, surrounding farmland, water resources, property values, health, safety, and the overall character of the area. She stated that gravel extraction would leave lasting scars on the landscape and would not provide a beneficial agricultural use for the property.

Ms. Campbell expressed concern regarding changes to the Application, noting that the original proposal included six phases but was reduced to three phases while maintaining a twenty-year operational timeframe. She raised concerns that Conditional Use Permits may be amended in the future, potentially allowing additional uses such as asphalt or cement plants. She also questioned whether the portion of the property identified as a potential aquifer recharge site could later be incorporated into the gravel operation through an amendment.

Ms. Campbell further testified regarding broader concerns about water availability, future development, and the protection of agricultural lands in Bingham County. She expressed

concern about potential impacts from dust and particulates on crops, livestock, and human health. She referenced the number of existing gravel pits in the County, including inactive sites, and stated that these sites demonstrate the long-term impacts of gravel extraction. She concluded that the County should carefully consider the protection of water resources, farmland, and community interests, and stated that Knife River would be the primary beneficiary of the proposed operation.

(T-33) Keith Salisbury, of 226 N 500 W, Blackfoot, ID, testified regarding the historical use of the property as a wastewater field for Basic American's potato processing operations. He questioned whether the prior Conditional Use Permit allowing the expansion of the wastewater field remained valid after the property was sold. He also questioned why a gravel mining operation would be allowed in an Agricultural Zoning District, stating that gravel extraction is more appropriately considered a natural resource use rather than an agricultural use.

Mr. Salisbury expressed concern about converting productive farmland into a gravel pit and questioned the long-term economic benefit to the County, including potential impacts on property taxes, employment, and revenue compared to maintaining the property for agricultural production. He questioned the future productivity and economic value of the site after the proposed twenty-year mining operation. He further questioned the need for another gravel pit when existing gravel resources are already available, including for major transportation projects. Mr. Salisbury stated that approval of the Application would have significant impacts on surrounding residents and urged the Commission to carefully consider the long-term effects of the decision.

(T-34) Lyle Campbell, of 550 W 200 N, Blackfoot, ID, stated that, in his opinion, residents in the area did not want the operation. He expressed concern that prevailing winds would make dust control ineffective and questioned whether the proposed use of water and magnesium chloride would adequately suppress dust from the berms and mining activities. He also testified that noise generated by crushers, trucks, and diesel equipment would negatively affect nearby residents, noting that he could hear construction activities from the Highway 26 widening project from approximately two miles away.

Mr. Campbell further testified that he believed the proposed operation would negatively affect surrounding property values. He stated that he had been advised by a realtor that failure to disclose the proximity of a proposed gravel pit during a property sale could result in legal liability.

He also expressed concerns regarding groundwater protection, emphasizing the importance of safeguarding the area's water resources from contamination. Mr. Campbell questioned whether the proposed Reclamation Plan would adequately restore the site after mining operations concluded.

Finally, Mr. Campbell testified that increased truck traffic could create safety concerns because heavily loaded trucks require additional time to accelerate when entering Highway 26. He also raised concerns about the generation of respirable crystalline silica and

questioned whether sufficient air quality monitoring would be conducted to ensure compliance with applicable federal standards.

(T-35) Bill Bricker, of 625 W 380 N, Blackfoot, ID, expressed concerns regarding reclamation, air quality, water quality, road conditions, and public health. Drawing on his experience working at the Hanford Nuclear Reservation, the Idaho National Laboratory (INL), and Los Alamos National Laboratory (LANL), he questioned whether the proposed reclamation of the mining site would ultimately be completed. He stated that, based on his experience with federal projects where disturbed lands remained unreclaimed, he was skeptical that a private company would successfully restore the site.

Mr. Bricker also expressed concerns regarding air quality and exposure to respirable crystalline silica, stating that individuals with existing respiratory, cardiovascular, or other health conditions could be particularly affected. He testified that he did not see proposals for air quality monitoring as part of the project.

