

COPY

BEFORE THE BOARD OF BINGHAM COUNTY COMMISSIONERS

IN THE MATTER OF BASIC AMERICAN FOODS, INC.
APPLICATION FOR SPECIAL USE PERMIT

FINDINGS OF FACT, CONCLUSIONS OF LAW AND MEMORANDUM DECISION
As Amended May 8, 1997

The Bingham County Commissioners grant a Special Use Permit for expansion of Basic American Foods' wastewater treatment facility over the North 150 acres, more or less, described in its application, upon certain conditions. The Special Use Permit is denied for the South 80 acres described in the application.

Procedural Context

1. On January 6, 1997, Basic American Foods, Inc. applied with the Bingham County Planning and Zoning Administrator for a Special Use Permit for the purpose of recycling and processing its potato processing plant waste water, in a permanent grass crop, to be located on the Northwest 1/4 of Section 19, T2S, Range 35 E.B.M., currently zoned Agriculture (A), and upon the North 1/2 of the Southwest 1/4 of Section 19, T2S, R35 E.B.M., which is currently zoned Residential/Agriculture (R/A). A hearing on the Special Use Permit was scheduled before the Bingham County Planning and Zoning Board January 29, 1997, and appropriate notice of the hearing was published in the Morning News and mailed to all owners of real property within 300 feet of the external boundaries of the land being considered for the Special Use Permit. A copy of the Notice of Hearing was also posted on the applicable property.
2. A hearing on the Special Use Permit was held on January 29, 1997 before the Bingham County Planning and Zoning Board as scheduled, and testimony by Basic American Foods and a large number of witnesses in opposition to the Special Use Permit was heard. The Planning and Zoning Board approved the issuance of a Special Use Permit upon certain conditions.
3. Lyle Campbell, a resident of Bingham County at 550 West 200 North within 300 feet of the external boundaries of the land at issue, filed an appeal to the Bingham County Commissioners from the decision of the Bingham County Planning and Zoning Board, and the hearing was scheduled before the Bingham County Commissioners February 25, 1997. Appropriate notice of hearing was published in the Morning News and served upon adjoining land owners and posted upon the appropriate property. At the hearing the Bingham County Commissioners heard testimony on behalf of Basic American Foods and a number of other witnesses in favor of this Special Use Permit, as well as testimony by Mr. and Mrs. Lyle Campbell and a number of other witnesses in opposition to this Special Use Permit.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

4. After due deliberation and consideration, the Bingham County Commissioners hereby find as follows:

Procedures

5. The procedural requirements of Chapter 10 of the Bingham County Ordinance 84-4 as amended by Ordinance 86-9 and 88-8 and the provisions of Idaho Code § 67-6501 et seq., Local Land Use Planning Act of 1975, as amended, have been followed. A proper Special Use Permit application has been made, appropriate notice of the application has been given, and adequate hearing on the Special Use Permit application has been provided before the Planning and Zoning Board and the Bingham County Commissioners.

Background Information

6. Basic American Food, Inc. operates a large potato processing plant in Bingham County, Idaho west of Blackfoot. The plant processes large quantities of potatoes grown by Bingham County farmers into various types of dehydrated potato products for distribution and sale to consumers. A by-product of the manufacturing process is a large quantity water containing solids which have been extracted from the potatoes in the cooking and dehydrating process.
7. For many years, Basic American Foods has piped its waste water to a farm of approximately 300 acres located five miles northwest of the processing plant. There the potato waste water has been spread over the field in both the growing season and the winter season by means of flood irrigation. In more recent years, a portion of the waste water was disbursed over some of the land by means of sprinkler irrigation lines. In the last year the sprinkler irrigation lines have been converted to a drag tube system which does not require the waste water to be sprayed into the air for disbursal.
8. In theory, the waste water and the solids contained in it are to be used as nutrients for a crop of grass growing on the farm, which results in the recycling of the water and solids. In practice, the quantity of waste water and solids has been too great for the soil and grass crop to fully absorb and use at the flood irrigated field. This has killed the grass crop in some spots and resulted in the accumulation of large quantities of potato solids which decay and omit a foul odor. In addition, the pipe by which the waste water is transported from the plant to the farm provides a place for bacteria to grow while the water is being transported. This is one reason a foul odor results when the water is sprayed into air or spread onto the land.
9. The present Basic American Food wastewater treatment facility and farm appears to have lawfully existed prior to the enactment of the present Bingham County Zoning Ordinance, and as such, it may be continued as a "non-conforming use." Sometimes this is called a "grandfather right." However, Basic American Food is required by state law to bring its wastewater treatment facility into compliance with criteria established by the State of Idaho

through the Department of Environmental Quality (DEQ). The state requires a reduction in the amount of potato solids to be spread over the land in a year's time. Theoretically such a reduction should rejuvenate the grass crop on the existing facility and reduce the odor.

10. Basic American Foods has prepared a plan to come into compliance with state requirements by significantly reducing the amount of potato solids in the wastewater through improving the manufacturing process, flushing and cleaning the pipeline between the plant and the farm, flushing the lines used at the farm, and disbursing the water in the crop growing months through a drag tube system rather than through a spray or sprinkled system. In order to come into compliance with state criteria, Basic American Foods plans to expand its wastewater treatment farm so that the water and the solids it contains will be spread over a larger number of acres, and thus the quantity of water and solids will not exceed the capacity of the land and the grass crop to absorb and recycle it. For this purpose Basic American Foods has purchased an additional 230 acres south of the present farm. It proposes to spread the water over a grass crop planted on the additional land by means of a linear drag tube system. The north 150 acres, more or less, of the proposed additional land is located in an Agricultural (A) zone. The south 80 acres is located in a Residential/Agricultural (R/A) zone.
11. All the land in question is located over the ancient flood plain of the Snake River consisting of several feet of topsoil which covers a sand and gravel mixture through which flows ground water. The Bingham County Comprehensive Plan Ground Water Map shows the ground water level to be within 50 feet of the surface in the area. To the east and south of the existing field and the proposed new field are numerous small rural residential tracts consisting of homes with several acres used as pastures, gardens, and small farms. To the north of the existing wastewater facility is open farm land. To the west of the proposed new fields is a large cattle feed lot which also omits a foul odor depending on the season and its usage.

Hearing Testimony

12. At the hearing before the Board of Commissioners, the witnesses on behalf of Basic American Foods admitted that the present flood irrigated field is overloaded with wastewater and potato solids and that the overload causes the field to stink. The witnesses acknowledged that Basic American Foods needs to correct this problem and explained that the plan to do so includes improvements to the manufacturing, piping and application processes by reducing the amount of solids in the water, periodically cleaning and flushing the transportation lines and applying water on some of the fields by a drag tube system. A major requirement for reducing the odor is to reduce the amount of solids applied to the flood irrigated field by expanding the number of acres over which the water will be spread by drag tubes. The flood irrigated field will not be used during the summer months, but can be rejuvenated during that time. In a nutshell, Basic American Food contends that in order to reduce the odor from the existing field, the size of the wastewater treatment facility must be expanded so the wastewater can be spread over more acres.

13. Mr. and Mrs. Campbell and those testifying against the Special Use Permit expressed concern that since the present facility emits foul odors, that an expansion into the land described in the application for a Special Use Permit would emit additional foul odors, and that the wastewater may contaminate the ground water. They expressed concern that increased foul odors from the facility would devalue their property, and that the expansion was incompatible with the Residential/Agricultural (R/A) zone in which they reside. They urged the Commissioners to require any Special Use Permit to be reviewed on a yearly or semi-annual basis and requested that precautions be made to protect the ground water from contamination by well testing, both up gradient and down gradient from the facility.

Zoning Ordinance and Comprehensive Plan

14. The Bingham County Zoning Ordinance paragraph 6.3 classifies a waste treatment facility as an industrial use which is permitted in both the Agricultural (A) and Residential/Agricultural (R/A) zones by Special Use Permit.
15. Paragraph 8.3 of the Zoning Ordinance provides concerning industrial uses:

"No land or building in any district shall be used or occupied in any manner creating hazardous, injurious, obnoxious or otherwise objectional conditions which could adversely affect the surrounding areas or adjoining premises, except that any use by this Ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectional conditions to acceptable limits are taken as established by the following performance requirements:

- 8.3.3 Noise--Objectionable noise as determined by the Administrator which is due to volume, frequency or heat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement;
- 8.3.4 Air Pollution--air pollution shall be subject to the requirements and regulations established by the Health Authority and EPA;
- 8.3.7 Water Pollution--Water pollution shall be subject to the requirements and regulations established by the Health Authority, the appropriate State Water Authority and the EPA.

The Administrator, prior to the issuance of a zoning permit, shall require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances. The Board may grant a Special Use Permit on the condition of obtaining appropriate State approvals."

16. Section 10.3 of the ordinance establishes several general standards which are applicable to all Special Use Permits stating:

"The Board shall review the particular facts and circumstances of each proposed special use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- 10.3.2 Will be harmonious with and in accordance with the general objectives or with any special objective of the plan and/or this ordinance (see 8.2);
- 10.3.4 Will not be unduly hazardous or disturbing to existing or future neighboring uses;
- 10.3.7 Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to persons, property of the general welfare by reason of excessive production of traffic, noise, smoke, fumes, odors or other pollutants."

Paragraph 10.6 of the ordinance provides: "Upon granting of a Special Use Permit, the Board may attach conditions including, but not limited to, those:

- 10.6.1 Minimizing adverse impact on other development;
 - 10.6.2 Controlling the sequence and timing of development;
 - 10.6.3 Controlling the duration of development;
 - 10.6.4 Assuring that development is maintained properly;
 - 10.6.5 Designating the exact location and nature of development;
 - 10.6.6 Requiring the provision for on-site or off-site public facilities or services; and
 - 10.6.7 Requiring more restrictive standards than those generally required in this Ordinance.
17. Paragraph 2 of the Comprehensive Plan sets forth several goals and objectives of the plan including the following:
- "6. Economic growth should be encouraged in a selective manner compatible with the existing agricultural base of the region's economy.
 - 8. Suitable areas should be zoned for light and heavy manufacturing to encourage the development of new and expanding industries.
 - 9. Zoning Ordinances should control uses which would be objectionable.
 - 10. The county should ensure compliance with federal and state air and water quality standards.

11. Consistent with human and environmental values, sufficient economic growth should be promoted to provide full employment.”
18. Paragraph 2.4 of the Comprehensive Plan provides that industrial and commercial expansion should be kept in proper balance with other land uses and suggests that this be accomplished by encouragement of the development of industries which are compatible with the surrounding land uses.
19. Paragraph 2.6 of the Comprehensive Plan states that agricultural land uses in Bingham County provide an economic basis which should be encouraged and the potential effect of residential and industrial development on the quality of ground water in the county should be considered in order to protect the natural resources of the county.
20. Finally, paragraph 14.3 of the Comprehensive Plan specifies that upon consideration of a Special Use Permit, that state, local and federal environmental standards may be considered and that development should be compatible with surrounding areas where reasonably possible and should not adversely impact adjoining property.
21. The Agricultural and Residential/Agricultural districts are described in the Zoning Ordinance as follows:
 - 4.2.2 Agricultural District (A)--the purpose of the A District is to preserve and protect the decreasing supply of agricultural land. This district also is established to control the infiltration of urban development into agricultural areas which will adversely affect agricultural operations.
 - 4.2.3 Residential/Agricultural District (R/A)--The purpose of the R/A District is to permit the establishment of low density single family dwellings with lot sizes sufficient for individual sewer and water facilities.

ANALYSIS AND DECISION

22. Basic American Foods’ application for a Special Use Permit requires the Commissioners to weigh and consider policies, goals, and considerations set forth in the Zoning Ordinance and Comprehensive Plan with regard to the facts and circumstances which exist in Bingham County, and particularly at the location of the subject real property and the surrounding area. Some of the policies and goals weigh in favor of granting a Special Use Permit, others weigh in favor of denial. For example, the Comprehensive Plan’s goals to encourage economic growth in a manner compatible with the existing agricultural base of the region’s economy, to encourage the development of new and expanding industries, and to promote economic growth and full employment would be fulfilled by the granting of this permit. The production of potatoes by the county’s farmers and the processing and marketing of potato product by Basic American Foods are a major economic support for the people of Bingham County. However, the Comprehensive Plan provides that industrial and commercial expansion should be kept in proper balance with other land uses, and that the development

of industries should be compatible with surrounding land uses and not adversely impact adjoining property. Testimony by neighboring residents of the present wastewater treatment facility raises concerns that objectionable odors and noise and the potential for ground water contamination make the present wastewater treatment facility an incompatible neighbor with low density residential housing such as exist in the R/A zone.

23. With regard to the north 150 acres, more or less, located at the Northwest 1/4 of Section 19, Township 2 South Range, 35 E.B.M., and currently zoned Agricultural (A), the Commissioners conclude that the granting of a Special Use Permit for expansion of the waste treatment facility would be harmonious and in accordance with the general objectives of the Comprehensive Plan and the Bingham County Zoning Ordinance and would not be disturbing to existing or future neighboring uses. The disbursal of wastewater over a grass crop located on this portion of the land is compatible with the types of uses found in the agricultural zone. Therefore, the Commissioners shall grant a Special Use Permit for expansion of the waste treatment facility onto the above described portion of the land upon the conditions described hereafter.
24. The south 80 acres of land located in the North 1/2 of the Southwest 1/4 of Section 19, Township 2 South, Range 35 E.B.M., is currently zoned Residential/Agricultural (R/A). This zoning district permits the establishment of low density single family housing on lots big enough for individual sewer and water facilities. A significant number of homes are found within a quarter mile of this field. The Commissioners find that expansion of the wastewater treatment facility into this southernmost field would not be harmonious with the existing neighboring uses, would not be in accordance to the general objectives of the Comprehensive Plan and the Zoning Ordinance. The Commissioners therefore deny the granting of a Special Use Permit with regard to the southernmost 80 acres at this time.

