



**Staff Report**  
**Church Special Use Permit Amendment for Mineral Extraction**  
**Expansion, SUP#442**

Hearing Date: June 10, 2024

Development Services Department

**Applicant:**

Harvey Church

**Property Owner:**

Harvey A and Myra T Church

**Representative:**

Same

**Planner:**

Jennifer Kharri

**Parcel Number:**

RP08N01E235400

**Parcel Address:**

Liberty Road

**Lot Size/Project Area:**

166 acres (80 acres for expansion)

**Impact Area:**

N/A

**Current Zone:**

"A-3" (Rural Agriculture)

**Comprehensive Plan:**

2023 Comprehensive Plan  
Future Land Use: Agriculture  
and Ranching – Small Lot

**Current Uses:**

Mineral Extraction Operation

**Applicable Zoning Land Use**

**Regulations:** GCC 11-6-5

**Notification:**

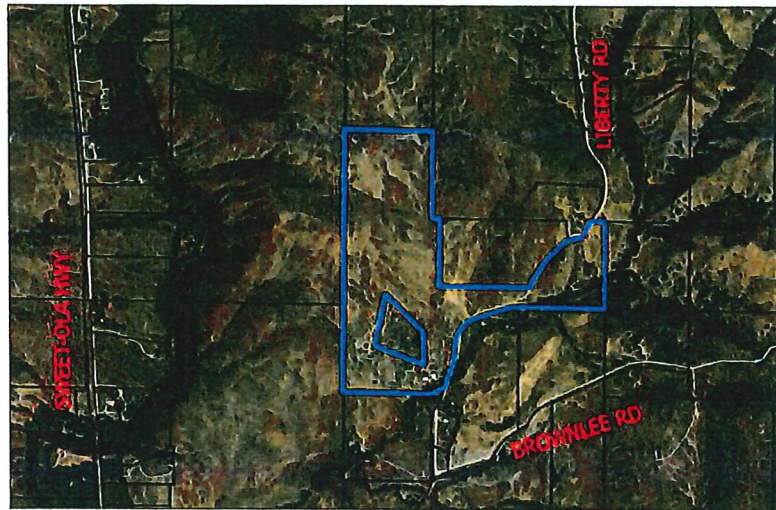
4/18/24-Agency  
4/18/24 and 5/7/24-  
Mailing  
5/22/24-Publication  
4/19/24-Posting

**Exhibits:**

1. SUP Amendment Application

**Brief Summary of Request**

The applicant, Harvey Church, on property owned by Harvey A and Myra T Church, is requesting approval of an amendment to his Special Use Permit (SUP) to allow an expansion to his mineral extraction operation. The existing SUP was approved in 2004 for 2 acres. This amendment is subject to a revised Mineral Extraction Ordinance that was adopted in 2012. The amendment request is for an expansion of 80 acres. The letter of intent doesn't mention crushing or blasting. The property is located on Liberty Road and is zoned A-3, Rural Agriculture. "Mining and extraction activities" is listed as a "Special Use Permit" in Gem County Code (GCC) 11-5-5, Zoning Matrix. The property lies within the "Agriculture and Ranching – Small Lot" land designation of the Future Land Use Map.



**Description of Character of Surrounding Area**

The immediate vicinity includes a combination of sparse rural residential and grazing land.

	COMP PLAN	ZONING	LAND USE
North	Agriculture and Ranching – Small Lot	A-3	Rural residential, dry grazing
South	Agriculture and Ranching – Small Lot	A-3	Rural residential, dry grazing
East	Agriculture and Ranching – Small Lot	A-3	Rural residential, dry grazing
West	Agriculture and Ranching – Small Lot	A-3	Rural residential, dry grazing

Church

SUP Amendment #SUP-442

## COMPREHENSIVE PLAN POLICIES & GOALS [Staff comments and analysis are shown in *italics*.]

The Comprehensive Plan defines the “Agriculture and Ranching – Small Lot” category as follows:

“This category includes agricultural and rangeland uses on primarily non-irrigated, dryland that allow for diverse agricultural and ranching uses. These areas may be restrained by topography, infrastructure, and/ or vehicular access and are intended to remain rural in nature. Gem County recognizes these areas as foundational to maintain the rural heritage and character of the County. Minimum lot sizes of 5 acres”

*This property is located in an A-3 zone and within the Agriculture and Ranching – Small Lot designation of the Future Land Use Map.*

*The following policies have been set forth in the Land Use section of the Comprehensive Plan and generally support the application:*

**Land Use Goal 1.F.** Discourage non-compatible commercial and industrial development within or adjacent to County Residential land use areas. (See the Future Land Use Map). *Ola is designated as Agriculture and Ranching – Small Lot on the Future Land Use Map.*

## ZONING ORDINANCE [Staff comments and analysis are shown in *italics*.]

- A. Schedule of Zoning Regulations: Gem County Code 11-5-5, Zoning Matrix, permits Mining and Extraction Activities with a Special Use Permit in the A-3 zone.
- B. Purpose Statement of Zone: Gem County Code 11-4-3 lists the purpose of the A-3, Rural Agricultural, zone as follows: “Lands lying within those unincorporated portions of Gem County that are restrained by topography and/or vehicular access and are intended to remain rural in nature without urban development. The regulations governing this zone are designed to protect long-term agricultural pursuits.”