Regarding groundwater, Mr. Bricker testified that his residence is located approximately one-quarter to one-half mile from the proposed site and expressed concern that the use of magnesium chloride for dust suppression could affect groundwater quality if it entered the water supply.

Mr. Bricker further testified that the additional truck traffic associated with hauling aggregate, water, and other materials would place significant stress on local roads. He described Clark Road as already being in poor condition, with deteriorated pavement, and expressed concern that repeated travel by heavy trucks would worsen road conditions and create traffic safety hazards. He recounted a personal experience in which loose rocks and deteriorated roadway conditions caused his vehicle to skid, stating that the addition of frequent eighty-thousand-pound trucks would further increase safety risks.

Mr. Bricker concluded by expressing concern that the proposed operation would negatively affect the health and safety of nearby residents, particularly those living in proximity to the site.

(T-36) Tara Lyon, of 546 W 200 N, Blackfoot, ID, testified in opposition to the proposed gravel pit, stating that both the Idaho Surface Mining Act and Bingham County Code require mining operations to protect public health, safety, and welfare and to avoid creating undue hazards or disturbances to neighboring properties. She expressed concern that the Application frequently used the term "anticipated," stating that real-world conditions can differ from projections and that potential impacts should be carefully considered.

Ms. Lyon testified that her primary concerns were groundwater protection and traffic safety. She explained that her son participates in cross-country running along the roads adjacent to the proposed site and that increased truck traffic would create safety concerns. She also stated that heavy trucks from the existing transfer station and nearby gravel operations already use 200 North, increasing her concern about additional truck traffic associated with the proposed operation.

Ms. Lyon testified that she had spent considerable time researching the proposal and acknowledged that Knife River had made several concessions in response to public concerns. However, she remained concerned that the current Application could serve as the first step toward future requests to expand the operation, including the addition of asphalt and concrete production facilities and an increase in the mining area. She expressed her belief that the proposal could become a gateway for continued industrial expansion.

Ms. Lyon concluded by acknowledging that the issue was emotional for nearby residents because of the direct impact on their homes and families, stating that those supporting the Application would not experience the dust, traffic, and other day-to-day effects faced by neighboring property owners.

(T-37) Brent Lyon, of 546 W 200 N, Blackfoot, ID, testified that he viewed the proposed gravel pit as a gateway to additional industrial development in the area. He expressed concerns regarding the project's potential impacts on water resources, air quality, noise, traffic, and neighboring property values.

He testified that 600 West serves both the Snake River and Blackfoot School Districts and that school buses regularly travel the surrounding roads. He expressed concern that the addition of approximately forty aggregate and water trucks per day would increase traffic hazards and place additional strain on local roads. He also questioned the Applicant's proposed water supply, stating that hauling water would contribute to road deterioration due to heavy truck traffic and suggesting that the Applicant would ultimately need to pursue either a new well or the transfer of water rights, which he believed could have implications for the local water table.

Mr. Lyon also testified regarding potential impacts on property values. He stated that, based on information he received from an Idaho-licensed appraiser and realtor, residential properties near the proposed operation could experience declines in value ranging from approximately 20 to 50 percent, depending on their proximity to the gravel pit. He disputed the Applicant's testimony regarding property value increases near an existing gravel operation, asserting that broader market appreciation should be considered and that the circumstances differed because residential development was already established before the proposed gravel pit. Mr. Lyon concluded by stating that the area remains productive agricultural land and expressed his opposition to the proposed Conditional Use Permit application.

(T-38) Carla Murdock, of 568 W 200 N, Blackfoot, ID, provided a signed Petition of individuals opposed to the gravel pit, which was entered into the record as T-38A. Ms. Murdock testified that she has lived in the area for fifty-two years and described it as a community characterized by both agricultural and residential uses. She expressed appreciation for the rural lifestyle, including the ability to use well water, open windows, dry clothes outdoors, and grow fruit trees, grapes, berries, and other crops. She voiced concern that dust and other impacts from the proposed gravel operation could affect her

property, agricultural activities, and pollinators, and asked that her rural way of life be protected.