The following conditions shall apply to the Special Use Permit on land located in the Northwest 1/4 Section 19, Township 2 South, Range 35 E.B.M.:

1. No wastewater shall be applied to the land until written approval for application is obtained from the Idaho Department of Environmental Quality. Wastewater shall not be applied to the land by means of flood irrigation. The DEQ permit shall be maintained so long as the land is used for wastewater treatment.
2. Basic American Foods shall not permit wastewater products that it generates to be disbursed upon the land, subject to this Special Use Permit, so as to adversely affect the quality of the ground water to the extent that the ground water leaving the site violates the standards established by the State of Idaho in the Land Application permit. If the ground water leaving the site is affected by these wastewater products and violates the ground water standards established by the State of Idaho in the Land Application permit, the application of wastewater may be terminated until the violation is corrected.
3. Odors from the wastewater or from the breakdown of potato solids in or on the soil shall be limited so that reasonable property owners living within one quarter mile of the external

boundaries of the land, which is the subject of this Special Use Permit, do not find the odors to be incompatible with their day-to-day activities upon their real properties or otherwise unreasonably disturbing or objectionable. Basic American Foods shall use management practices at its plant and at the wastewater treatment facility which is the subject of this permit so as to reduce odors from wastewater and potato solids to a minimum. The amount of potato solids applied to the land shall not exceed the annual maximum limits established by the Idaho Department of Environmental Quality.

4. In order to reduce noise, internal combustion engines shall not be used to power irrigation pumps or irrigation machines on the land subject to this permit.
5. Basic American Foods shall provide quarterly reports to the Bingham County Planning and Zoning Administrator concerning the operation of its wastewater treatment facility, including water sample reports from the monitoring wells. Compliance with the conditions of this Special Use Permit shall be reviewed jointly by the Administrator of the Bingham County Planning and Zoning Department and Basic American Foods annually, commencing with September 1998.

The Special Use Permit may be revoked upon violation of any of the conditions of the permit. Prior to revocation of the Special Use Permit, the county shall provide Basic American Foods with a written notice of the alleged violation. The notice shall state that a hearing before the Planning and Zoning Board to consider revocation of the permit will occur unless, within a time limit to be set by the county at no less than 30 days from receipt of the written notice, Basic American Foods either (1) cures or corrects the condition which constitutes a violation of the Special Use Permit, or (2) reaches a negotiated agreement with the county to resolve the violation in some other manner.

In the event of a hearing to revoke the permit, the hearing shall be limited to those issues raised by the original violation, notice of which was delivered to Basic American Foods. The hearing shall be conducted in the same manner and following the same procedures as were followed to grant the original Special Use Permit. Any parties aggrieved by the decision of the Planning and Zoning Board or the Board of County Commissioners shall have those rights of appeal granted by the Idaho Code of the Bingham County Zoning Ordinance. Nothing herein shall preclude any right of any party to take appropriate action to abate a nuisance, if one exists.

In addition to conditions set forth in this permit, Basic American Foods has represented it will conduct its operations and monitor wells in the area as set forth in the attached **Exhibit A**. These representations are **not conditions** of this permit, but are attached to explain in more detail the plan of action proposed by Basic American Foods, Inc.

IT IS SO ORDERED this 8TH day of MAY, 1997.

George Katseanes
GEORGE KATSEANES, Chairman

Kay Gneiting
KAY GNEITING

Wayne T. Brower
WAYNE BROWER

EXHIBIT A TO Special Use Permit

1. Operation and management of the fields covered by this special-use permit shall meet all conditions of the Idaho State DEQ permit and the following conditions:
 - A. Groundwater shall be protected such that the operation of this facility will not cause the groundwater leaving this site to violate Drinking Water Standards for Nitrate-Nitrogen, Iron, Manganese, and Total Dissolved Solids.
 - B. The application of processing water organics (measured as COD in pounds per acre per day annual average) and Nitrogen (measured as TKN in pounds per acre per year) shall be less than or equal to published Idaho state DEQ guidelines.
 - C. Whenever a distribution pipeline between the booster station and this facility that has been used to transport process water to or within this facility is taken out of service, the line or lines will be flushed with fresh water within 24 hours. The lines will be left full of fresh water or emptied. A log will be maintained of this activity.
 - ~~Removed D.~~ There shall be at least a four-day rest period between process water applications to the same area of a field. A log will be maintained for the use of each field to include the amounts of process water and constituents applied.
 - E. The accumulation of process water organic solids on the surface of the soil is not allowed.
 - F. To prevent prolonged ponding of process water, process water shall not be applied at a rate that exceeds the infiltration capacity of the soils.
 - G. Process water will only be applied through irrigation drag tubes or other similar devices that prevent aerosol formation and that apply the process water directly to the ground surface.
2. ~~For a minimum of five years,~~ Basic American Foods shall provide ^{annual} quarterly updates as to the performance of the operation of this facility to all interested persons ~~residing within three-eighths of a mile to this facility.~~
3. Basic American Foods will sample nonmonitoring domestic wells that are within one-quarter of a mile from the new treatment fields once per year in accordance with the following:
 - A. The well owner asks that the well be sampled.

- B. The well construction meets standards for domestic well sanitation requirements as certified by an Idaho registered sanitarian or geologist.
- C. *Removed* A third-party, Idaho-registered professional sanitarian or geologist observes the sampling or takes the samples and completes the sample chain of custody forms through sample shipment to an Idaho certified laboratory for analysis.
- D. *Removed* The samples be analyzed for Nitrate-Nitrogen, TDS, Iron, Manganese, and Potassium.
- E. The results be made available to the well owner, Basic American Foods, Bingham County, and the State of Idaho DEQ.
- F. Basic American Foods pays for the cost of sampling and analysis of the samples.

BASIC AMERICAN FOODS
BLACKFOOT LAND TREATMENT SYSTEM





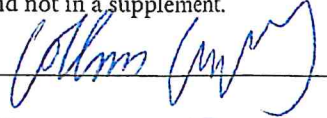
PROOF OF PUBLICATION

Idaho State Journal and Post Register


State of Idaho
County of Bingham

I, Collins Crapo first being duly sworn, depose and say: That I am the Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of The Idaho State Journal and Post Register, a newspaper of general circulation, published 4 days, Tuesday, Wednesday, Friday and Saturday, at Pocatello and Idaho Falls, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Idaho State Journal and Post Register and on IdahoPublicNotices.com for 1 day(s), first publication having been made on 03/14/2025 last publication having been made on 03/14/2025, and that the said notice was published in the regular and entire issue of said papers on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.



Subscribed and sworn to before me, on this 14th day of March, 2025



Notary Public
My commission expires:

_____ attached jurat _____

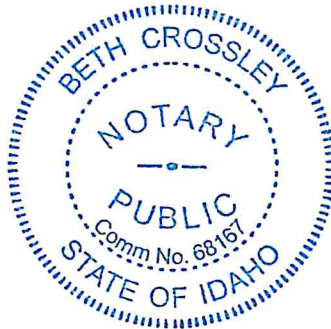
STATE OF IDAHO


ss.

COUNTY OF BINGHAM

On this 14th day of March, 2025 before me, the undersigned, a Notary public for said state, personally appeared Collins Crapo, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for APG of the Rockies
Residing: Idaho Falls, Idaho
Commission expires: 7/28/28

**BINGHAM COUNTY
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Bingham County Board of Commissioners will hold a Public Hearing beginning on April 14, 2025 at 10:00 a.m. The Public Hearing will take place in Commission Chambers, Bingham County Courthouse, 501 N. Maple, Blackfoot, Idaho.

The following Applications will be heard:

ZONING AMENDMENT FROM "R/A" RESIDENTIAL/AGRICULTURE TO "A" AGRICULTURE (ACTION ITEM: DECISION) The Board of Bingham County Commissioners will hold a Public Hearing to receive the Planning & Zoning Commission's recommendation to deny property owner SLT Properties, LLC's request to amend the zoning of approx. 143.97 acres located North and West of 574 W 200 N, Blackfoot, Idaho, zoned "R/A" Residential/Agriculture used as farm ground for growing grain to "A" Agriculture in accordance with Bingham County Code Title 10 Chapter 15 Amendments. The purpose of the zoning amendment is to utilize the natural resources on the property for development of a temporary gravel mining and crushing operation, including portable hot-mix asphalt and ready-mix concrete batch plants for a term of up to 20 years, subject to an approved Conditional Use Permit Application as required pursuant to Bingham County Code Section 10-5-3 Land Use Chart and subject to compliance with the Specific Use Performance Standards of Bingham County Code Section 10-7-19 Gravel Pits, Rock Quarries, Sand and Clay Pits. The Bingham County Comprehensive Plan Map has the parcels designated as Agriculture; this Map Area supports the desired zoning amendment to the Agriculture Zoning District designation.

Approx. Location: North and West of 574 W 200 N, Blackfoot, ID, Parcel No's. RP0303901 & RP0304400, Township 2 South, Range 35 East, Section 19, totaling approx. 143.97 acres.

All persons interested or persons who are affected are invited to attend said Public Hearing to show cause, if any, if the requested Application meets Bingham County Code and may give testimony in favor, neutral or in opposition of said request. According to Bingham County Code Section 10-3-6(7), no more than two pages of written testimony will be accepted less than eight calendar days before a hearing. You may send testimony by mail to 501 N. Maple, Box 204, Blackfoot, ID 83221 or email to LDalley@binghamid.gov. Individuals who need accessible communications or other accommodations in order to participate are invited to make their needs known to the Bingham County Clerk, 3 to 5 days in advance. ADA/504 Compliance.

Dated this 11th day of March, 2025.

Lindsey Dalley
Commission Clerk

Published: March 14th, 2025 (PR/ISJ26290-616438)

Blackfoot/Snake River Government Agency Notice

Company Name	Attention	Address	City	St	Zip
Bingham County Appraisal		Service by Email			
Bingham County Assessor		Service by Email			
Bingham County Building Official		Service by Email			
Bingham County Parks & Recreation		Service by Email			
Bingham County Public Works		Service by Email			
Bingham County Sheriff		Service by Email			
Bingham County Surveyor		Service by Email			
Bingham County Treasurer		Service by Email			
Aberdeen/Springfield Canal Co.		P.O. Box 857	Aberdeen	ID	83210
Blackfoot Fire District	Verl Jarvie	225 N. Ash	Blackfoot	ID	83221
Blackfoot Irrigation Co		108 E 200 N	Blackfoot	ID	83222
Blackfoot Post Office	Postmaster	165 W Pacific	Blackfoot	ID	83221
Blackfoot School District	Superintendent	270 E. Bridge	Blackfoot	ID	83221
Bureau of Land Management	Land & Realty	4350 S. Cliffs Dr.	Pocatello	ID	83204
Bureau of Land Management	Land & Realty	1405 Hollipark Dr.	Idaho Falls	ID	83401
Bureau of Reclamation	Laura Crandall	470 Roger Ave.	Heyburn	ID	83336
City of Blackfoot	Mayor/City Council	157 N. Broadway	Blackfoot	ID	83221
Corbett Slough Ditch Company		78 N 100 W	Blackfoot	ID	83222
Department of Environmental Quality	Allan Johnson	444 Hospital Way #300	Pocatello	ID	83201
Department of Water Resources		900 N. Skyline Dr. #A	Idaho Falls	ID	83402
Eastern Idaho Water Company		279 N 400 E	Blackfoot	ID	83221
Fort Hall Business Council		PO Box 306	Fort Hall	ID	83203
Groveland Water & Sewer	Marc Pange	144 N 400 W	Blackfoot	ID	83221
Idaho Department of Lands	Pat Brown	3563 Ririe Highway	Idaho Falls	ID	83401
Idaho Department of Transportation		5151 S. 5th Ave	Pocatello	ID	83204
Idaho Fish & Game	Becky Johnson	1345 Barton Road	Pocatello	ID	83204
Idaho Irrigation District		496 E. 14th Street	Idaho Falls	ID	83404
Idaho Power	Design Leader	301 E Benton Street	Pocatello	ID	83201
Idaho Public Health Department	Ken Keller	1901 Alvin Ricken Dr.	Pocatello	ID	83201
Intermountain Gas Co	Pocatello Marketing	12584 N Tyhee Rd.	Pocatello	ID	83202
Moreland Water & Sewer District		PO Box G	Moreland	ID	83256
New Lavaside Canal	Von Cornelison	66 E. River Road	Blackfoot	ID	83221
Parson's Ditch Co		638 W 100 S	Blackfoot	ID	83222
People's Canal & Irrigation Co		1050 W. Highway 39	Blackfoot	ID	83221
Qwest Engineering	Jon Davidson	455 W Lewis St.	Pocatello	ID	83204
Riverside Canal Co		379 W 150 N	Blackfoot	ID	83221

Exhibit
CC-5

Blackfoot/Snake River Government Agency Notice

Shoshone Bannock Tribal Land Use Policy Commission		PO Box 306	Fort Hall	ID	83203
Smith-Maxwell Ditch Co		839 W Riverton Rd.	Blackfoot	ID	83220
Snake River School District	Superintendent	103 S. 900 W.	Blackfoot	ID	83221
Snake River Valley Irrigation		P.O. BOX 70	Basalt	ID	83218
United Canal Company		762 W Hwy 39	Blackfoot	ID	83221
United Canal Company	Spencer Larsen	864 W 650 N	Blackfoot	ID	83221
U.S. Army Corps of Engineers Walla Walla District Idaho Falls Regulatory Office		900 N Skyline Road, Suite A	Idaho Falls	ID	83402
Watson Canal Co	Karl Williams	187 S 100 W	Blackfoot	ID	83221
Wearyrick Ditch Co		66 S 700 W	Blackfoot	ID	83221

45 Government Agencies

NOTICE OF MAILING

I hereby certify on March 11, 2025, I, Lindsey Dalley, personally mailed notice of the SLT Properties LLC Public Hearing to the above named Government Agencies.