*The Commission must find that the proposed use is consistent with the purpose of the zone. Mining and Extraction Activities are listed as a permitted use with a Special Use Permit.*

Other: The following section of the Zoning Ordinance directly and addresses the application:

- **11-1-3. Purpose:**
  - A. Provide protection of property rights by conserving existing uses and controlling future development.
  - B. Provide protection from the menace to the public safety that would result from placement of buildings or other structures in such locations, or in such a manner as to interfere with present or future traffic movement, and to promote beauty along the highways and elsewhere.
  - C. Ensure that adequate public facilities and services are provided to the people at a reasonable cost.
  - D. Ensure that the economy of the County and localities is protected and enhanced.
  - E. Encourage the protection of prime agriculture lands for the production of food, and to foster agriculture and industry together with uses related thereto.
  - F. Ensure that the important environmental features of the County and localities are protected and enhanced.
  - G. Encourage urban and urban type development within incorporated cities.
  - H. Avoid undue concentration of population and overcrowding of the land.
  - I. Ensure the development of land is commensurate with the physical characteristics of the land.
  - J. Protect life and property in areas subject to natural hazards and disasters.
  - K. Protect fish, wildlife and recreation resources.



- L. Avoid undue water and air pollution.
- M. Promote the health, morals, convenience, order, prosperity, and general welfare of the inhabitants of the County.
- N. Secure safety from fire, flood, traffic hazards and other dangers.
- O. Ensure public health is protected from diseases resulting from unsanitary, overcrowded conditions.
- P. Protect the tax base.

- **11-6-5.O.** Gravel Extraction, Rock Quarries, Sand and Clay Extraction and other Natural Resources of Commercial Value:

*This section outlines all of the standards for operating said uses and these are as proposed conditions of approval.*

**REQUIRED FINDINGS & STAFF ANALYSIS** [Staff comments and analysis are shown in *italics*.]

***\*The following are staff analysis of the findings, refer to the application packet and public testimony to assist in your decision.***

- A. The use must not create significant negative impact on public health, safety and welfare in the immediate vicinity;

*Staff finds that the proposed amended mineral extraction business, if operated according to the proposed conditions of approval and operated in accordance with county regulations, it should not create a significant negative impact on health, safety and welfare in the immediate vicinity. The Commission should review this finding in relationship to the proposed conditions and other evidence presented at the hearing.*

- B. The use must not create unsafe conditions to or an excessive burden on existing parks, schools, roads and other public facilities and utilities that serve or are proposed to serve the area;

*Staff finds that the proposed use could be adequately served by the Gem County Sheriff's Department, Gem Rural Fire District #2 and Gem County Road and Bridge Department if applicant complies with the conditions of the Road Mitigation Agreement and the letter submitted. There will be no school impact with this project. The Commission should refer to any comments submitted from impact agencies, especially the Gem County Road and Bridge letter.*

- C. The use must be sufficiently compatible or separated by distance or screening from adjacent lands so that existing uses will not be hindered in the enjoyment of their property and there will be no deterrence to the legal development of vacant land;

*The nearest existing land use (other than the applicant's home) is a single-family dwelling located approximately 1,100 feet southeast of the existing extraction site with the mineral extraction access located approximately 220 feet north of the same dwelling.*

*There are several adjacent vacant lands owned by private parties Some type of residential and/or agricultural development is possible on those private parcels. The Commission must assess if approval of an amended mineral extraction site would deter development on these private parcels and if there are any mitigating factors that can be added as conditions of approval.*

- D. The structure and site must have an appearance that will not unreasonably create an adverse effect upon adjacent properties;

No permanent structures are proposed to be built with this application. The proposed excavation and crushing areas will be visible from the adjacent private parcels. "Adverse effect" is typically determined through public testimony. The Commission should review this finding in relationship to the proposed conditions and other evidence presented at the hearing to determine if the finding can be met or if there are conditions that can be placed to help mitigate the site as not not create an adverse effect from the proposed amendment.

- E. The use must be consistent with the purposes of the zoning ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

*The purpose of the A-3 zone is listed in Section 6 above. Mineral extraction has generally been found to be compatible with this zone, especially where the use is isolated from schools, parks and residences. There are 16 purposes of the Zoning Ordinance listed in GCC 11-1-3 (see section 6 above). Some of these may be interpreted as supporting the application while others may be interpreted as not supporting the application. The Commission must weigh these purpose statements against the evidence presented in the record to determine if this finding can be met.*

- F. The use must be in conformance with the Comprehensive Plan;

*The Comprehensive Plan analysis is provided above. Staff finds that, if operated according to the conditions below, the proposed use could be in accordance with the objectives and policies of the "Agriculture and Ranching – Small Lot" designation on the Future Land Use Map of the Comprehensive Plan.*

- G. The use must not cause a traffic hazard or congestion;

*Staff has received comments back from the Gem County Road and Bridge Department stating that they will require a road mitigation agreement along with a couple other conditions for the driveway and impacts to Liberty Road and Brownlee-Liberty Road. The concerns can be addressed with conditions. The Commission should review this finding in relationship to the proposed conditions and other evidence presented at the hearing to determine if the finding can be met.*

- H. Existing land uses nearby must not be adversely affected unreasonably by intrusion of noise, glare, dust, vibration or general unsightliness;

*Staff finds that the amended mineral extraction operation may create an adverse impact on nearby residences. The noise, dust and vibration from the operation has the potential of adversely affecting the existing land uses nearby. The Commission should review this finding in relationship to the proposed conditions and other evidence presented at the hearing to determine if the finding can be met or if there are conditions that can be placed to help mitigate the impacts.*

- I. The use must not cause significant adverse impact to surface or ground water resources.