Ms. Murdock acknowledged that the aggregate may be needed for regional transportation projects but questioned what direct benefit the proposed gravel pit would provide to Bingham County residents. She expressed concerns regarding truck traffic, dust carried by prevailing winds toward the Groveland area, potential impacts on nearby school districts, increased infrastructure costs to the County, and cumulative noise if both the proposed operation and another nearby gravel pit were crushing material simultaneously. She also questioned whether groundwater flowing toward the Moreland Townsite would be adequately monitored for potential impacts.

Ms. Murdock testified that she attended the Applicant's public meetings and open houses but felt that the concerns raised by neighboring residents were not meaningfully addressed. She concluded by questioning whether the economic benefits of the project would primarily benefit a small number of individuals while leaving Bingham County residents to bear the long-term impact of the operation.

(T-39) Kimberley Sykes, of 625 W 350 N, Blackfoot, ID, testified that, in her opinion, the Applicant failed to demonstrate that the proposed gravel operation would not be detrimental to public health, safety, and welfare. She asserted that the project was incompatible with the surrounding residential and agricultural uses and conflicted with the Bingham County Comprehensive Plan by introducing heavy industrial activity into a rural residential area.

Ms. Sykes explained that her family faces significant medical and developmental challenges and requires a predictable, low-stimulation environment. She expressed concern that noise, vibrations, lighting, and other operational impacts from the proposed gravel pit could adversely affect her family's health and well-being. She testified that the noise generated by crushing operations and heavy equipment, including low-frequency vibrations, would be disruptive and, in her opinion, could create serious health concerns for her family.

She also raised concerns regarding air quality, testifying that the operation would generate dust and respirable crystalline silica that could affect nearby residents, particularly during atmospheric inversions. She expressed concerns about potential impacts to private wells and groundwater, stating her belief that excavation could affect the natural filtration of the aquifer and increase the risk of contamination.

Ms. Sykes further testified that increased heavy truck traffic on rural roads would create public safety concerns. She questioned whether the existing road system was designed to accommodate frequent eighty-thousand-pound trucks and expressed concern for the safety of school buses, motorists, agricultural equipment, pedestrians, bicyclists, and children living in the area. She also stated that the associated noise from truck traffic and equipment would contribute to sensory and psychological impacts on nearby residents.

In response to a question from Commissioner Thomson, Ms. Sykes testified that her residence is located approximately one-quarter mile from the proposed gravel mining operation.

(T-40) Natalie Baldwin, of 602 W 350 N, Blackfoot, ID, testified that she lives approximately one mile from the proposed gravel pit and operates a flower farm. She expressed concern that prevailing winds could carry dust from the operation onto her crops, potentially affecting her livelihood.

She testified that she researched the capacity of county roads by speaking with Bingham County Road & Bridge and the Idaho Port of Entry. Based on those conversations, she questioned whether local roads were designed to accommodate the anticipated weight of aggregate trucks and expressed concern that heavy truck traffic would damage county roads, creating repair costs that would ultimately be borne by Bingham County taxpayers. She also believed trucks could utilize Tressel Road and other chip-sealed county roads that she considered unsuitable for heavy hauling.

Ms. Baldwin cited Idaho Code Section 67-6512, asserting that a Conditional Use Permit should only be approved if the proposed use is compatible with surrounding land uses and public infrastructure is adequate to support the development. She testified that, in her opinion, the proposed operation would place an undue burden on the County's transportation infrastructure.