Lindsey Dalley

Lindsey Dalley
Commission Clerk

BINGHAM COUNTY COMMISSIONERS

Whitney Manwaring, Chairman

Eric Jackson

Drew Jensen



Lindsey Dalley, Commission Clerk

501 N. Maple Room 204

Blackfoot, ID 83221

Phone (208) 782-3013

Fax (208) 785-4131

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Approx. Location: North and West of 574 W 200 N, Blackfoot, ID. Parcel No’s. RP0303901 & RP0304400, Township 2 South, Range 35 East, Section 19, totaling approx. 143.97 acres.

All persons interested or persons who are affected are invited to attend said Public Hearing to show cause, if any, if the requested Application meets Bingham County Code and may give testimony in favor, neutral or in opposition of said request. According to Bingham County Code Section 10-3-6(7), no more than two pages of written testimony will be accepted less than eight calendar days before a hearing. You may send testimony by mail to 501 N. Maple, Box 204, Blackfoot, ID 83221 or email to LDalley@binghamid.gov Individuals who need accessible communications or other accommodations in order to participate are invited to make their needs known to the Bingham County Clerk, 3 to 5 days in advance. ADA/504 Compliance.

Dated this 11th day of March, 2025.

Lindsey Dalley
Commission Clerk

“Potato Capital”

**PROPERTY OWNERS LIST - SLT PROPERTIES LLC
ZONING AMENDMENT**

OWNER	ADDRESS	CITY STATE ZIP
BASIC AMERICAN INC	1676 N CALIFORNIA BLVD STE 525	WALNUT CREEK CA 94596-0000
BINGHAM COUNTY PUBLIC WORKS	245 N 690 W	BLACKFOOT ID 83221-0000
BRADLEY & DIANNE ADAMS	185 N 600 W	BLACKFOOT ID 83221-2208
BRENT & TARA LYON	546 W 200 N	BLACKFOOT ID 83221-0000
HORENCIO & ISIDORA FLORES	527 W 255 N	BLACKFOOT ID 83221-0000
IDAHO POWER CO	1220 IDAHO ST	BOISE ID 83702-0000
JEAN LARSON & NANCY KNIGHTON C/O JUDY MADSEN	248 PAHSIMEROI RD	ELLIS ID 83235-0000
KEITH & BEVERLY SALISBURY	556 W 200 N	BLACKFOOT ID 83221-0000
KEITH & CATHERINE SALISBURY	226 N 500 W	BLACKFOOT ID 83221-0000
KEVIN & LORI MECHAM	458 W 100 N	BLACKFOOT ID 83221-0000
LYLE & ANN MARIE CAMPBELL	550 W 200 N	BLACKFOOT ID 83221-2016
MARTIN & KATHLEEN HRABIK	574 W 200 N	BLACKFOOT ID 83221-2016
NEIL & CARLA MURDOCK	568 W 200 N	BLACKFOOT ID 83221-2016
RIVER VALLEY HOLDINGS LLC	479 RICH LN	BLACKFOOT ID 83221-0000
SLT PROPERTIES LLC	P.O. BOX H	SHELLEY ID 83274-0000
SNAKE RIVER LIVESTOCK COMPANY	830 TABOR ROAD	BLACKFOOT ID 83221-0000

16 PROPERTY OWNERS

NOTICE OF MAILING

I hereby certify on March 11, 2025 I, Lindsey Dalley, personally prepared the Notice of Public Hearing for the proposed Application for delivery by postmarked U.S. Regular Mail to the above named property owners who are within 300 feet of the properties in question

Lindsey Dalley

Lindsey Dalley
Commission Clerk

Exhibit
CC-6

BINGHAM COUNTY COMMISSIONERS

Whitney Manwaring, Chairman

Eric Jackson

Drew Jensen



Lindsey Dalley, Commission Clerk

501 N. Maple Room 204

Blackfoot, ID 83221

Phone (208) 782-3013

Fax (208) 785-4131

BINGHAM COUNTY NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Bingham County Board of Commissioners will hold a Public Hearing beginning on April 14, 2025 at 10:00 a.m. The Public Hearing will take place in Commission Chambers, Bingham County Courthouse, 501 N. Maple, Blackfoot, Idaho.

The following Applications will be heard:

ZONING AMENDMENT FROM “R/A” RESIDENTIAL/AGRICULTURE TO “A” AGRICULTURE (ACTION ITEM: DECISION) The Board of Bingham County Commissioners will hold a Public Hearing to receive the Planning & Zoning Commission’s recommendation to deny property owner SLT Properties, LLC’s request to amend the zoning of approx. 143.97 acres located North and West of 574 W 200 N, Blackfoot, Idaho, zoned “R/A” Residential/Agriculture used as farm ground for growing grain to “A” Agriculture in accordance with Bingham County Code Title 10 Chapter 15 *Amendments*. The purpose of the zoning amendment is to utilize the natural resources on the property for development of a temporary gravel mining and crushing operation, including portable hot-mix asphalt and ready-mix concrete batch plants for a term of up to 20 years, subject to an approved Conditional Use Permit Application as required pursuant to Bingham County Code Section 10-5-3 *Land Use Chart* and subject to compliance with the Specific Use Performance Standards of Bingham County Code Section 10-7-19 *Gravel Pits, Rock Quarries, Sand and Clay Pits*. The Bingham County Comprehensive Plan Map has the parcels designated as Agriculture; this Map Area supports the desired zoning amendment to the Agriculture Zoning District designation.

Approx. Location: North and West of 574 W 200 N, Blackfoot, ID. Parcel No’s. RP0303901 & RP0304400, Township 2 South, Range 35 East, Section 19, totaling approx. 143.97 acres.

All persons interested or persons who are affected are invited to attend said Public Hearing to show cause, if any, if the requested Application meets Bingham County Code and may give testimony in favor, neutral or in opposition of said request. According to Bingham County Code Section 10-3-6(7), no more than two pages of written testimony will be accepted less than eight calendar days before a hearing. You may send testimony by mail to 501 N. Maple, Box 204, Blackfoot, ID 83221 or email to LDalley@binghamid.gov Individuals who need accessible communications or other accommodations in order to participate are invited to make their needs known to the Bingham County Clerk, 3 to 5 days in advance. ADA/504 Compliance.

Dated this 11th day of March, 2025.

Lindsey Dalley
Commission Clerk

“Potato Capital”

BINGHAM COUNTY

PLANNING & DEVELOPMENT SERVICES

NOTICE OF POSTING

I hereby certify that on March 26, 2025, I personally posted the Bingham County Board of Commissioners Public Hearing Notice for File No. 3238 at the following locations:

Approx. Location: North and West of 574 W 200 N, Blackfoot, ID. Parcel No's. RP0303901 & RP0304400, Township 2 South, Range 35 East, Section 19, totaling approx. 143.97 acres.



Posted on the West property line off of 600 W
Clark Road



Posted on the South property line off of 200 N
Porterville Road

Ashley Taylor
Ashley Taylor
Planner

Exhibit
CC-7

Bingham County

Clerk's Office

Received March 21, 2025

P. Dallery

Pamela W. Eckhardt, Clerk

March 15, 2025

Dear Bingham County Commissioners,

I am writing this letter in regards to the proposed property rezoning of the approximately 143.97 acres located North and West of 574 W 200 N, Blackfoot Idaho from "R/A" residential / agricultural to "A" agricultural. I am strongly opposed to this change!

The change in zoning needed for the new gravel mining and crushing operation, to be built and operated at the above stated location, should not be approved!

The county already has 10 publicly listed gravel mining and crushing pits! Over half of these gravel mining and crushing pits are in the Blackfoot area. There is no reason a productive area of land should be made unusable for a temporary period of 20 years for gravel mining and crushing with a hot-mix asphalt and ready-mix concrete plant.

The above stated land currently is used for growing consumable crops. By changing the zoning and digging a gravel pit, the agriculture industry is negatively impacted! The amount of producing farm and ranch agricultural ground in the United States is constantly being destroyed by building and industrial usage. This extends to the ground water disruption, the care given to control of noxious and invasive plant species that are left unchecked around such gravel mining and crushing pits, and the environmental impact to the air quality of the area. When gravel is mined and crushed, silica from the crushing enters the air. This is a very fine but hazardous inhalant that can lead to serious health issues to nearby residents and also leads to surrounding plant and crop destruction. This gravel pit is no ordinary gravel mining and crushing pit where the gravel is simply mined from the area, but this proposed change is to allow a hot-mix asphalt and ready-mix concrete plant! This pit and plant will use chemicals that can seep into surrounding soils and waters. The chances of chemical contamination to the surrounding soil, irrigation water, and sub-ground water is high with these types of gravel mining and crushing pits with hot-mix asphalt and ready-mix concrete plants. The pit and plant will produce visual and noise pollution and extremely offensive smells! The habitat destruction, expedited erosion of the surrounding soils, and disruption of the natural flow of ground water and irrigation water as a result of such gravel pit will impact the surrounding residents, not the company operating such a plant!

In addition to these concerns, is the fact that there will be a significant increase in large truck traffic on a very small county road. These county roads are very narrow with no shoulder and highly populated with residences. These residences already loose pets and livestock to accidents on narrow county roads without the increased heavy truck traffic that cannot adjust and react in quick instances to avoid accidents.

The zoning change of this land and building of a gravel mining and crushing pit with a hot-mix asphalt and ready-mix concrete plant will negatively impact the value of the land and homes in

Exhibit
CC-8

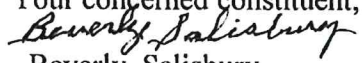
the surrounding areas. According to an Economic Impact Assessment (EIA) on residential property adjacent to gravel mines completed in 2016, the value of the land within 0.5 miles from a gravel mining and crushing pits decreases approximately 20%, and a 14.5% deduction in residential property value within 1.0 miles of a gravel mining and crushing pit. This decrease in land value near gravel mining and crushing pits will impact surrounding residents for 3.0 miles in any direction from the mine. What are these current amounts of property value deduction in this instance? Considering what the value of homes and land has done, which is increase substantially, I can only imagine that the decrease in land value is more!

When the temporary permit is terminated after a period of 20 years, will the land be restored to its original state? No! The land may go through a restoration, but the ground will now be prone to extremely invasive noxious weeds that are not productive or usable for anyone or anything! The ground at the location would also be prone to severe runoff and unstable for agricultural usage. The natural ground water flow would be severely impacted and not restored to its natural state. The cleanup of the pollution would also be left for the surrounding residents to clean up. There is no one who benefits from this zoning change for a gravel mining and crushing pit with a hot-mix asphalt and ready-mix concrete plant other than the company owning and operating such plant! After the conclusion of the 20 year pit and plant there will be a giant scar left on the land.

Gravel mining seems to be a booming business in Bingham county. If there will continue to be more gravel mining and crushing pits constructed in the future, there should be adjustments made as to where gravel pits can be dug in regards to valuable agricultural and residential ground being destroyed. Productive and farmable agricultural ground is a rare commodity and there is no more ground being made. This region in Idaho and the United States is renowned for its agricultural output. Why are we allowing the destruction of productive ground for the mining of gravel and production of concrete and asphalt.

I would be an adjacent neighbor to the land of the proposed zoning change for the gravel mining and crushing pit. This affects me significantly.

Commissioners, you were elected by the public to officially represent the public and their needs and wants. Do you hear your constituents? Will you act in the interest of the county, community, and residents who elected you? Or will you do nothing and allow the construction of yet another gravel pit in Bingham County?

Your concerned constituent,

-Beverly Salisbury

556W 200N Blackfoot ID, 83221

Dear Bingham County Commissioners,

In conducting more research on the topic of a gravel pit at this location, I am questioning that this application should be classified as a Natural Resources or a Natural Resources/ Agriculture zoning change. The 2018 Bingham County Comprehensive Plan definition of NR NR/A's discusses mineral resources, the definition is "Area's where soils contain sand, gravel, cinders or other minerals or aggregates. State Code Title 47 chapter 15 SC 47-1503 defines Mineral means coal, clay stone sand gravel. SC 47-1503 #7 The definition of a Mining operation means the activities performed on the surface of surface or underground mine in the extraction of minerals from the ground including the excavating of pits removal of minerals disposition of overburden. Also, the definition of zoning for Industrial/ Commercial more closely fits the definitions of what they have planned here, as the definition is processing of raw materials, and those industries by nature that could have objectionable elements. Title 47 chapter 15 47-1503 (6-7) Minerals means coal, clay stone sand gravel, and 7 Mining operations means the activities performed on the surface of a surface or underground mine in the extraction of minerals from the ground, including the excavating of pits, removal of minerals, disposal of overburden and the construction of haulage roads, exclusive of exploration operations, except that any exploration operations which exclusive of exploration roads, a result during a period of 12 consecutive months in more than 5 contiguous acres of newly affected land or b which exclusive of exploration roads result during a period of 12 consecutive months in newly affected land consisting of more than 10 noncontiguous acres if such affected land constitutes more than 15% of the total area of any circular tract that includes such affected land shall be deemed to be a surface mining operation for the purposes of this chapter.

2018 Bingham County Comprehensive Plan policy A2 page 10 question 1 Private Property Rights asks questions. Question 1: would be a temporary occupation of this property, and would leave the property in 20 years of questionable value. Question 2: does this property dedicate a portion of the property or grant an easement? There are a couple of Private ditches that go across this property. Meagan from Knife River called me and asked me about the ditches, I told her who owned the ditches and who she needed to contact. At her testimony at BC's Planning and Zoning hearing, she stated that my only concern I had was gophers digging in the ditches. I am President of the Riverside Canal, the main canal that feeds the Augustine Lateral that feeds The Zollinger ditch utilized by Bruce Lake. I do not have the authority to tell anyone what to do on the Zollinger ditch as president of the Riverside. The Zollinger ditch is a private ditch. Also, the Dubois Ditch runs through the property, feeding my mother's property. I told Meagan that Pete Mickelsen was the President of the Dubois ditch, who she did not notify, and they also never notified Hrabik's of their ditch that went through this property. Question 6: does the regulation serve the same purpose that would be served by directly prohibiting the use or action and does the condition imposed substantially advance that purpose? Dennis Lake and I were very much interested in acquiring this property when it was up for sale. Basic American had some stipulations that the land was to be used strictly for agriculture and protect Basic American's property to the north. It was not to be changed or developed for Residential property. This proposal not only defies what Basic did not want to occur but drastically changes the land use which is not agriculture.