*Based on the information presented to date, staff finds that the proposed amended extraction operation shouldn't have an adverse impact to surface or ground water resources based on the topography and the area of extraction and with no blasting allowed. The Commission should review this finding in relationship to the proposed conditions and other evidence presented at the hearing.*

## **Comments**

### **Public Comments**

Public hearing notices were mailed to thirty-one (31) parcels within ½ mile of the subject property. At the time of this report staff received four (4) letters of concern and one (1) letter of support regarding the proposed Special Use Permit.



## County Agency Comments

Staff informed applicable agencies of the proposed development and the responses are attached as exhibits.

## Decision Options

- The Commission may approve the SUP; or
- The Commission may approve with modified conditions of approval; or
- The Commission may deny the SUP.

## Staff Recommendation

The Commission must consider the evidence and testimony presented during the public hearing prior to rendering its decision concerning this application. Staff has raised questions concerning findings "A", "C", "D", "E", "G", "H" and "I" that the Commission should address at the public hearing as well as any plans for a crusher and location of crusher and the specific location of the 80 acre expansion. Any minor outstanding concerns can be included in the County's permit as conditions. If the Commission proceeds with approval, we recommend the conditions in Exhibit A be placed on the permit.

## STAFF REPORT EXHIBIT

Exhibit A – Site Specific Conditions of Approval



Stephanie Crays  
Gem County Development Services Dept.  
109 S. McKinley Ave.  
Emmett, Idaho 83617

Stephanie,

I am responding to the application  
Filed by Church EOT #442 (Harvey & Myra Church) to  
expand their gravel pit in Sweet, Idaho. I  
have no objections to this expansion.

David Neen



Sheb Church  
9725 Liberty Rd  
Sweet, Idaho

Development Services  
109 S McKinley Ave  
Emmett, ID 83617

June 2, 2024

Re: Church Enterprises Mineral Extraction Application

To Whom It May Concern:

I am writing to you regarding my concerns related to the above referenced application. My concerns and thoughts are listed below.

1. It is my understanding that Church intends to lease the operation to another company. That company may not be as cognizant of others property and ability to use it. Particularly if there is blasting in the area. Please consider a 500' property boundary buffer from blasting to protect limited water sources in or near the proposed area and possibly restrict depth charges. And I would urge seismic monitoring be required if blasting closer than 500 feet of the property boundary
2. I would like to see the 80 acres identified in the Letter Of Intent defined and not an open ended area.

Regarding Code 11-6-5, section O, there are a number of areas that lack complete information regarding the plans for this proposed extraction operation.

3. **a. The use must not create significant negative impact on public health, safety and welfare in the immediate vicinity.** If as we understand it, there is, or will be, a proposed lease involved, we are concerned about additional truck traffic, far exceeding the current operation. Additional traffic to that extent creates road issues such as potholes, breaking pavement, excessive dust especially for my home which is close to the road and will have increased traffic on two sides of my property. I request and dust abatement on Liberty Rd and the first ¼ mile of haul road be included as conditions on the haul road and Liberty Road in front of houses on Liberty Rd if this application is approved.
4. **h. Existing land uses nearby must not be adversely affected unreasonably by intrusion of noise, glare, dust, vibration or general unsightliness.** Let's be realistic here. There is no doubt that there will be an increase in noise, dust and general unsightliness with an increase in the extraction area, production and traffic if it is leased out to a larger company. I am concerned about reduction in my property value. I also have concerns regarding my well. I have been told of homeowners that lived near pits that lost their well after blasting began. I

am concerned insofar as being compensated for the cost of a new well in the event that this happens.

Thank you for your consideration of our concerns.

Regards,  
Sheb Church



# MEMO



## RESIDENT OF SWEET ID

**To:** Stephanie Crays  
**From:** Norm Thomas 9450 Liberty Rd, Sweet ID 83670  
**CC:** Scott Thomas, Vicki Tortorelli  
**Date:** 6/3/2024  
**Re:** Questions and Concerns (Planning and Zoning Hearing 6/10/2024) Special use permit amendment by Harvey and Mira Church.

## COMMENTS:

1. Will there be an impact study performed regarding additional truck traffic?
2. Will there be a dust mitigation plan?
3. Can there be a limit to rock crushing operations (7am-5pm Mon-Fri)?
4. Will there be a road repair plan as additional truck traffic will increase wear and tear?
5. Is there a time limit on the amendment to the permit?
6. Is there a recourse for residents if detrimental impact occurs?
7. What is the output of the current operation and what is the output of the proposed new operation?