She also expressed concerns regarding public safety, explaining that she has a newly licensed driver who is visually impaired and that residents in the area must use local roads to access Highway 26. She testified that the addition of more than forty aggregate truck trips per day would increase traffic hazards for local motorists, school buses, and children in what she described as a growing residential area. She specifically identified the Tressel Road and Groveland Road intersection as having limited visibility and expressed concern that increased truck traffic could create unsafe conditions. Ms. Baldwin concluded by urging the Commission to deny the Conditional Use Permit application.

II. REASON

The Commissioners reviewed the written and oral record of said 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. Regarding whether the facts and circumstances provide adequate evidence to show that the conditional use of the proposed location will: “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 Bingham County Code Section 10-5-3 *Land Use Chart* allows the land use of a *Gravel Pit/Mining with crushing and excavation of gravel* in an “A” Agriculture Zoning District with an approved Conditional Use Permit.

2. Regarding whether the facts and circumstances provide adequate evidence to show that the conditional use of the proposed location will:

- a. "Be in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or this title." The Commission deliberated the conditional use of the land in the context of the stated purposes of Bingham County's Comprehensive Plan. The Commission reviewed the Application's consistency with the Comprehensive Plan and the applicable approval criteria, expressing concerns regarding the compatibility of a long-term gravel mining operation within an area experiencing existing and anticipated residential growth.

The Commission discussed the proposed Reclamation Plan, voicing apprehension that, although it complied with State requirements, it would substantially alter the site's existing condition and leave uncertainty regarding the property's long-term character and future use. Additional deliberations addressed potential impacts on neighboring property rights and values, the adequacy of proposed public road improvements and their long-term implications for public infrastructure, and whether the presence of other gravel operations in the vicinity demonstrated compatibility with the physical characteristics of the land.

In reviewing compatibility with the site's physical characteristics, Chairman Adams noted that the area consists primarily of agricultural land with cattle operations nearby and abundant gravel deposits beneath the surface, making the criterion difficult to evaluate. Commissioner Johns similarly observed that several existing gravel pits are located in the vicinity of the proposed site. Throughout the discussion, Commissioners expressed differing opinions regarding whether the evidence sufficiently demonstrated compliance with these approval criteria.

- b. 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. Testimony and deliberations included that the area surrounding the project site contains established residences, patterns of continued residential development at some point in the future, and nearby communities, including the proximity of the Groveland Townsite and, although at a further distance from the proposed project site, the Moreland area.

The Commission discussed the proposed Reclamation Plan at length and expressed concern that no definitive post-mining end use had been identified for the site. Commissioners noted that while the Applicant had obtained approval of a Reclamation Plan and bonding through the State, the evidence presented did not establish what the long-term use of the property would be after mining operations cease. The Commission found that the lack of a clearly defined end use made it difficult to determine whether the project would remain compatible with the surrounding area over the long term.

The Commission found that introducing a new industrial-type extraction use of approximately 80 acres, including crushing activities, truck traffic, and associated operations, would alter the existing and intended character of the vicinity.

c. 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 specifically discussed the distinction between residential development occurring near an existing gravel pit and the establishment of a new gravel pit adjacent to existing residences. The Commission found that existing property owners purchased and developed their properties with the expectation of a predominantly agricultural and residential setting and that the introduction of a new industrial extraction operation would create a land use conflict that would not otherwise exist.

With regard to truck traffic associated with the operation, particularly in relation to nearby residential areas and future growth of the surrounding community and the proximity to Highway 26. While roadway improvements could mitigate certain impacts, the Commission found that the proposed use would introduce increased industrial traffic and activity into an area that will likely transition toward greater residential development rather than industrial or agricultural land uses.