SC 67-8001 Protection of Private Property Declaration of purpose. The purpose of this chapter is to establish an orderly, consistent review process that better enables state agencies and local government

Exhibit
CC-9

to evaluate whether proposed regulatory or administrative actions may result in a taking of private property without due process of law. Answer this question: what are going to be the effects of a commercial gravel and asphalt plant a few feet above our aquifer? You will have an occasional oil leak, harsh chemicals used in asphalt production, and who knows what else. The main concern for me is I will be down wind of all the dust from this facility and I am the one out moving pipe, harvesting crops and will be greatly affected by being down wind of a dusty operation. My crops include alfalfa hay to very picky horse customers who want the highest quality hay. What is dusty hay going to do to my business of selling horse hay and who will compensate me for the lost customers? I had skin cancer and am very concerned about silica the new cause of cancer, once you go through cancer treatments, things like this are very concerning. I was lucky they caught this early and the treatments were relatively easy to go through, but I still have effects of the treatment that may or may not go away with time. I definitely do not want to go through cancer treatment ever again if I can avoid it. My wife has an autoimmune disease that she moderates by regular exercise. She walks around our field every night. She will not be able to do that with high amounts of dust and whatever else is in the air.

The local residents will be exposed to noise pollution as well. The constant beepers and Jake brakes on trucks, not to mention the crusher running constantly. For the most part, this is a quiet residential neighborhood that does not need this kind of noise pollution.

On page 24 of the 2018 BCCP policy E3 a gravel pit and asphalt plant at this location clearly is not providing for residential living that is safe, convenient and attractive. When Moreland and Groveland are growing together, is a gravel pit going to be attractive and safe? I think not. On page 55 the definition of RA area in this area allows for the continuation of those agriculture uses already established, but will limit the establishment of new agriculture uses that may significantly impact urbanizing areas with noise, dust, odor and other nuisances associated with agriculture uses such as livestock confinement operations or ag related businesses. Residential areas are established to provide a higher density of residential development and preserve desirable residential neighborhood characteristics. This Area will restrict development of land for any purpose other than state law protected agriculture that may adversely affect residential uses by creating noise, odor, or dust. A gravel pit is violating every aspect of the definition of RA/A areas.

Spot zoning on page 56 states a reclassification that does not bear a substantial relationship to public health, safety or general welfare and is in conflict with the comprehensive plan including the singling out of small parcels of land for use classification that are inconsistent with those of the surrounding area and to the detriment of other permitted existing uses. Policy O2 Spot Zoning question 1. This action does not correct a mistake. It is only for 140 acres and has been zoned for RA/A. Even Basic American could not get zoning change when they bought the property. Question 6: the detriments to neighboring property owners is our properties values will deteriorate. Dust, noise, water, air pollution and many other yet to be known detriments to my property values not only in money but our 30+ years of improving our property will be for nothing. What am I going to do with a property that borders a worthless unproductive piece of ground? Question 10: is it not compatible with surrounding land uses, and question 12: it will have long lasting detriments to the community. Rationale: spot zoning should be avoided where possible. Rezoning decisions should be carefully analyzed and should not occur unless the advantages outweigh the disadvantages.

This land has a history of producing 30+ tons of corn silage which equates to 10 tons dry matter which equates to 2800# of beef per acre and at today's market that is about \$5500 per acre or about \$700,000 for a 140-acre farm. Where are you going to replace that much beef or any agricultural product with agricultural land disappearing at the rate it is today?

What is the land going to be worth when it is mined and returned to agriculture? It will not be a productive farm that is producing quality agricultural products. It will have the top soil disturbed, and be subject to flooding on wet years. It will be just another bare piece of land leaching storm water and left over chemicals and oil to seep into our aquifer forever.

Question 6: it does not serve the same purpose that would be served by allowing this action and drastically changes the condition imposed substantially advance that purpose.

SC 67-6508 Planning Duties highlight existing conditions, trends, compatibility of land uses desirable goals and objectives, or desirable future situations for each planning component and a) adversely impact property values or create unnecessary technical limitations on the use of property and analysis as prescribed under the declarations of purpose in chapter 80 title 67 Idaho code and f) Natural resources an analysis of the uses of rivers and other waters, forests range soils harbors fisheries wildlife minerals thermal waters beaches watersheds and shorelines. If you approve this gravel pit, you are disregarding your planning duties

SC 67-8002 4) Regulatory taking means a regulatory or administrative action resulting in deprivation of private property that is subject of such action, whether such deprivation is total or partial permanent or temporary in violation of the state or federal constitution. If you violate this statute, as much as I loath useless attorneys, I will be forced to pursue legal action.

If Knife River builds a berm around their property, they will be creating a flooding problem that did not exist before. There are 2 natural swales that run through my property and Knife Rivers. If we have a 50 or a 100 year flooding event similar to 1948 or 1949, 1997, or 2004 and the ground is frozen and rapid snow melt, water will find its way to the low spots and try to flow down these swales and eventually back to the river. With a berm around Knife Rivers property, that water will back up and flood everyone to the North East of this property until it breaks a new channel that floods my mother's property. Is it likely to happen? My guess is we will have a 1 in 5 chances of a major event occurring in the next 20 years and I am not looking forward to getting wet because of a major change in the landscape.

If you do approve of this gravel and asphalt plant, would you please consider adding our place to the zoning change so Knife River can harvest gravel off my place too. If you approve this that will be the only value of 30+ years we can get even though Bingham County has Evie Lane subdivision, the subdivision or development to the north of me, Stallings subdivision, Knight subdivision, Herres special use development. All of these borders my property and most have occurred since I bought this property. I have had to object to Basic American wanting to expand their expansion of their waste treatment fields into RA/A zoning. I had 6 kids swimming half naked at 2 o'clock in the morning next to my 480-volt pump screaming "help me." When I read the police report, it only mentioned 2 kids who were going to whip my ass if I didn't leave them alone, one whose parent worked with the prosecuting attorney's office. I was told I was the one who would get in trouble because the kids were scared of me.

In another incident, I got a judgement for some kids spinning cookies in my field on freshly worked ground awaiting to be planted to alfalfa. I am still waiting 25 years later for my check to show up in the mail. So please consider my place when you approve Knife River's application because we are done fighting for our rights to have a peaceful neighborhood in a RA/A zone just like when we purchased it 31 years ago.

Sincerely,

Keith and Catherine Salisbury

226 N. 500 W.

Blackfoot, Idaho 83221

From: [Addie Jo Jackman](#)
To: [Ashley Taylor](#)
Subject: Opposition letter (zoning area 574 W 200 N)
Date: Tuesday, April 1, 2025 9:38:39 AM

From: Lindsey Dalley <LDalley@binghamid.gov>
Sent: Monday, March 31, 2025 6:33 PM
To: Tiffany Olsen <TOlsen@binghamid.gov>; Addie Jo Jackman <AJackman@binghamid.gov>
Subject: Fw: Opposition letter (zoning area 574 W 200 N)

Attached is an opposition letter

Get [Outlook for iOS](#)

From: Vestle Wixom <dvwixom@gmail.com>
Sent: Monday, March 31, 2025 5:46:54 PM
To: ldalley@binghamid.gov <ldalley@binghamid.gov>
Subject: Opposition letter (zoning area 574 W 200 N)

CAUTION: This email originated from outside the organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Lindsey Dalley
Bingham County Commission Clerk

Imagine living in your perfect house, perfect neighborhood; quiet, birdsong, clean, crisp air. Children riding bikes or walking to their friend's house. Weekend BBA aroma in the air. Working in the garden or puttering in the yard. Probably where you live now.

Now imagine being told things are going to be changed. A gravel pit, cement plant, etc moving in next door. Heavy machinery crushing rocks, spotlights all night, massive trucks rumbling through the neighborhood; dust and fumes and NOISE 24 hrs a day.

Imagine that you have a family member, or even yourself, with asthma, COPD, or any number of illness, that struggle to breathe through the dust and fumes.

How would you guarantee your child, mother, pet, or anyone near the road is safe from being hit by a vehicle passing a truck, not seeing that a bus is stopped - or even that it's a truck that hits someone?

Imagine no more bbq weekends because you're eating dirt! No more quiet dinner outside of an evening, due to exhaust fumes.

Suddenly it becomes nearly impossible to drive down your quiet road because truck traffic is nonstop. Not just on your road but miles outside it.

Imagine this being YOUR reality.

Addie Jo Jackman

To: Lindsey Dalley
Subject: RE:

From: Carmen Hensen <hensencarmen78@gmail.com>
Sent: Wednesday, April 2, 2025 11:03 AM
To: Lindsey Dalley <LDalley@binghamid.gov>
Subject:

CAUTION: This email originated from outside the organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

We live directly down wind and less than one mile from the proposed. Gravel pit and asphalt plant. We already have heavy County gravel truck traffic now on Bond road, we don't want more. We vote NO to the gravel pit, gravel crusher, cement plant, Asphalt plant.

From: [Lindsey Dalley](#)
To: [Addie Jo Jackman](#)
Subject: Fw: About the gravel pit trying to be approved at 574 W 200 N
Date: Wednesday, April 2, 2025 6:09:56 PM

Get [Outlook for iOS](#)

From: LeeAnn BIRD <nljsbird@msn.com>
Sent: Wednesday, April 2, 2025 6:06:35 PM
To: ldalley@binghamid.gov <ldalley@binghamid.gov>
Subject: About the gravel pit trying to be approved at 574 W 200 N

CAUTION: This email originated from outside the organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

We are the Norman bird family at 476 W 200 N we are against this proposal. We're concerned about property values going down the damage and pollution with air and ground water it will cause. Will affect a lot too besides big trucks and traffic. We are against this proposal. Signed Norman Bird
LeeAnn Bird Jason Bird.
Sent from my iPhone

Exhibit
CC-12

Martin G Hrabik III
Kathleen M Hrabik
574 W 200 N
Blackfoot, Idaho 83221

April 3, 2025

Bingham County
Planning & Development Services
Tiffany G. Olsen

RE: Zone Amendment from "R/A Residential/Agricultural to "A" Agricultural located north of 574 West 200 North Blackfoot, Idaho.

We, Martin & Kathleen Hrabik live at 574 W. 200 N. Blackfoot next to and alongside of the proposed site zone change. Fifty percent of our property borders the proposed change. **We are very much against this proposed change** per letter received from Bingham County Code Section 10-5-3 Land Use Chart that requires Bingham County Code Section 10-7-19 Gravel Pits, Rock Quarries, Sand & Clay Pits and Hot Mix Plant.

We have peacefully resided at this location for over twenty-five years and have raised 3 boys. We have invested our life savings in our home and plan to live our retirement years at this location for many more to come. My wife and I both have autoimmune diseases and are both considered disabled. This change would be very detrimental to our health. I have worked at Premier Technology Inc. for over 17 years, and we have been an important part of the community.

The many reasons we are against this change are as follows.

- Major health risks to residents (lung cancer, kidney disease, eye issues)
- Entirely too close to our home and property
- Goes against our rights as disabled citizens.
- Water (pollution) contamination of our home well and overall aquifer
- Air contamination PM emissions
- Soil contamination and erosion

Exhibit
CC-13

- Depreciation of property value
- Habitat destruction
- Dust and Dirt buildup that will damage property and equipment
- Major silica hazards that can kill residents (causes cancer)
- Terrible smell (hot mix plant)
- Road hazards and traffic
- Trucks on roads with children at bus stops and school transportation

We feel by approving this zone change it will seriously affect our health and property value and harm all neighbors and the community. We have invested our lives and finances into our home and feel it is unfair to have our lives disrupted for a person's financial gain.

My wife must see an ophthalmologist every several months to make sure her eyes are not being affected by air quality because of her medical condition (Lupus). If this is allowed it will seriously affect her condition and overall health. I also have multiple sclerosis which has taken a toll on my health and I have breathing complications, and the rock dust would severely worsen my condition.

Thank you so much for considering our request to not approve this zone change.

Respectfully,

Martin & Kathleen Hrabik

Martin Hrabik 4/3/25

Kathleen Hrabik 4/3/25

April 1, 2025

To: Bingham County Board of Commissioner,

This letter is being written in opposition of zone amendment for the approx. 143.97 acres, located North and West of 574W 200N, Blackfoot that is currently owned by SLT Properties, LLC. Changing the zoning from Residential/Agricultural to "A" Agriculture. The intent is for a proposed gravel pit and asphalt plant. Despite the need for Gravel pits and asphalt plants for infrastructure development, the proximity to residential area for this particular property is of concern.

Industrial concentration in the area. With-in a one and a half mile radius of this property the county currently has allowed the Snake River Livestock Feedlot (a confined animal operation), Basic American spray fields (waste water of potato process), Bingham County Solid Waste Transfer Station, and Bingham County gravel pits, Gale Lim gravel pit, Michelson Construction gravel pit, Goodwin Excavation gravel pit, and Idaho Asphalt oil holding facility to name a few of the heavy industrial activities. Historically this subject property was owned and wisely used by Basic American Foods as a buffer zone for their potato waste water spray fields and residential areas that are on the 200N (Porterville Road). Along the 200 N road is a well establish area with residential homes and lacking commercial/industrial activities. When sold to the new owner of the property was not to be rezoned and this should be enforced by the County. It is in the best interest of Bingham County to keep the 200 N (Porterville Rd) as an agricultural and residential area. By keeping existing zoning will retain the current "buffer zone" from industrial activities and the residential homes. Allowing this change will be a break from the past and create issues as it will put heavy industrial activities right at the property lines of residential homes.

The establishment of an asphalt plant near residential areas raises significant concerns for the potential issues of traffic, dust and noise, potential for water pollution, and economic impact repercussions.