5-24-22

RECEIVED

MAY 24 2024

BY: SC

Regarding Church Enterprises grave pit expansion  
I live across the Rd From pit I would like the  
Rd to be oiled There are Three Houses on the dirt  
Rd and From what I understand is that  
Church is going to lease the pit out to a  
bigger company which will be rapping more  
Trucks my mom & step dad Dave &  
Sharon Pratt have property with a spring on  
it & the only water source on that side for  
livestock concered about them blasting to close  
to the spring and disrupting the water maybe  
a Buffer distance From spring several hundred  
feet away for them to ~~beat~~ beat Hrg of service  
are 7 to 1 craphen Hrg I would like at 7 to 5  
Trucks can be what ever Hrg and Im not sure  
IF Kirkpatrick Rd & L. Berry Rd are wide



Enough For the increased Trk Traffic with  
all The other Traffic on the Rds we dont  
Know If There is 1 truck or 100 Trucks a  
day we/I would like to know an estimate  
will be fine Just an Idea

as well as Liberty - Brownlee Rd probably should be  
oiled for Dust too & I Dont Know IF turning off of  
Old Hwy across the canal is wide enough for ~~the~~ the TRKS too  
meet at with there 40' to 50' trailer

Thank you  
Ment Chen

9700 Liberty Rd  
Greet ID  
83670

David Pratt  
Sharon Church-Pratt  
10900 Liberty Rd  
Sweet, Idaho



Development Services  
109 S McKinley Ave  
Emmett, ID 83617

May 30, 2024

Re: Church Enterprises Mineral Extraction Application

To Whom It May Concern:

We are writing to you regarding our concerns related to the above referenced application. Our concerns and thoughts are listed below.

1. First and foremost, we are concerned about impacts to our water source. We have an active water right that borders the 166 acre parcel being considered for mineral extraction. The Letter of Intent indicates a proposed 80 acres in the extraction area. Our concern is that while Church owns the full 166 acres, there is no defined 80 acre area and looking at the map, the logical direction for future extraction is north, which down the road could seriously impact our use of the water source, especially if blasting occurs. Currently, there is a water trough in the fence line for use by us and Church has been allowed to use the trough for livestock water. This is the main water source for livestock on our 234 +/- acre parcel.
2. It is also our understanding that Church intends to lease the operation to another company. That company may not be as cognizant of others property and ability to use it. Particularly if there is blasting in the area.  
Please consider a 500' property boundary buffer from blasting to protect limited water sources in or near the proposed area and possibly restrict depth charges.
3. We would like to see the 80 acres identified in the Letter Of Intent defined and not an open ended area.

In reviewing Code 11-6-5, sections O, there are a number of areas that lack complete information regarding the plans for this proposed extraction operation.

4. **a. The use must not create significant negative impact on public health, safety and welfare in the immediate vicinity.** If as we understand it, there is, or will be, a proposed lease involved, we are concerned about additional truck traffic, far exceeding the current operation. Additional traffic to that extent creates road issues such as potholes, breaking pavement, excessive dust especially for homes close to the road and safety issues with busses and local traffic on a potentially dangerous curve near the entrance to the site and a narrow bridge/culvert crossing near the entrance. We request culvert extension and dust abatement or pavement be included as conditions on the haul road, Liberty Road, Kirkpatrick Road and Brownlee-Liberty Roads if this application is approved.



5. **g. The use must not cause a traffic hazard or congestion.** There is a bus turnaround on Church property where truck and vehicle traffic must enter and exit Liberty Road and work hours requested (7-7) would potentially impact the morning student pickup site and potentially create an unsafe/hazardous situation for children and parents who meet the bus for drop-off or pick up.
6. **h. Existing land uses nearby must not be adversely affected unreasonably by intrusion of noise, glare, dust, vibration or general unsightliness.** Let's be realistic here. There is no doubt that there will be an increase in noise, dust and general unsightliness with an increase in the extraction area, production and traffic if it is leased out to a larger company.

7. **Regarding the Letter of Intent:**

The Letter of Intent is unclear regarding the intent of this request. Is it for mineral extraction only or is the intent to blast, crush and remove the mineral?

1. Church indicates they currently have a Reclamation Plan on file with the Idaho Department of Lands. However, that reclamation plan refers to the current permitted operation and not this proposed expansion/new operation. We request a new updated plan be required from the Idaho Department of Lands if this application is approved.

**General Standards:**

1. The zoning for this property is A3 Rural Agriculture which allows mineral extraction with a Special Use Permit. They currently have a Special Use permit for the existing pit only and as we understand it, they are requesting a new permit for the expanded 80 (166) acres.
2. We are not sure that an expanded pit encompassing 80 acres can be considered harmonious with this zoning and the increase in residential growth we are experiencing in the Sweet area; nor the character of the general vicinity which is ranching and agriculture. An expansion of this size does change the essential character of the area and has a potential to impact roads, air quality and water resources (springs/wells).
3. As mentioned above, the Reclamation Plan on file with Idaho Department of Lands is for the existing site and this reclamation plan would be inadequate for the proposed expansion. We request that a new updated plan be required if the application is approved.
4. An expansion this size will become disturbing to neighbors, particularly those next to the county road with the creation of additional dust from an increase in the number of trucks and truck and equipment noise. We request dust abatement or pavement to the haul road, Liberty Road, Kirkpatrick Road and Brownlee-Liberty Road if this application is approved.
5. Liberty Road will be the first point of access. Liberty is a gravel road. If leased to a large business, an expected increase in truck traffic will create additional maintenance and

possible repairs to Liberty Road, Kirkpatrick Road and Brownlee-Liberty Road which results in additional public cost to Gem County.

6. The proposed operation is in fact a significant expansion of the current operation. It will definitely create excessive truck traffic, above and beyond, the current number of trucks entering and exiting the site currently. The proposed hours of operation (7-7) should be adjusted to not interfere with school bus loading and unloading. That is a 12 hour window of additional traffic and we would ask that you consider a more reasonable time frame of reduced hours, possibly 8-5/6.
7. The entrance onto Liberty Road is adequate. However immediately upon entering the county road there is a culvert crossing which may require widening to accommodate two trucks or a truck and vehicle passing. Additional signage may be necessary.