The Commission acknowledged that the Applicant proposed extensive mitigation measures related to dust, noise, groundwater, traffic improvements, and operational controls, including proposing conditions to enforce mitigation. However, several Commissioners found that mitigation measures did not resolve the fundamental concern of introducing a new gravel mining operation into an area where residential uses already exist.

d. 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 did not express concerns with the proposed land use creating excessive additional requirements at public cost for public facilities and services because the Traffic Impact Study's (TIS) recommended improvements were to be made at the cost of the Applicant, if approved.

e. 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 did not express concerns with the proposed land use not being served by essential public facilities or services.

f. 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 the property has legal access. In addition, the Commission acknowledged that the proposed access improvements, including roadway widening and turn lane improvements, could address identified roadway design concerns

and that the Applicant expressed willingness to complete such improvements if approved. In addition, the Bingham County Public Works Director provided testimony that if the recommended TIS improvements were made, Public Works had no other concerns.

The Commission discussed requiring specific routes for truck travel to minimize the impact on adjacent roads and neighborhoods but ultimately found that if this was placed as a condition, it would be challenging to enforce.

g. Not result in the destruction, loss or damage to a scenic or historic feature of major importance. The Commission found this section not to be applicable.

h. If applicable, have adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and have utility systems provided to accommodate said use. The Commission did not identify deficiencies related to the availability of water, irrigation, drainage, stormwater facilities, or utility services necessary to accommodate the proposed use.

3. While acknowledging that gravel extraction is an important economic activity in Bingham County, several Commissioners questioned whether the proposed location was appropriate given the surrounding land uses, ongoing residential development, and anticipated future growth in the area. After weighing the evidence presented, the Commission concluded that the potential adverse impacts associated with the proposed location outweighed the benefits of the gravel mining operation. Accordingly, the Commission found that the proposed land use was not appropriate at this location.

IV. FINDINGS

In consideration and with reference to the Reasons set forth above, the Planning and Zoning Commission made the following findings:

1. The evidence submitted demonstrates that the proposed use satisfies some of the approval criteria contained in Bingham County Code Section 10-8-3(A) but does not satisfy all criteria required for approval. Specifically, the Application
 - a. “Constitute[s] 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;”
 - b. Is not “in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or this title;”
 - c. Is not “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;”
 - d. Is “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;”
- e. Does not “create excessive additional requirements at public cost for public facilities and services will not be detrimental to the economic welfare of the County;”
 - f. Is “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;”
 - g. There is “legal access to the subject property for the development,” and the property would have “vehicular approaches to the property that are designed to eliminate a traffic hazard on adjacent public thoroughfares” with roadway improvements following the Traffic Impact Study recommendations;
 - h. Will not “result in the destruction, loss or damage to a scenic or historic feature of major importance;” and,
 - i. To the extent it is applicable, it has “adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and will have utility systems provided to accommodate said use.”

V. DECISION

Based on the record, Commissioner Bingham moved to deny the request by Property Owners SLT Properties, LLC, and Applicant Knife River LLC based on:

1. Bingham County Code Comprehensive Plan, Purposes of Plan, A: *“To protect property rights and the use of property while not adversely impacting neighboring property values more than is necessary.”*
2. Bingham County Code Section 10-8-2 and Section 10-8-3(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.”*
3. Section 10-8-3(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.”*

Commissioner Thomson seconded the motion. Commissioners Bingham, Thomson, Bautista, and Tominaga voted in favor. Commissioner Johns, Jolley & Winder voted in opposition.

Commissioner Jolley then testified that he voted incorrectly and changed his vote on the record to in favor of the motion to deny the Application. The motion passed with a vote of five (5) in favor to deny and (2) opposed to the motion.

Commissioner Winder voted in opposition, stating that based on the Application, it fit in the landscape of what is around it, which has already been approved. He felt that the land use could be conditioned to allow for successful operations. Commissioner Johns voted in opposition, stating that the Application met the requirements of Bingham County Code Section 10-8-3, with added conditions.

The Decision may be appealed to the Board of County Commissioners in writing within 14 days from the date of this Reason and Decision, following Bingham County Code Section 10-8-9 and 10-10-2.



Stephen Adams, Chairman
Bingham County Planning and Zoning Commission



Date