Traffic- Putting a gravel pit, crushing facility, and hot-mix asphalt and ready-mix concrete batch plants will increase traffic. This subject property is a highly active with the 600W Rd being the boarder for the Snake River School District and the Blackfoot School District. Bus Routes for Snake River School, Blackfoot School, Moreland School, Groveland School, Idaho Science and Technology Charter School, and Blackfoot Charter Community Learning Center all have bus routes at this intersection. This combined with the 200 N road also being a major path for people driving to the INEL Site and the Bingham County transfer station make this a congested traffic area. Adding trucks hauling materials to and from this area would compound issues with public safety.

Dust and Noise- this proposal puts heavy industrial activities directly adjacent to residential homes. The request is for 24 hour operations and will be detrimental to the adjacent resident's

**Exhibit
CC-14**

Bingham County
Clerk's Office
Received April 3, 2025
Kimberly Dallery
Pamela W. Eckhardt, Clerk

living standards. A 6 ft berm does not offer much defense of noise, will do nothing for dust control, and only block the current views of the desert, Twin Buttes, and Lost River Mountain Range. The overall quality of life for residents living near a gravel pit and asphalt plant will deteriorate. The constant exposure to pollutants, noise, and the stress associated with potential health risks like stress, sleep disturbances, and other health problems for residents.

Potential for Water Pollution: Spills and leaks from heavy industrial equipment are guaranteed to occur during gravel mining and concrete/asphalt production. No equipment is immune from diesel fuel spills, engine/hydraulic oil leaks, plus the more concerning leaching of asphalt oils during wet weather conditions. Drain for this property will be down. Digging a pit will only bring contaminants that much closer to aquifer. Property currently acts as a buffer zone for a potato waste spray fields, and a local feedlot that both produce high levels of nitrates and phosphorus. Additional industrial activity will only apply additional need for added scrutiny of area water quality. This should come at the County, State and Federal levels.

Economic Impact: Research from appraisers and comparative sales show that property values decrease with the presence of gravel pits and value declines are more prevalent with the presence of an asphalt plant. The proposed gravel pit and asphalt plant will significantly reduce property values in my local neighborhood. Potential buyers are deterred by the noise, pollution, traffic, and aesthetic degradation associated with these operations. This makes homes less attractive and more difficult to sell. I believe it is an important purpose for the Bingham County Planning and Zoning's to promote responsible economic growth without sacrificing the residence's property values. Allowing the creation of a gravel pit and asphalt plant directly adjacent to existing residence homes with no buffer zone would be deemed an irresponsible act by the county. Tax assessments would be reduced for all involved. The Knife River Construction Company would gain revenues from these activities, but it would come at a cost of the neighboring land values. What benefit would the County be gaining from allowing this to occur?

Conclusion

My recommendation is for the denial of the requested property zone change. I believe the Planning & Zoning Commission's denial of the change should be upheld and the property remain zoned R/A. The establishment of an asphalt plant near residential areas is detrimental to public health, the environment, residential tax assessment land values, and the socio-economic fabric of communities. It is imperative that decision-makers consider these factors and take proactive measures to protect residents from the adverse effects of such facilities and this request.

Sincerely,

Brent Lyon Residing at 546 W 200 N

April 1, 2025

To: Bingham County Board of Commissioners.

This letter is being written in opposition of zone amendment for the approx. 143.97 acres, located North and West of 574W 200N, Blackfoot that is currently owned by SLT Properties, LLC. changing the zoning from Residential/Agricultural to "A" Agriculture. The intent is for a proposed gravel pit and asphalt plant. Despite the need for Gravel pits and asphalt plants for infrastructure development, the proximity to residential area for this particular property is of huge concern. Changing the zoning of this property would have detrimental effects on the environment, public health, and overall quality of life. The Bingham County Planning and Development Services Committee has already denied this zoning change for valid reasons and I believe going against their recommendation would in no way serve the Counties interests. According to the County laws "the purpose of the A Zone is to preserve and protect the decreasing supply of agricultural lands." Unfortunately in this case it would be quite the opposite. By changing the zoning, the County would be opening this parcel of land up to a conditional use permit that would put an end date on the parcel to be used for any type of agriculture. The parcel will be left as a big open pit, and as seen throughout the county in many locations, they are unmaintained and an eye sore. The following are reasons why establishing this gravel pit and asphalt plant near residential areas is undesirable.

Environmental Concerns

Gravel pits and asphalt plants are significant sources of air and water pollution. The dust generated from gravel pits can contain silica, which poses serious respiratory risks when inhaled. Asphalt plants emit a horrible smell, and along with it, a variety of pollutants. These pollutants can lead to respiratory issues, and other health problems for myself and other nearby residents.

Water Contamination

Operations at gravel pits involve the use of heavy machinery and the removal of large quantities of earth, which can result in our local water table to fluctuate and put our local wells at risk. Well contamination is a huge concern and who will be monitoring this situation? I have very little faith that the company harvesting the gravel will have any concern over the water purity and well water table of local residences.

Health Impacts

The dust and emissions from gravel pits and asphalt plants can exacerbate respiratory conditions such as asthma, bronchitis, and other lung diseases. Fine particulate matter can penetrate deep into the lungs and even enter the bloodstream, causing serious health issues, particularly for children, the elderly, and individuals with preexisting health conditions.

Noise Pollution

The operation of heavy machinery and the transportation of materials generate significant noise

**Exhibit
CC-15**

Bingham County
Clerk's Office
Received April 3, 2025
Shirley Dalbey
Pamela W. Eckhardt, Clerk

pollution, which can lead to stress, sleep disturbances, and other health problems for residents.

Economic Impacts

The presence of gravel pits and asphalt plants will significantly reduce property values in my local neighborhood. Potential buyers are deterred by the noise, pollution, and aesthetic degradation associated with these operations, making homes less attractive and more difficult to sell. How do we as local residence make up this loss in revenue? The harvesting of the gravel is all about revenue for Knife River and others involved, yet it is not their property value that will take the loss. It seems, they make the money while we as neighbors take the hit.

Social Impacts

Quality of Life

The presence of this industrial operation in my residential area will diminish the quality of life for us, the residents. The constant noise, dust, and pollution create an unpleasant living environment. My family loves to spend a lot of time outside enjoying our backyard. We enjoy hosting BBQ's and sitting outside on summer evenings. All of that will change with the constant noise of a crusher, and the horrible smell of a hot plant. Knife River informed us they will only be running from 7am to 7pm except when the State of Idaho will allow them to run 24 hours a day. This means, we as residents, will never get a break. Our outdoor recreational activities will be very limited.

Public Safety

The establishment of this gravel pit and asphalt plant will lead to much more traffic on the roads surrounding the property. The Western property is the border for the Blackfoot and Snake River Scholl Districts. Both districts have buses going down this road along with buses from an additional two charter schools. This combined with the Southern road also being a major path for people driving to the INEL Site and the Bingham County transfer station make this a busy traffic area. Adding trucks hauling materials to and from this area would compound issues with public safety.

Conclusion

My recommendation is for the denial of the requested property zone change. I believe the parcel was zoned R/A to protect the local residence by providing an important buffer zone from existing spray fields and by changing the zone to Agricultural it is actually putting a definite end date on the use of the land. The Bingham County Commissioners should prioritize the well-being of existing residents by ensuring that industrial operations are situated at a safe distance from residential areas. By doing so, communities can protect their health, environment, and quality of life while still supporting necessary agricultural activities.

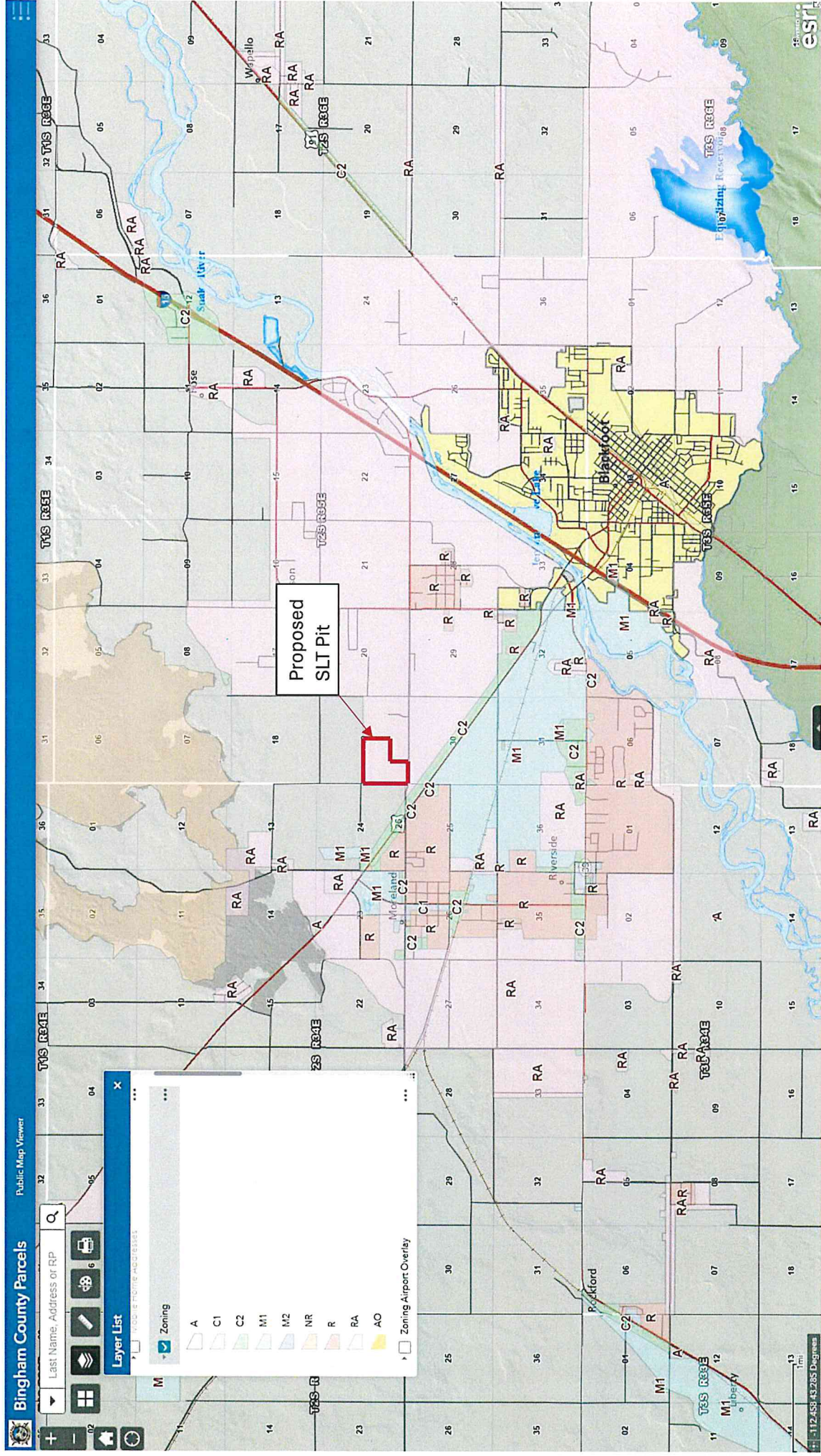
Sincerely, Tara Lyon

Residing at 546W 200N Blackfoot, ID.

Exhibit CC-16

Bingham County Zoning Map: Current

Provided by Representative Megan Winter



Rodney and Andrea Severin
528 West 200 North
Blackfoot, ID 83221
dreseverin@gmail.com
(208) 604-2477
April 2, 2025

County Commissioners
Bingham County
501 N. Maple Room 204
Blackfoot, ID 83221

Subject: Opposition to Amendment of Property Zoning from Residential/Agriculture to Agriculture

Dear County Commissioners,

We are writing to express our strong opposition to the proposed amendment that would change the zoning of the 143.97-acre property, located North and West of 574 W 200 N Blackfoot, from Residential/Agriculture to Agriculture. As residents of Groveland, we believe this change would have significant negative impacts on our community.

One of our primary concerns is the potential decrease in property values for residents in the affected area. Many homeowners, including ourselves, have invested in our properties based on the current zoning, which allows for a balance between residential living and agricultural use. Changing the zoning designation to solely agriculture will introduce large-scale mining and commercial operations that will bring excessive noise, odor, and traffic, thus diminishing the quality of life for residents.

Additionally, the shift in zoning will lead to increased environmental concerns, including the potential for groundwater contamination, increased exposure to airborne toxins, and a reduction in green space that contributes to the rural charm of our county. Maintaining a Residential/Agriculture zoning classification helps ensure responsible land use that balances development and environmental preservation.

Moreover, this zoning change could result in a loss of community character. Many residents moved to this area precisely because of its current zoning regulations, which provide an ideal mix of residential and agricultural lifestyles. A shift to Agriculture zoning will pave the way for industrial-scale mining operations that are incompatible with the established neighborhoods and community expectations.

We respectfully urge you to consider the concerns of local residents before making a decision. We request that the county commissioners deny this amendment and uphold the current Residential/Agriculture zoning to protect the interests of homeowners and the broader community. Furthermore, we ask that you honor the Planning and Zoning Commission's

Exhibit
CC-17

recommendation to deny SLT Properties' request to amend the zoning, as their decision reflects careful consideration of the impact on our community.

Thank you for your time and consideration. We appreciate your commitment to serving the residents of Bingham County and look forward to your thoughtful decision on this matter.

Sincerely,
Rodney and Andrea Severin
528 West 200 North
Blackfoot, ID 83221
dreseverin@gmail.com
(208) 604-2477

Richard and Penny Severin

538 West 200 North
Blackfoot, Idaho 83221
pennelop@juno.com
(208) 785-4683
April 3, 2024

County Commissioners

Bingham County
501 N Maple #204
Blackfoot, ID 83221

Subject: Opposition to Amendment of Property Zoning from Residential/Agriculture to Agriculture

Dear Members of the Board of County Commissioners,

We are writing to express our strong opposition to the proposed rezoning of the 143.97-acre property located North and West of 574 W 200 N Blackfoot from residential/agriculture to agriculture. The proposed rezoning would allow this property to become a commercial development, which includes a gravel pit and asphalt plant, and will be detrimental to our community. All residents in the surrounding neighborhood oppose this rezoning due to concerns over increased traffic, safety hazards, environmental impact, declining property values, and the destruction of local wildlife habitats.