**Check List:**

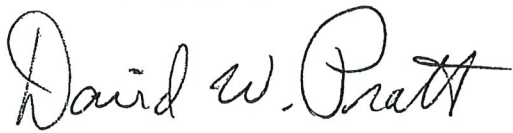
B. We would venture to say; that there is no way parking and loading areas will remain the same. We request an updated site plan and proposed locations as the area of mineral extraction expands prior to resumption of operations if this application is approved.

One question we have is, if leased to another entity, when an individual is the applicant, who is responsible for compliance/non-compliance of the conditions?

We are unaware of any requirements, restrictions or limitations in Gem County Code regarding the leasing of approved operations. We are aware of requirements in Gem County Code regarding transferring. This application is made by an individual business with the intent of leasing the operation at a later date and we request consideration of conditions in the event that leasing venture occurs.

Thank you for your consideration of our concerns.

Regards,  
David and Sharon Pratt

A handwritten signature in black ink that reads "David W. Pratt". The signature is written in a cursive, flowing style with a large initial 'D'.



## EXHIBIT A

### PRELIMINARY SITE-SPECIFIC CONDITIONS OF APPROVAL CHURCH MINERAL EXCAVATION AMENDMENT FILE #SUP-442

**\*the original conditions approved with SUP #442 are being replaced by these conditions**

1. The Special Use Permit is non-transferable to another property and is only valid on parcel #RP07N01W023600. It may be transferred to a new owner upon application to the Development Services Department.
2. Hours of operation for mineral extraction and product hauling shall be limited to the hours of 7:00 AM to 7:00 PM, Monday through Friday. **to be discussed at the hearing**
3. The permit is approved as a Class 3 Permit and applies to operations that will be active for more than 3 years and not greater than 10 years. This does not preclude the ability to apply for a time extension.
4. The permit is subject to an on-site review at the discretion of the Development Services Department to ensure compliance.
5. No business signs were proposed and none are approved with this permit.
6. No extraction or earth movement is allowed within the minimum setback areas, which includes 8 feet from the north, south and east property lines and 30 feet from front property line. The tops and toes of cut and fill slopes shall remain fully outside the setback areas.
7. Blasting is not approved with this permit. Applicant shall apply for an amendment to the SUP for any type of blasting. The amendment shall include a baseline groundwater depth taken from the area that will be blasted.
8. Unless waived by the Commission, safety fencing, at a minimum of six (6) feet in height, shall be erected around any active extraction areas.
9. The applicant shall comply with the following letters from impact agencies:
  - a. Gem County Road and Bridge Department (Neal Capps), 5/30/24
10. The applicant shall submit a letter of approval for the access road and driveway from Fire District #2.
11. Prior to the start of any gravel extraction, the applicant shall provide the Development Services Department with a copy of the Reclamation Plan approved by the Idaho Department of Lands.
12. As each phase is completed, it shall be reclaimed in accordance with the State-approved Reclamation Plan prior to commencement of the next phase.
13. The rock crusher shall be placed in a location as determined during the public hearing and sited to minimize noise impacts in compliance with all Federal State regulations. **to be discussed at the hearing if there are plans for a crusher**
14. The crusher shall be operated in accordance with dust abatement standards of the Idaho Department of Environmental Quality. Water must be available on site and used to control fugitive dust from the crushing operation. **to be discussed at the hearing if there are plans for a crusher**



15. The applicant shall comply with all Idaho Department of Lands, Idaho Department of Environmental Quality, Idaho Department of Water Resources, Idaho Transportation Department, Occupational Safety & Health Administration, Mining Safety & Health Administration, Environmental Protection Agency and any other applicable state or federal regulations.
16. The applicant shall comply with all requirements of the publication, "Best Management Practices for Mining in Idaho," published by the Idaho Department of Lands.
17. All costs incurred to comply with the conditions of approval shall be borne by the owner/operator.
18. The applicant shall comply with the following requirements of Gem County Code 11-6-5.N regarding grading, earth moving and gravel pit operations. The excavation work shall:
  - a. Result in the smallest amount of bare ground exposed for the shortest time feasible;
  - b. Use diversions, silting basins, terraces and other methods to trap sediment;
  - c. Construct and stabilize sides and bottom of cuts and fills to prevent erosion or soil failure;
  - d. Restore topsoil or loam to a depth of not less than four inches.
19. The Commission shall review the status of this permit at the five (5) year anniversary of issuance of the permit. Said review shall be held in a public meeting but not require a public hearing. If the Commission makes a determination that full compliance with the terms of the permit is not met, the Commission shall give the owner/operator an appropriate time period in which to bring the site into compliance. If, at the end of said period, there is still no compliance, the Commission may begin permit revocation proceedings.
20. Water shall be used during the conveying, screening and stock piling of material to control fugitive dust.

Time Extension Code Section: 11-6-O.11.c

Permit Duration & Time Extensions:

- i. The County shall have the authority to establish operation durations on each permit based upon site specific and neighborhood specific factors. Relevant factors include, but are not limited to, proximity to residential, education or commercial uses, the zoning district, length of operating season, and similar factors. However, in no case shall a Class 2 permit be less than two years or a Class 3 permit be less than three (3) years. Neither a Class 2 nor Class 3 permit shall be greater than ten (10) years. This does not preclude the ability to apply for a time extension.
- ii. All Class 2 and Class 3 permits are eligible to apply for a time extension to the permit. Time extensions require submittal of an application and a public hearing. Public notice for a time extension shall be done in accordance with the same noticing process used for the original Special Use Permit. The Commission shall base its decision upon the original record, relevant code enforcement records, public complaints of record, other regulatory agency records and testimony from the owner/operator, affected parties and staff.

SOUTHWEST SUPERVISORY AREA  
8355 West State Street  
Boise, ID 83714-6071  
Phone (208) 334-3488  
Fax (208) 853-6372



STATE BOARD OF LAND COMMISSIONERS  
*Brad Little, Governor*  
*Phil McGrane, Secretary of State*  
*Raúl R. Labrador, Attorney General*  
*Brandon D Woolf, State Controller*  
*Debbie Critchfield, Sup't of Public Instruction*

May 2, 2024

Stephanie Crays  
Gem County Planning and Zoning  
109 S. McKinley  
Emmett, Idaho 83617

RE: Harvey Church – Special Use Permit Amendment: Mineral Extraction

Dear Ms. Crays,

Thank you for the opportunity to review and comment on the proposed Harvey Church Amendment.

As you may know, Idaho Department of Lands' (IDL) mission is to manage State Endowment Trust Lands (Endowment Lands) in a manner that will maximize long-term financial returns to the Beneficiary Institutions. The IDL mission is a constitutional mandate overseen by the State Board of Land Commissioners. Endowment Lands are not managed for the public at large and should not be referred to as "public lands" or "open spaces" either specifically or in a generic sense. These are working lands producing revenue for the Beneficiary Institutions.

While there are no Endowment Lands involved in this application, the Idaho Surface Mining Act requires an operator of a surface mining operation to obtain an approved reclamation plan and bond. IDL manages the reclamation plan process.

IDL has reviewed the public hearing notice provided by Gem County for the Harvey Church Amendment and notes that while Mr. Church does have an existing reclamation plan, an amendment will also need to be submitted to IDL and approved prior to the proposed work beginning. Additional changes to the existing bond may also be required.

Thank you again for the opportunity to comment on this application, we look forward to working with you again in the future. Please contact me at (208) 334-3488 if you have any questions or concerns.

Sincerely,



Mekayla Layne  
Lands Resource Specialist - Minerals



**Gem County**  
**Road & Bridge Dept.**  
**402 N. Hayes Ave.**  
**Emmett, ID 83617**



**Neal Capps, Director**  
**Phone: 208-365-3305**  
**Fax: 208-365-2530**  
**Email: gcrb@co.gem.id.us**

May 30, 2024

Jennifer Kharri  
Development Services  
109 S McKinley Ave.  
Emmett, ID 83617

RE: SUP Amendment (Mineral Extraction)

Dear Jennifer,

Gem County Road & Bridge (GCRB) has reviewed the Special Use Permit Amendment of Harvey Church, for a proposed mineral extraction operation, located on Liberty Road. The current special use permit held by said operation has had a low volume of truck traffic. During an on site meeting with the applicant, there was mention of a lease agreement for said operation with Premier Aggregates LLC.

The application submitted to Development Services does not indicate the hours of operation, crusher location, and the anticipated truck counts for the new operation. Premier Aggregates operate different gravel pit locations, which average 800 truck trips a week, per peak seasons. This will have a large impact on the roadways in the area of operation. Liberty Road is a narrow gravel roadway, this operation is located approximately seven tenths of a mile from the asphalt roadway, passing by 3 homes in route. Kirkpatrick Road from Brownlee-Liberty Road is a narrow asphalt roadway. GCRB shall not allow truck traffic to travel on Kirkpatrick Road from Brownlee Road to Sweet-Ola Highway. Unfortunately this may place truck traffic on Brownlee-Liberty Road.

GCRB recommends the following conditions be added to the Special Use Permit if approved;

1. Applicant shall apply for an access approach permit with GCRB.
2. Applicant shall widen the existing approach access on Liberty Road, to the commercial standards of 40 Feet in width and 100 Feet in length.
3. Applicant shall extend the drain culvert on Liberty Road, to improve safety to the pit. See (Att: A)
4. Applicant shall enter into a road mitigation agreement with GCRB, covering the following items;
  - A. Applicant shall remove all vegetation in the Gem County right-of-way, thus improving the sight distance at the access point of the mineral extraction pit.





- B. Applicant shall place signage for Heavy Truck Traffic. There shall be a total of six (6) yellow and black signs, with the dimensions of 36" X 36". Signs shall be mounted on an approved breakaway post. Two (2) Signs on Liberty Road, Two (2) Signs on Brownlee-Liberty Road, and two (2) Signs on Kirkpatrick Road. See (Att: B)
  - C. Applicant and/or Mineral Extraction Company, shall supply GCRB with monthly truck reports of trucks hauling out proposed minerals extracted.
  - D. Applicant and/or Mineral Extraction Company, shall apply dust abatement yearly to Liberty Road & Brownlee-Liberty Road during operating months and/or hauling out material. See (Att: C)
  - E. Applicant and/or Mineral Extraction Company, shall be responsible for any maintenance of Liberty Road, Brownlee-Liberty Road, and Kirkpatrick Road to said Mineral Extraction Operation, if damaged while hauling out materials.
  - F. No truck traffic on Kirkpatrick Road from Brownlee-Liberty to the Sweet-Ola Highway.
5. Applicant shall not park any trucks, equipment, or vehicles on Liberty Road during operation.