Over the past few years, our area has experienced significant population growth, leading to a noticeable increase in traffic. As parents and grandparents, we are deeply concerned about the safety of our children. Many students must walk to their bus stops along roads without sidewalks. In winter, snow accumulation forces them onto the roadway, putting them at greater risk. Additionally, many children travel to and from school during dark hours, further increasing the danger. The introduction of large commercial vehicles servicing the proposed site would significantly heighten these risks. According to the National Highway Traffic Safety Administration (NHTSA), there are an average of 111 school transportation-related fatalities per year. Increasing commercial traffic in a residential area unnecessarily raises the likelihood of tragic incidents.

Depending on the scale of the asphalt plant, we could see anywhere from 50 to 300 trucks transporting materials daily, not including semi-trucks delivering raw materials. These heavy vehicles pose additional hazards due to their size, longer stopping distances, and slow acceleration and deceleration. Increased truck traffic would not only endanger pedestrians and young commuters but also disrupt the busing system for multiple school districts, including Snake River and Blackfoot schools, as well as two charter schools.

Our grandson already spends an hour on the bus each morning and evening. Additional traffic delays would extend travel times, causing unnecessary fatigue and limiting after-school opportunities. For student-athletes, longer commutes could impact their ability to attend practice

**Exhibit
CC-18**

and participate in games, potentially affecting their future opportunities. Many parents work outside the home and rely on school transportation, making alternative arrangements an impractical financial burden.

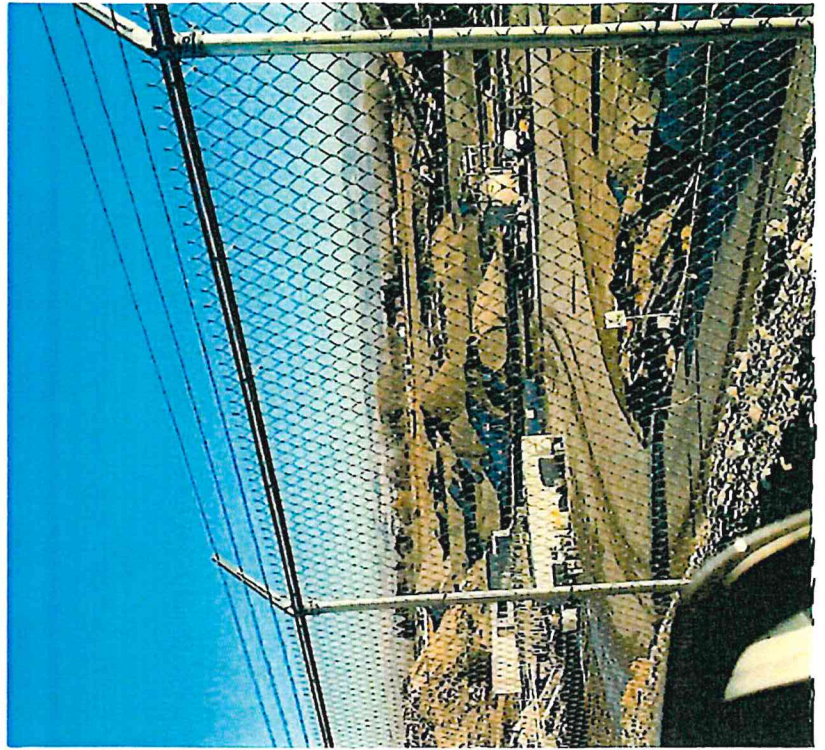
Furthermore, our rural roads, though well-maintained, are narrow and often visually obstructed by crops. The increased volume of heavy trucks will accelerate wear and tear, leading to potholes, rutting, and cracking—damage that will require costly repairs. The added burden of road maintenance and potential tax increases will place an unfair financial strain on Groveland residents.

For these reasons, we strongly urge you to reject the proposed rezoning. Through community meetings and discussions, it is clear that many of our neighbors share these concerns, even if they have been unable to attend hearings or submit formal comments.

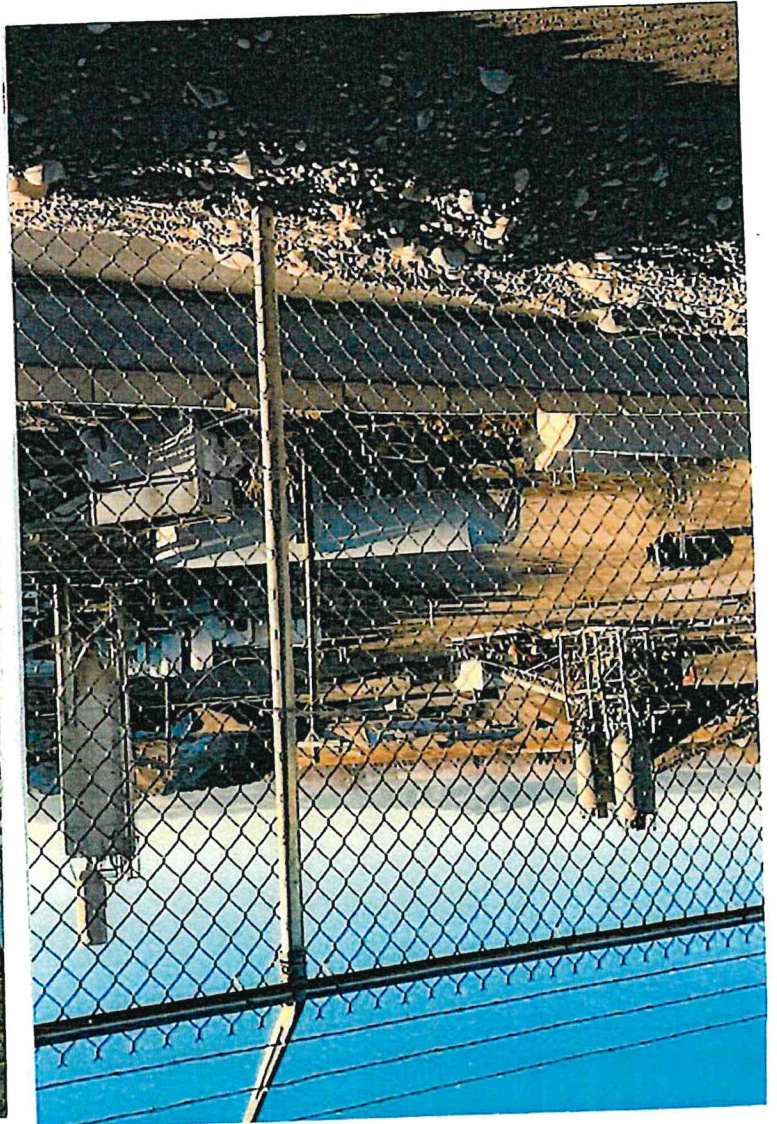
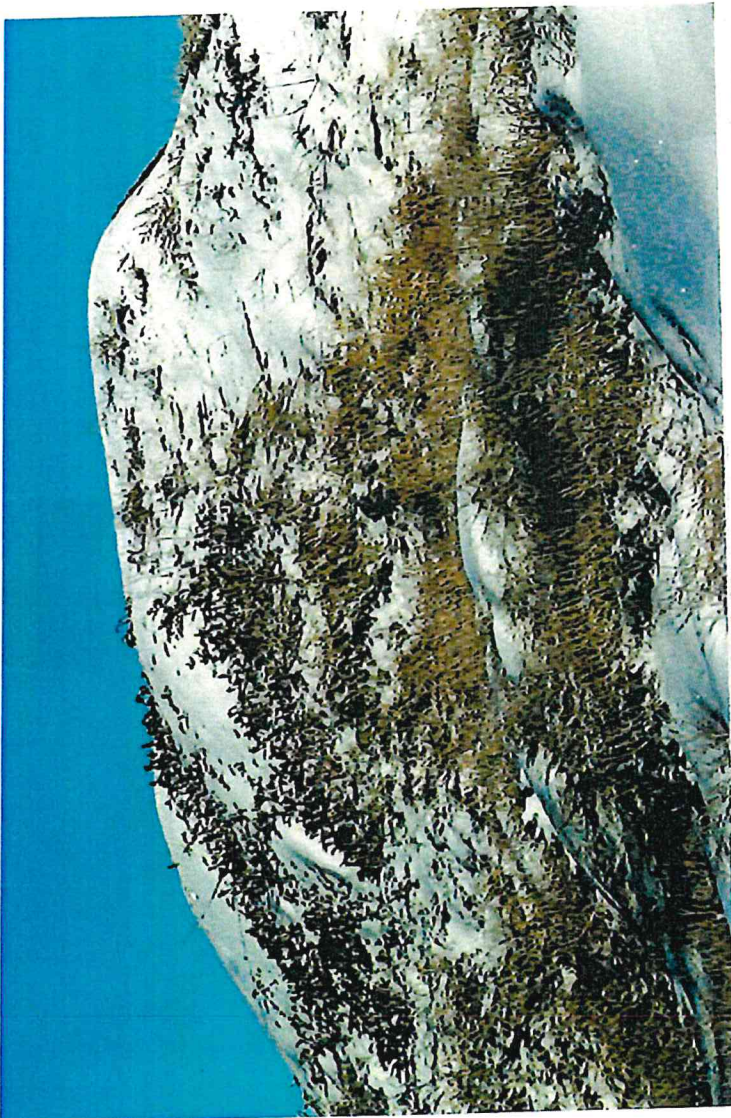
Thank you for your service and dedication to our community. We appreciate your careful consideration of this matter.

Best regards,

Richard and Penny Severin
538 West 200 North
Blackfoot, Idaho 83221
pennelop@juno.com
(208) 785-4683



Ann Campbell Page 2 of 2





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April 4, 2025

VIA ELECTRONIC [LDALLEY@BINGHAMID.GOV] AND U.S. MAIL

Bingham County Board of Commissioners
501 N. Maple St. #204
Blackfoot, ID 83221

**Re: SLT Properties, LLC Request for Zoning Amendment
Bingham County File #3238**

Dear Commissioners:

Our firm serves as legal counsel for Knife River Corporation – Mountain West (“Knife River”) to assist with the Rezone Application submitted by SLT Properties, LLC (“SLT Properties”) for property located in Bingham County and identified as Parcel Nos. RP0303901 and RP0304400 (collectively “Subject Property”). Megan Winter, Knife River’s Sustainability Coordinator, is the Designated Agent for SLT Properties for the Rezone Application. The Public Hearing before the Board of County Commissioners (“Board”) on the Rezone Application is scheduled for April 14, 2025.

The Subject Property consists of approximately 144 acres and is currently zoned as “R/A” Residential/Agricultural Use under the Bingham County Zoning Ordinance. The SLT Properties’ Rezone Application requests to amend the zoning of the Subject Property to “A” Agricultural.

The purpose of this letter is to provide the Board with additional information and support for the proposed amendment. For the reasons set forth below, SLT Properties respectfully requests that the Board approve the proposed zone change and not follow the recommendation of the Planning & Zoning Commission (“Commission”) to deny the amendment.

**Exhibit
CC-20**

SLT Properties Rezone Application and Statutory Requirements

SLT Properties initially submitted a Rezone Application to the County on August 14, 2024, with the plan to later submit a separate application for a Conditional Use Permit if the proposed amendment was approved. The County, however, advised SLT Properties to withdraw the initial application and resubmit it with an application for a Conditional Use Permit. SLT Properties followed this direction and submitted a new application on November 11, 2024.

If the zoning amendment for the Subject Property from “R/A” to “A” is approved, SLT Properties will submit another application for a Conditional Use Permit for the temporary use of the site for gravel mining operations and possible hot-mix asphalt plant and/or concrete batch plant. The long-term plan for the Subject Property will be for Agricultural use as set forth in the County Code and Comprehensive Plan.

Idaho Code § 67-6511(2) directs the Commission to evaluate the amendment application to determine “the effects of any proposed zone change on the delivery of services by any political subdivision providing public services, including school districts” and to consider the Comprehensive Plan and other evidence gathered during the hearing process. The zoning ordinance statute does not direct the Commission to consider any potential or future application for a special use permit that may be submitted if the zoning amendment is approved.

Here, the SLT Properties Rezone Application and proposed zoning amendment is consistent with the Comprehensive Plan and will not have any negative effects on the delivery of public services. The Bingham County Comprehensive Plan Map actually designates the Subject Property as Agricultural, and the Planning & Development Director specifically cites to this in her December 27, 2024, notice letter. In addition, the Bingham County Public Works Director states in his January 9, 2025, letter to the Commission that the Public Works Department has no objections to the zoning amendment for the Subject Property.

It is also important to consider the location of the Subject Property relative to the surrounding agricultural uses to the north and west and the residential uses to the south and east. Basic American, Inc. owns three parcels to the north of the Subject Property comprising over 465 acres for its agricultural operations. The parcel to the west of the Subject Property is used by Snake River Livestock as a feed lot and is approximately 127.9 acres. The proposed amendment to Agricultural use is appropriate to serve as a buffer to further residential growth in close proximity to the large agricultural uses on the parcels immediately north and west of the Subject Property.

Planning & Zoning Commission Decision and Recommendation

We respectfully believe that the Commission’s recommendation for denial of the Rezone Application is in error and should not be adopted by the Board. The Commission’s

recommendation is based upon public comments and considerations of the potential Conditional Use Permit Application, not the standards set forth in Idaho Code § 67-6511 and the County's Comprehensive Plan.

The Public Hearing for the Rezone Application was held on January 22, 2025. Testimony in support of the application was received from representatives of SLT Properties. Testimony in opposition to the Rezone Application was received from various neighboring property owners. It is clear from the record that virtually all of the opposition testimony was from over the potential temporary use of the Subject Property for gravel operations, not the long-term Agricultural use and designations in the Comprehensive Plan.