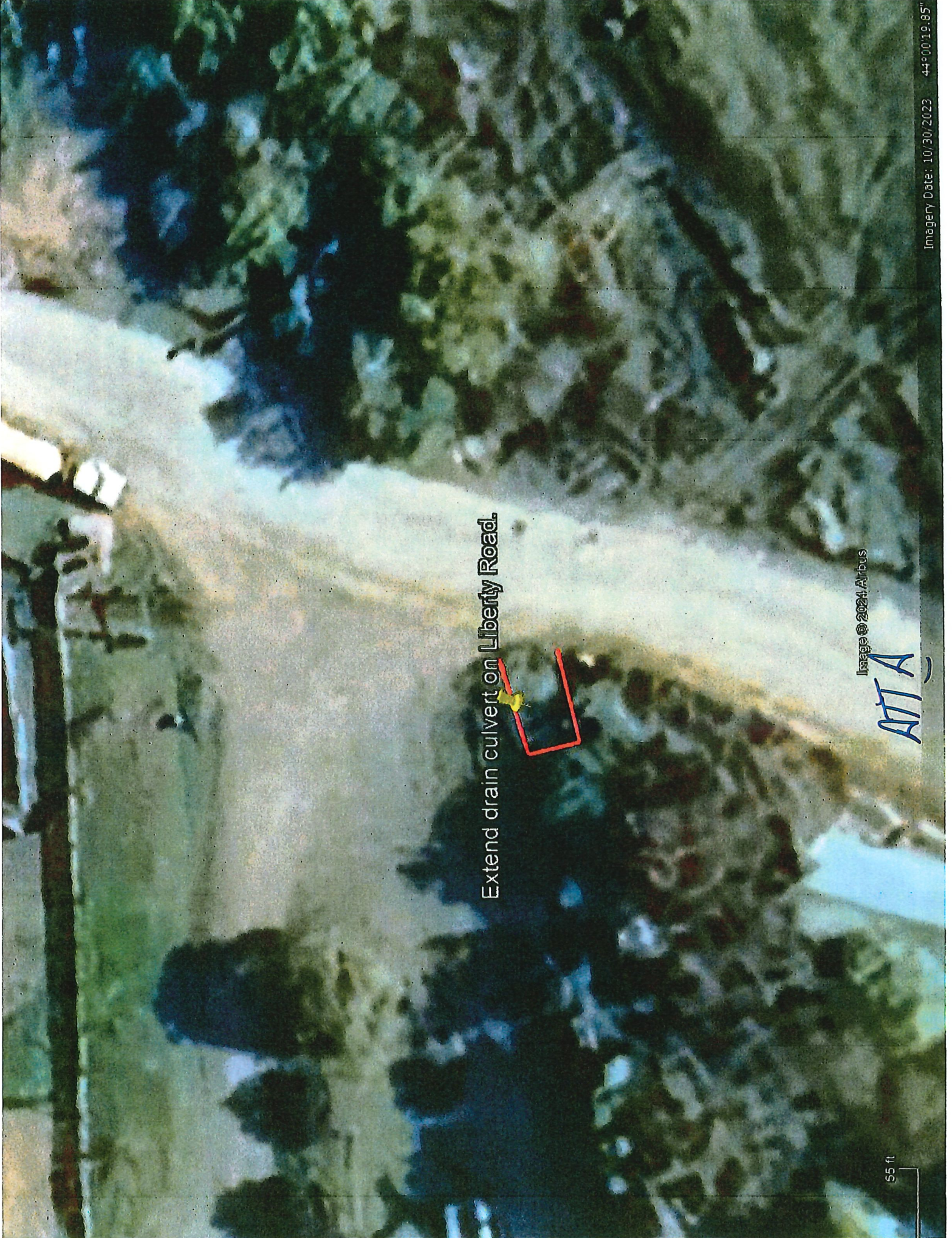
If you have any questions, please contact me at 208-365-3305.

Thank You,

A handwritten signature in blue ink, appearing to read "Neal Capps", is written over the "Thank You," text.

Neal Capps, Director  
Gem County Road & Bridge Department





Extend drain culvert on Liberty Road.

Imagery © 2024 Airbus

ATT A

55 ft

Imagery Date: 10/30/2023 4:40:19.95"









Heavy Truck Traffic Sign

Kirkpatrick Road

Heavy Truck Traffic Sign

Coon Creek

Images © 2024 Airbus

Image Date: 10/30/2023

43°59'54.34" N

B





763 ft

Image © 2021 Airbus

Liberty Road

Heavy Truck Traffic Signs

Heavy Truck Traffic Signs

B

Imagery Date: 10/30/2023

44°00'14.73" N



Widen Driveway to allow for two way truck traffic.