The discussion by Commissioners Bingham, Jewett, and Carroll voting in favor of denial of the Rezone Application focused on their perceived intent of the R/A zoning designation as a buffer between the existing agricultural uses and residential uses of the properties surrounding the Subject Property. There is nothing in the Comprehensive Plan to support this position. Importantly, these Commissioners did not even attempt to address the Comprehensive Plan designation of the Subject Property as Agricultural or identify any negative effect the zoning amendment would have on providing public services.

Commissioners Johns, Jolley, and Winder voted in opposition to the motion to recommend denial of the Rezone Application. These Commissioners specifically discussed and considered the County's Comprehensive Plan and the designation of the Subject Property as zoned for Agricultural use. The reasoning by these Commissioners for approving the zoning change is supported by the Comprehensive Plan and applicable Idaho Code standards.

Chairman Aullman cast the tiebreaking vote to recommend denial of the Rezone Application, based on his belief that the R/A zoning designation was created as a buffer area to the neighboring agricultural and residential uses. Chairman Aullman failed to identify any negative effect on public services or discuss why he would not consider the Comprehensive Plan map which supports the designation of the Subject Property as Agricultural.

It appears that the Commissioners voting to recommend denial of the Rezone Application were persuaded by the public comments against the temporary use of the property for gravel operations. The Commission should have only considered the standards for the Rezone Application. The Rezone Application clearly meets the statutory requirements for approving the amendment. Indeed, the proposed amendment is consistent with the County's Comprehensive Plan and the Public Works Director has no objection to the zone change, which demonstrates that no negative effects to public services will result from approving the Rezone Application.

Action by the Board to Approve the Proposed Zoning Amendment

County Code Section 10-15-7 allows the Board to adopt or deny the proposed zoning amendment as recommended by the Commission, following a public hearing. The Commission makes a recommendation to the Board, but the final determination of whether to approve the proposed zoning change is for the Board to decide.

The Planning & Zoning Commissioners who are recommending denial of the Rezone Application were misdirected and considered factors outside of Idaho Code § 67-6511 and the Comprehensive Plan. If the zoning amendment is granted, SLT Properties can go through the application process and another public notice and hearing to address any potential Conditional Use Permit for temporary gravel operations. SLT Properties will diligently work with County staff and other agencies to address any and all concerns over the proposed conditional use. There will be every opportunity for the neighboring property owners, Commissioners, and other agencies with jurisdiction over that potential use to be heard.

It is clear that the proposed amendment to change the zoning designation of the Subject Property from Residential/Agricultural to Agricultural is consistent with the County's Comprehensive Plan. Furthermore, the change will not negatively impact the delivery of public services. The Board should, therefore, adopt the amendment to the zoning classification for the Subject Property to Agricultural.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY LLP



David T. Krueck

DKRU:agil

From: [Lindsey Dalley](#)
To: [Addie Jo Jackman](#)
Subject: Fw: Gravel pit on corner of Clark Rd. and Porterville Rd.
Date: Friday, April 4, 2025 7:16:53 PM

Get [Outlook for iOS](#)

From: Bradley Adams <adamsbrdi@gmail.com>
Sent: Friday, April 4, 2025 7:13:56 PM
To: LDalley@binghamid.gov <LDalley@binghamid.gov>
Subject: Gravel pit on corner of Clark Rd. and Porterville Rd.

CAUTION: This email originated from outside the organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

To Bingham County Commissioners

RE: Gravel pit on the corner of Clark Rd and Porterville Rd in Bingham County

Our property is at 185 N 600 W in Bingham County and has been in our family since my parents purchased it in 1957. Members of our family have lived on this property ever since. We are opposed to the proposed gravel pit that SLT Properties, LLC is wanting to put in. Reasons we do not support the gravel pit:

1. There will be an increase in truck traffic.

We already have livestock trucks and farm equipment on this road and the increase in truck traffic, especially during planting and harvest, will be a nightmare. Clark Road was never built to handle that much traffic.

2. Our property value will decrease

No one will want to move out here because of the gravel pit. You would not move your families out here or start a business out here, so why do you think we want our property to be worthless. The members of this board wouldn't want a gravel pit next door to their homes, so why do we have to have it next door to us. Who is going to pay us for the decreased value of our property,

3. Noise from the trucks and equipment.

With the increase in traffic and the crushing and loading of gravel the noise level will increase. When the pit is busy we won't even be able to get out of our yard on Clark Road. Truck drivers like to use their engine brakes and that noise is a major annoyance especially from 2:00 am until late at night. We have two great-grandchildren that live next door to us and the trucks that already use this road wake them up early in the morning. The trucks that already use Clark Road like to run the stop signs on the corner of Clark and Porterville roads and then hit their engine brakes right in front of our house. Who is going to make sure this doesn't happen with loaded gravel trucks. I can tell you. NO ONE will control the truck drivers.

4. The dust and dirt in the air and on our property.

This gravel pit will affect the neighborhood feel we have always had and it will affect our quality of life. We won't even be able to go out and enjoy our yards, or have a party in our

Exhibit
CC-21

yards because of the dirt. The dirt will also affect our health, especially those who have breathing problems and allergies.

5. Smell and odors from the equipment and trucks.

You will never be able to convince me that there will not be smells and odors from this operation. We already have to live with the smell from the asphalt plant in Riverside.

Moreland has enough used up gravel pits that are an eye sore to the community. And we don't need another. Nothing grows in them and they can't be used for anything productive. They are just dirt and weeds and we don't need any more weeds and worthless pits.

Sincerely,

Bradley and Dianne Adams

In regards to the request of changing the zone R/A to A on the parcels listed above, I strongly oppose that action for the following reasons:

1. The Comprehensive Plan and the criteria of the ordinance states the purpose of this Plan and that is to promote the orderly development of the county to conserve and stabilize the value of property and otherwise promote the health safety and general welfare of the people of Bingham County. I feel this change would affect this area greatly. We purchased this acreage 30-some years ago on the premise we were purchasing in a R/A zone where we could have pasture animals and with farming and residential restrictions only with my fellow county residents.
2. I am concerned about what the SLT Properties application is proposing:
 - a. Agricultural land use is consistent with surrounding land uses.(Planning & Zoning reference the usage in the notification and that to me is not consistent with the agricultural land use: The rezone is the "intent to utilize the land as a plant which will be reclaimed to agricultural land after cessation of such use."
–This is a business of selling and manufacturing, plus after the reclaiming process it will not be completely usable agricultural land.
 - b. Precautions will be taken to protect the agricultural land from unreasonable adverse impacts. The adverse impact that I am concerned about is the mining of gravel along with the hot mix plant causing pollution in air and water. –This has adverse impacts in this zone.
 - c. To preserve the natural resources (gravel) for agricultural purposes. What is the agricultural purpose? –This gravel pit and hot mix plant is more of a business and manufacturing These adverse impacts will affect my property rights values and protect my property use.
 - d. Their main goal is to mine the most valuable agricultural resource, attaching a hot mix plant for the purpose of preserving the local ecosystems and to meet growth demands of urbanization in Bingham County and to safeguard the financial aspect both for the county and themselves.
–There will be no safeguarding the environment or long term health for the residents if there is a rezoning.

How can I protect my property rights, values and use of property? Appeal to the county for protecting us as residents by not rezoning. Bingham county has 45 active gravel pits, plus two pending. Bingham County has 23 pits that have been reclaimed and not active according to the Department of Lands. They are unusable for farming. How will this plant of 143.97 acres be

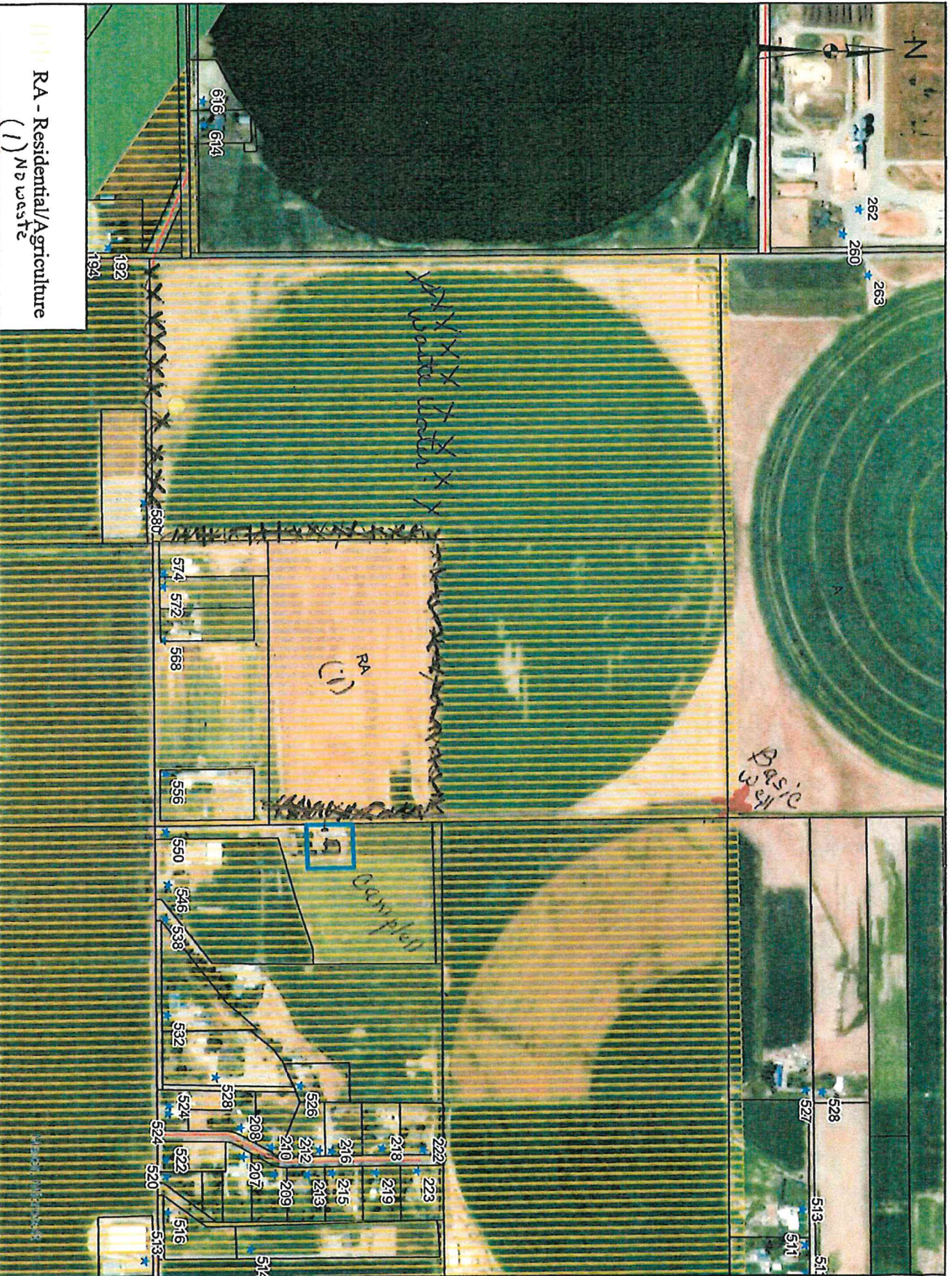
reclaimed back to farming or development? All that is required is 4 inches of soil and a little foliage. We will have a gaping hole of wasted land. Meanwhile the rezoning will have adverse effects on us from air pollution, noise, water contamination and a drop in property values.

My biggest concern as a resident is my water, dust and quality of life. Why? The intended use of this property if there is a zone change can affect water tables, contamination and reduce water in the wells. Mining and hot mix plants can affect my well. How? If you look at the picture attached, you will see a blue square. That is my home; my well is 3 feet from the property line and my house 9 -10 feet from the fence. Referring to the map, If this rezoning transpires, the residents down below will be affected, but I will be affected the most. They have just a little buffer, but not much. The gold rectangle with the number 1 in it, Basic American owned it prior to SLT Properties, but could not spray or put potato waste or dirt on that section because of the spores and nitrate concentration that would seep into the ground. That section also had irrigation ditches on 3 sides of it, so no potato spray could be done. The county helped by protecting us. They then rented it out to a neighbor for pasture for his cows. On the map, the red X's were wells to test water for protection and monitoring of our wells. The county mediated with us and Basic American, giving us the opportunity to be protected in all discussed areas concerned. With this new zone change it brings forth an issue of similar fears but differing methods. Basic American had the issue of spray and potato waste, but SLT Properties brings the effects of air quality, noise, water quality and property value. The land itself physically will not be a true reclaimed agricultural farm where farming can be done, but a gaping waste of land and with it— the pain, worry about our future. We need the county to keep this zone as a buffer to encroaching entities that could add to the problems that we are already surrounded with.

The feedlot, transfer station, and other businesses in the surrounding area are no problem because we have this area as an existing buffer for our safety. In the County Ord. 2012-08; 10-9-2012; 10-26-2012 states the comprehensive plan encourages the protection of "prime agricultural, forestry and mining lands for production of food, fiber and minerals". We as residents of this R/A zone need you to protect us and our way of living in this area, especially our wells, property rights, values and property uses. Due to these discussed issues, please protect our wells and living space, do not rezone to an A, and let it be just farmland and/or a future growth for residents.