Image © 2024 Airbus

54 ft

Imagery Date: 10/30/2023 44°00'20.42" N





981 ft

Image © 2024 Airbus

ATT C

Coon Creek

Imagery Date: 10/30/2023 44°00'12.23" N





662 ft

Sentinel K9s

Apply dust/abatement material to Brownlee Liberty Road

Image © 2024 Airbus

ATTC

Imagery Date: 10/30/2023 43°59'42.79" N





136 A

Image © 2021 Airbus

1 Remove vegetation to improve sight distance





# MASTER PUBLIC HEARING APPLICATION

GEM COUNTY DEVELOPMENT SERVICES

109 SOUTH MCKINLEY, EMMETT, IDAHO 83617 WWW.GEMCOUNTY.ORG PHONE: (208) 365-5144

TYPE OF APPLICATION: (PLEASE CHECK ALL THAT APPLY.)

- |                                                            |                                                                             |                                                 |
|------------------------------------------------------------|-----------------------------------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> APPEAL                            | <input type="checkbox"/> PLANNED COMMUNITY                                  | <input type="checkbox"/> SUPPLEMENTAL AMENDMENT |
| <input type="checkbox"/> COMPREHENSIVE PLAN TEXT AMENDMENT | <input type="checkbox"/> REZONE                                             | <input type="checkbox"/> VACATION               |
| <input type="checkbox"/> COMPREHENSIVE PLAN MAP AMENDMENT  | <input type="checkbox"/> SPECIAL USE PERMIT                                 | <input type="checkbox"/> VARIANCE               |
| <input type="checkbox"/> DESIGN REVIEW                     | <input checked="" type="checkbox"/> SPECIAL USE PERMIT (MINERAL EXTRACTION) | <input type="checkbox"/> ZONING TEXT AMENDMENT  |
| <input type="checkbox"/> DEVELOPMENT AGREEMENT             | <input type="checkbox"/> SUBDIVISION, PRELIMINARY                           |                                                 |
| <input type="checkbox"/> PLANNED UNIT DEVELOPMENT          | <input type="checkbox"/> SUBDIVISION, MODIFICATION                          |                                                 |

PROJECT NAME: Church Ent #442

## SITE INFORMATION:

(This information can be found on the Assessor's property information assessment sheet.)

Quarter: \_\_\_\_\_ Section: 26 Township: 08N Range: 01E Total Acres: 116.6

Subdivision Name (if applicable): \_\_\_\_\_

Site Address: TBD Liberty Rd Lot: \_\_\_\_\_ Block: \_\_\_\_\_  
City: Sweet ID

Parcel Number(s): RPO8N1E235400 Current Zoning: \_\_\_\_\_ Current Land Use: \_\_\_\_\_

## PROPERTY OWNER:

Name: Harvey Church

Address: 9825 Liberty Rd

City: Sweet State: ID Zip: \_\_\_\_\_

Telephone: 208-584-3703

Email: \_\_\_\_\_

## APPLICANT:

Name: Same

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

I consent to this application and allow Development Services staff to enter the property for site inspections related to this application.

I certify this information is correct to the best of my knowledge.

By cell 1-9-24  
Signature: (Owner) \_\_\_\_\_ Date \_\_\_\_\_

Signature: (Applicant) \_\_\_\_\_ Date \_\_\_\_\_

File No.: #442 Received By: GV Date: 1/9/24 Fee: 450.00 Receipt No: 24-0124

OFFICE USE ONLY

Churchent1@gmail.com

**Letter of Intent**  
**Gem County Panning & Zoning**

**December 2023**

Church Enterprises i.e. Harvey A. and Myra T. Church, own an existing gravel/rock pit in Sweet, Idaho. We would like to expand the existing pit to increase production, and increase our area for stockpiling material. Eighty (80) acre increase is what we are asking for approval at this time.

You will find a map of the area attached to this Letter of Intent. There is also an attached copy of Quit Claim Deed proving ownership of this property. There is no landscaping on site. We do have a current Reclamation Plan filed with the Idaho Department of Lands.

**GENERAL STANDARDS**

1. Will in fact, constitute a special use as established on the Official Schedule of District Regulations for the zoning district involved.

**We are already zoned for "Special Use".**

2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or Zoning Ordinance;

**We are located at least 800-1000' to any house or residence**

3. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

**We will be reclaimed as per State of Idaho Specifications in existing plan.**

4. Will not be hazardous or disturbing to existing or future neighboring uses;

**We are not presently, nor will we be become hazardous or disturbing to any neighbors.**

5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools, or that the persons or agencies responsible for the establishments of the proposed use shall be able to provide adequately any such services;

**The county road is close by and will have proper signage**

6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

**Our facility should not create any extra Public cost**

7. Will not involve uses, activities, processes, materials, equipment and conditions or operation that will be detrimental to any persons, property, or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glair or odors;

**All work will be accomplished between the hours of 7 a.m. and 7p.m. Our operation should not in any way, shape, or form be detrimental to any person, property, nor the general welfare of our community.**

8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;

**All necessary road signs have been, and will continue to be in place where needed.**



9. Will not result in destruction, loss or damage of a natural, scenic or historic feature of major importance.

**There will be no damage to any natural, scenic, nor historic features in the area.**

**CHECK LIST**

- A. Building Locations - **There are no permanent buildings on location**
- B. Parking & loading areas – **Will be the same as existing permit.**
- C. Traffic access and circulation – **Only traffic will be mine traffic with signage.**
- D. Open spaces – **The area is open all around the mine perimeter.**
- E. Refuse and service areas – **Non applicable**
- F. Utility locations (if new construction or modifying location) **None on site.**
- G. Sign Location – **already existing on county road.**
- H. **No other natural features on site.**