See attached map

**Ann Marie Campbell
550 W 200 N
Blackfoot, ID 83221**



In regards to the request of changing the R/A Zone to A and the use of a Conditional Use Permit, I strongly oppose. Why? 1)The Comprehensive Plan and the Criteria of the ordinance states "the purpose of this plan is to promote the **orderly development** of the county to **conserve** and **stabilize the value of property** and otherwise promote the **health, safety and general welfare of the people** living in Bingham County." 2) I consider that the zone change and the conditional use permit, if not opposed to, will put all residents into a very vulnerable state of health when an encroaching cancer, like gravel pits, raises their heads. Gravel pits are like a disease in which their abnormal cells, or the processes they use to mine for gravel, starts to destroy property, water, air and other environmental issues. We find more and more encroaching cancers invading Bingham County and the properties of its residents. According to the Department of Lands, Bingham County has 45 active gravel pits, plus two pending. The product of this cancer has left Bingham County with 23 reclaimed or not able to be usable for farm land or used for home building. "Most of the reclaimed gravel pits do not meet what I think what standards of 'Agricultural Land' should be after the cessation of the mining usage is done. It's not farmable, habitable and is a threat to the underground water. Please tell me what agricultural uses can be performed after the mining is done. Who is going to regulate these abandoned pits? It is a waste of good land. Bingham County is like a checkerboard of gravel pits. Mining this natural resource is supporting the term "urbanization", which means financial gain for SLT Properties. SLT Properties states "having natural resources closer to urban areas like Blackfoot will allow lower pricing on materials as well as reduction in the emissions produced in transit." To me there is no concern for residents involved with this gravel pit and how it will affect them. Also, it is telling us the citizens that there are "emissions" being produced and placed in the atmosphere. Are these emissions healthy for the atmosphere and us? Is there a concern about the loss of land in our state? Bryan Searle, President Of the Idaho Farm Bureau Federation states the "pressure from developments and growth in the State is driving prices up causing a shift in what's happening to working lands in feeding animals or food production". He continues to say, "the total loss of land for farming is very troubling" The majority of gravel pits are unusable for agricultural uses. Gravel and sand are a non-renewable natural resource. The reclaimed gravel pits are wasteful use of land, and it is not brought back to agricultural form or usage.

Another victim of this cancer is our **water**. My well is 3 feet from our property line with Searle's property line. This precious natural resource, the water in my well or beneath us is very, very needed and important to us. We need to be diligent in protecting it and keeping the aquifer healthy. According to the permit when they start digging and drilling they will go at this time to 21 feet above the shallow groundwater or aquifer. So the base of the pit will be looming 21 feet above the aquifer. This really concerns me. Usage of water in the pit will be during the screening and washing the crushed gravel, preventing dust that is produced as the processing equipment and roads. The pit floor is highly permeable and when water is applied it will infiltrate into the ground and subsequently the water below. Pollutants or pollutant constituents in the gravel pit will be contained through active and passive measures. If there is a spill or release, which is inevitable, they do have 24 hours to clean it up or report it, but common sense tells me it's already too late to stop the seepage in the floor to aquifer. Even when cleaning it up there is seepage. Just think about 25 gallons of petroleum released. We, as residents, will never know of this type of accident which will go on for years. Is there a good chance of the water being contaminated? I think so.

Another example of gravel pit contamination is a chemical used by gravel pits a lot. Knife River informed us that they will be using Mag Chloride twice a year to help control the dust. Although chloride is

used as a nutrient to plants, the amount chloride used to control the dust is much higher and is more harmful than the magnesium. All chloride based chemicals that leach into the soil have detrimental properties to the usability of the ground after and the long term effects of the water. "Any long-term accumulation of chloride can result in reduced soil permeability and fertility. [...] As a result, there could be negative effects on the chemical properties of the soil and its ability to retain water, both of which are important to plant growth." In addition, "Since chloride does not bind to soils, chlorides that enter the subsurface with infiltrating water may reach the groundwater table. [...] Chloride entering groundwater systems is likely to persist for a long time since there is no significant removal mechanism and groundwater moves slowly." Since Knife River will be using this 2 times a year over the next 20 years. The concentration level of the magnesium chloride "makes water unsafe to drink and keeps plants from effectively absorbing water and nutrients. [...] Their roots absorb magnesium chloride from the soil and take it through their water-conducting systems. It then builds up in their leaves, weakening or killing them."

Another casualty of this encroaching cancer is our air. They can't completely stop emissions of hot mix plants, cement plants, spills, dust, and processed gravel, etc entering the atmosphere. It can affect allergies, coughing, headaches, etc. An example of what can be in the air. During the time I worked there, Bingham County courthouse had the air ducts tested because of all the illness and headaches, allergies and coughing that took place and was complained about by the employees. The test found dust with a large amount of potato spores in it. Unbelievable right? Ducts were cleaned and complaints stopped. The gravel pits, dust and chemicals released can add to the air pollution as well as infiltrate our ducts and air systems. The noise from the pit and congestion of traffic will be a very uncomfortable and difficult nuisance to our peaceful time at home, and at family functions at our home. No berms or planted trees or 150' buffer will not completely block the smells, noise of the asphalt and cement mix plants, the crushing of rock, but it will block the view we have from our home. It will become a cancer to our quality of life that we have worked for, invested in with sweat and hard work. I am really concerned about how that buffer of 150 feet will not protect my precious resource, water.

The final victim of this cancer is my property value. We have talked to real estate agents and they informed us that our lifetime investment, our home will drop 30 to 35% in price. So, I ask myself. If my property value dropped, why not my taxes? If my water is contaminated, who is going to help pay for the different options of finding good water for my home? Water Districts, City of Blackfoot, or digging a deeper well and hopefully it will work? Water is too valuable and expensive to leave in the hands of industry!!

Zone change can be denied due to the unlikelihood of proper rehabilitation, lack of long term accountability, and stewardship and the growing demand on our groundwater. How can I protect my property rights, values and quality of life? I need to appeal to you, the County, and its plan that was developed for residents and the governing body. As a long time resident of this county, I hope you will look out for us and protect us and our investments. Please deny the zone request and the usage of the conditional use permit. There are a couple of resources that are irreplaceable - land and water. It's our duty to be watch dogs over those resources because they provide us with food and life not only for ourselves, but for our dear children.

Ann Marie Campbell
550 W. 200 N. Blackfoot, Idaho 83221 (208) 681-2503

Kami Amrein
526 West 200 North
Blackfoot, ID 83221
amrek@d55.k12.id.us
(208) 680-4948
April 2, 2025

County Commissioners
Bingham County
501 N. Maple Room 204
Blackfoot, ID 83221

Subject: Opposition to Zoning Amendment and Proposed Gravel Pit and Asphalt Plant

Dear County Commissioners,

I am writing to express my strong opposition to the proposed amendment that would rezone the property of 143.97 acres, located north and west of 574 West 200 N Blackfoot, from Residential/Agriculture to Agriculture. I respectfully urge you to uphold the Zoning Commission's decision to deny this request and to act in the best interests of the surrounding community.

This proposed zoning change is of significant concern because it would open the door to the development of a gravel pit and asphalt plant—industrial operations that are wholly incompatible with the existing character of the area. The introduction of such facilities would not only disrupt the peace and quiet that residents currently enjoy but also bring a host of negative consequences, including increased heavy truck traffic, noise pollution, air and water quality concerns, and long-term environmental degradation.

Many families, including mine, chose to live in this area because of its rural charm, open space, and the balance between agricultural and residential land use. Allowing industrial development here would fundamentally alter that character and diminish property values. It would also set a concerning precedent for future land use decisions that could continue to erode the integrity of our community.

The Zoning Commission thoroughly reviewed the proposal and, after considering the facts and hearing community input, rightly recommended denying the amendment. I urge you to respect and uphold their decision. They have clearly recognized the inappropriateness of allowing heavy industrial use in an area not suited for such activity.

The health, safety, and welfare of our community should remain a top priority. A gravel pit and asphalt plant have no place near residential properties or agricultural land intended for peaceful, low-impact use. Please stand with the residents who care deeply about the future of our community and vote to deny this zoning amendment.

Exhibit
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Thank you for your time and dedication to representing the people of Bingham County. I hope you will consider our concerns and take the necessary steps to preserve the integrity and safety of our neighborhoods.

Sincerely,
Kami Amrein
526 West 200 North
Blackfoot, ID 83221
amrek@d55.k12.id.us
(208) 680-4948

Neil Murdock

April 07, 2025

568 West 200 North

Blackfoot, Idaho 83221

Bingham County Board of Commissioners

Att: Lindsey Dalley, Commission Clerk

Reference: Zone Amendment from R/A Residential/Agricultural to "A" agricultural located at North of 568 West 200 North Blackfoot, Idaho.

I, Neil Murdock, have lived at this location for the past 50 years. My wife and I started out in a 14' by 70' trailer and now have a large brick and block home with many mature fruit trees, gardens, out buildings, and pasture. I have raised 5 children here with all the memories and teaching moments and now have 25 grandchildren who come to visit and enjoy the family parties and events their parents enjoyed

Incompatible definition: of two things so opposed in character as to be incapable of existing together and not consistent or able to coexist together.

This zone change is INCOMPATIBLE with the existing R/A zones surrounding this area.

This pit will produce dust, the smell of tar, and the damage of cement dust pollution on my property. It will also devalue my property, the site of a 30 foot berm west and north of my house will mean never seeing another sun set again and produce weed seed to blow onto my property. (The berm is made of waste dirt that can't be used for anything else including growing anything but weeds) The work at night, **which Knife River said would happen**, would end any peaceful night's sleep, clear night skies, **(light to perform work in pit)**, and increased large truck traffic on roads in front of my house let alone sharing those roads with 8 buses traveling in front of the pit during school season. The wells in the area are

Exhibit
CC-25

from 60 to 80 feet deep and would be affected by waste water from the pit which would be 30 feet or deeper.

Comprehensive Plan Policy M1. Quality of Life – Rationale – the County has a responsibility to protect its citizens from known hazards. Encourage development of communities that maintain the rural character, lifestyle, and quality of life of the country.

Comprehensive Plan Policy 02 spot Zoning: 6; What are the Detriments to the neighboring property owners resulting from the rezone??

10-4-2: Purpose of Zones’ B 1 and 3 speak of to” Allow productive agricultural land areas to be protected” and “Protect agricultural and range land uses and wildlife management areas from unreasonable adverse impacts from adjustment development”.

Thank you for your service in protecting our homes and life style that is being threatened by this requested zone change.

I am adamantly opposed to this Zone change!!!

Neil Murdock, resident of Bingham County.

URGENT!!!

WE NEED YOUR HELP!!!

FINAL VOTE!!!

ALL PLEASE ATTEND PUBLIC HEARING TO STOP ZONING
AMMENDMENT TO ALLOW MINING, GRAVEL PITS, ROCK
QUARRIES, SAND AND CLAY PITS, AND HOT MIX ASPHALT /
READY-MIX CONCRETE PLANT FOR 20 YEARS.

IF APPROVED PROPERTY VALUE COULD DECREASE 40-50%

IT WILL PUT TOXIC SILICA IN THE AIR THAT CAUSES CANCER

100 + TRUCKS RUNNING UP AND DOWN THE STREET 24-7. YOU
WON'T BE ABLE TO WALK UP AND DOWN YOUR ROAD.

THIS WILL DESTROY ARE WAY OF LIFE AND YOUR COMMUNITY.

PLEASE BE HEARD AND DON'T LET BIG COMPANIES DICTATE YOUR
LIFE!!!!!!!!!!

When: April 14, 2025 at 10:00AM

Where: Commission Chambers, Bingham County Court House,
501 N. Maple, Blackfoot, Idaho

Please email ldalley@binghamid.gov by April 3rd if you cannot
make the meeting. Your vote and opinion matter!!!

Exhibit
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BINGHAM COUNTY COMMISSIONERS

Whitney Manwaring, Chairman

Eric Jackson

Drew Jensen



Lindsey Dalley, Commission Clerk

501 N. Maple Room 204

Blackfoot, ID 83221

Phone (208) 782-3013

Fax (208) 785-4131

BINGHAM COUNTY NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Bingham County Board of Commissioners will hold a Public Hearing beginning on April 14, 2025 at 10:00 a.m. The Public Hearing will take place in Commission Chambers, Bingham County Courthouse, 501 N. Maple, Blackfoot, Idaho.

The following Applications will be heard:

ZONING AMENDMENT FROM "R/A" RESIDENTIAL/AGRICULTURE TO "A" AGRICULTURE (ACTION ITEM: **DECISION)** The Board of Bingham County Commissioners will hold a Public Hearing to receive the Planning & Zoning Commission's recommendation to deny property owner SLT Properties, LLC's request to amend the zoning of approx. 143.97 acres located North and West of 574 W 200 N, Blackfoot, Idaho, zoned "R/A" Residential/Agriculture used as farm ground for growing grain to "A" Agriculture in accordance with Bingham County Code Title 10 Chapter 15 *Amendments*. The purpose of the zoning amendment is to utilize the natural resources on the property for development of a temporary gravel mining and crushing operation, including portable hot-mix asphalt and ready-mix concrete batch plants for a term of up to 20 years, subject to an approved Conditional Use Permit Application as required pursuant to Bingham County Code Section 10-5-3 *Land Use Chart* and subject to compliance with the Specific Use Performance Standards of Bingham County Code Section 10-7-19 *Gravel Pits, Rock Quarries, Sand and Clay Pits*. The Bingham County Comprehensive Plan Map has the parcels designated as Agriculture; this Map Area supports the desired zoning amendment to the Agriculture Zoning District designation.

Approx. Location: North and West of 574 W 200 N, Blackfoot, ID. Parcel No's. RP0303901 & RP0304400, Township 2 South, Range 35 East, Section 19, totaling approx. 143.97 acres.

All persons interested or persons who are affected are invited to attend said Public Hearing to show cause, if any, if the requested Application meets Bingham County Code and may give testimony in favor, neutral or in opposition of said request. According to Bingham County Code Section 10-3-6(7), no more than two pages of written testimony will be accepted less than eight calendar days before a hearing. You may send testimony by mail to 501 N. Maple, Box 204, Blackfoot, ID 83221 or email to LDalley@binghamid.gov Individuals who need accessible communications or other accommodations in order to participate are invited to make their needs known to the Bingham County Clerk, 3 to 5 days in advance. ADA/504 Compliance.

Dated this 11th day of March, 2025.

Lindsey Dalley
Commission Clerk

"Potato Capital"